

POLICE RESPONSE TO DOMESTIC VIOLENCE
AN EXPERIMENT IN ADULT CAUTIONING

A thesis for the degree of
Master of Philosophy
London School of Economics

by

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PREFACE

Between February 1988 and February 1991 I was employed, by the Metropolitan Police, as a police superintendent at Streatham Police Station. It was during this period that I began an experimental police project for dealing with domestic violence, especially crimes involving minor injury.

In the course of writing this thesis, creating and implementing the subsequent policy, I would like to acknowledge the help, assistance and advice I was given from the following people. Doctor Susan EDWARDS, from the University of Buckingham, who gave me wise counselling and encouraged me to pursue my original idea and write this thesis. Professor David DOWNS and Professor Paul ROCK for their advice, patience and supervision throughout the project and the preparation of this thesis. The creation of the policy would not have been possible if it were not for the support and encouragement of Roger STREET, Chief superintendent in charge of Streatham Division, who had done so much to progress the policing of domestic violence in the Metropolitan Police Service.

The enhanced support given to the victims of domestic violence owes much to the dedication and commitment of those officers who helped me set up the procedure, i.e. Inspector Don BROADBERY, Police Constable Maggie WILSON and Police Constable Annie MERCHANT. It was indeed very encouraging to have the interest, the backing and support of the operational officers at Streatham Division. Most adapted to the change of policy in a way which can only give encouragement to others to adopt a similar approach.

To Mrs Elizabeth JACKSON, Streatham Police Division, for her hard work and good humour whilst typing several drafts for this thesis.

Finally I would like to thank all the men who offended and especially to the victims, whose views formed such an important part of this study.

ABSTRACT

The aim of the project was to find a more effective and efficient police response for dealing with domestic violence where there was minor injury to the victim.

Background

A number of research findings influenced the creation of a new policy. In North America some research suggested arrest acted as a deterrent and was essential as a first step in breaking the cycle of violence by offenders. Historically victims were reluctant to report these cases and when they did so they could well have suffered physical abuse up to 35 times before calling police. In this country police response was negative, officers disliked dealing with domestic violence which they often judged from a male moral view, and did not regard, or report it, as a crime. When crimes were reported official statistics rarely reflected the report rate. One of the reasons for this was the extensive use by police of 'no criming'. Even when cases appeared before a court many prosecutions were dropped and sentences, when imposed on offenders, were light.

In the late 80's police in this country began to make greater use of adult cautions as a means of processing offenders. This was seen to be as effective as an appearance before a court so I considered the possibility of using this procedure as a means of processing minor injury domestic violence cases.

The Policy

At Streatham a positive policy, which promoted early intervention of offenders, was encouraged by me. Those

arrested were dealt with as criminals, taken to the police station, their fingerprints and photographs taken and then, if a set criteria was met, police deferred the decision to prosecute or caution for two months. This period allowed police to make further enquiries about the circumstances of the assault and enabled time for the victim and offender to seek help, advice and guidance from other agencies. It was only after this process that a final decision was made about the outcome of the case.

Evaluation

The scheme was evaluated from a qualitative and quantitative perspective. The arrest, prosecution, and 'no crime' rates were calculated. These were compared to a previous period and to another police area which did not operate a similar policy. The re-offending rates of those cautioned was checked and compared to those who were charged. Statistics for police injuries on duty were examined to ascertain if enforcement of policy had any adverse effect on the number of assaults on officers dealing with domestic incidents.

Objective analysis was seen as vital so researchers, from outside the police service, interviewed offenders, victims and police officers to assess the impact of the policy. A questionnaire, which all officers were invited to complete, was analysed.

INTRODUCTION:-

My original idea of developing a more positive Police approach for dealing with minor injury cases of domestic violence emanated from studying family law at the Ealing College of Higher Education. I was influenced by the research which showed a pattern of poor response and attitude by many Police Officers towards the victims of this crime. I believed adult cautioning could be developed as a supportive service to victims by Police as well as acting as a deterrent to offenders, so I discussed this with my Family Law tutor, Mrs Sue GUILD, She agreed and advised me to speak to Doctor Susan EDWARDS who had conducted previous research in the area of policing domestic violence. (EDWARDS 1989).

At my first meeting with Susan EDWARDS, amongst many issues, we assessed the options available, to me, to evaluate the effectiveness of my proposed cautioning policy. It was felt that any findings would hold more weight and credibility, if an independent element was brought into the evaluation, especially in the conducting of interviews with the victims, offenders and Police Officers who were operating the scheme. It was somewhat opportune that, at about this time, the Home Office Police Requirements Support Unit invited applications for the funding of Police related research projects. I applied for and was eventually granted, the necessary financial support, to use independent interviewers in my evaluation of my project. I have used the findings of that report (BUCHAN, EDWARDS 1990) as a base for this thesis.

My role in this scheme could be described as the project leader. I considered my main task was to lead, to enlist and co-ordinate support for the project and to write up the subsequent evaluation. My own professional leadership style was aimed, as far as possible, to work within a team environment.

The concept was developed by John ADAIR 1982 and was focused upon in the Metropolitan Police Leadership Guide 1990. Basically the principle was the best way to achieve a task was to develop a positive team environment, and atmosphere, in which it was equally important to listen to, and appreciate, the contribution by individuals. The tasks in policing terms were many and challenging. Different people brought different skills to the organisation from the 'innovator with ideas' to the person with a 'structure and systems approach' for 'evaluation and monitoring'.

I've always felt a good leader was the person who could act as the 'fulcrum' of a team. It was this strategy I adopted in leading my management team on my Police Division. I believed it worked so I adopted the same approach to this project. Before each part of the project was progressed I held a team meeting between the relevant interested parties to obtain views and ideas before agreeing to the process which was to be adopted. Through this management process I received invaluable help, advice and guidance in the implementation and measurement of the experiment. Equally important, in my view, was to keep a team motivated and interested in the progress and the changes which had to be made, so I also held other meetings to monitor and evaluate what we were doing.

An example of this 'team' process was my approach in establishing the content of the questions which were to be put to the interviewees. The interviewers, Doctor Susan EDWARDS, Lynn BRADY and Gary ARMSTRONG were all experienced in this field. They had worked together in a previous domestic violence research project at Holloway Police Station (EDWARDS 1989). An initial meeting took place, from which a draft list of questions was prepared, between us, and the final version was agreed upon. After the first few interviews a progress meeting took place and some of our original strategies were changed eg., after

first six weeks it emerged our plan was unrealistic to interview all victims, and with offenders it was found more efficient and effective to interview them without having to work from a set list of questions.

After the interviews with victims and offenders took place the interviewer prepared a tape of the content of the meeting. These tapes were given to me to be transcribed and when completed the interviewer prepared a draft of what was considered to be the 'main findings'. I checked the findings against the transcripts and after another meeting I wrote the section of the thesis which was based on the interviews.

Other examples of this 'team' or 'co-ordinated approach' were in Police Officers questionnaires where I worked with the Metropolitan Police Department of Management Services. In the example of the self help group for offenders I worked with a local vicar and his church group.

My role as leader encompassed consultation, taking advice, co-ordinating and also that of giving advice and direction before being the final decision maker. At Appendix 13 I have prepared a breakdown of the division of labour involved in producing this thesis. It illustrates the role which each member of the team took in helping me.

In this thesis I have arranged my work into a literature review which considered the research findings for a joint agency approach to domestic violent, the effectiveness of the Police arrest strategies, the practical effects of Police policy and practice in this crime before describing the background pressures for bringing about the changes in the Police approach.

I then discussed my policy of cautioning and the evaluation process of the project before describing the quantitative and qualitative findings which ensued from

the process. The next part illustrated the other aspects such as a case study, the publicity; the work of my domestic violence office and the efforts I made to develop a self help group for offenders.

Finally, I looked at the findings from another Police strategy in another Police area, outside London, after which I drew some conclusions and made a number of recommendations.

Some commentators eg., SHERMAN 1992, have found that the results from research into the Police response to domestic violence can vary from area to area. I will therefore take the opportunity in this introduction, to describe, briefly, my own policing Division at Streatham.

Streatham Division was one of the four Police Divisions located in the Borough of Lambeth and lay within 7 miles of Westminster Bridge. It was described as a semi-inner London Division. The Police Divisions which bordered Streatham - were Brixton, Clapham, South Norwood and East Dulwich.

The size of the Police Division was 4.5 square miles and the population was estimated, in 1986, to be 92,000 based upon a census which was completed in 1981. The population was of mixed origin. The 1981 census data showed that the ethnic origin of 14% of the population was black (ie., non-white). This group comprised of people with a family background from India, Bangladesh, Pakistan and Afro-Caribbean. There was reported incidents of racial tension but these were local in character and never manifested into public riots or demonstrations.

Police consultation with local people took place at three levels. On a Borough basis there was the Community Police Consultative Group, which I attended monthly in public at the Lambeth Town Hall. At Divisional level I

met local community representatives on a quarterly basis and at a neighbourhood level the local Police Inspectors and Police Officers met their residents at Sector Working Parties.

The policing problems of the Division included high rates of burglary, street robbery, vice and violence. To put this in context with the other 68 Police Divisions in London, Streatham Division was approximately tenth busiest. The area was policed by 247 uniformed officers and 26 CID officers who were supported by 45 civilian staff.

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CHAPTER 1

Literature Review

LITERATURE REVIEW

Before moving on to a consideration of the policy I adopted in London and an evaluation of its impact, it is necessary first to set the scene regarding recent developments of police approaches to domestic violence.

My aim in this introduction is to provide a backcloth to my research by considering some of the various police methods of tackling this issue. Traditionally, the attitude of police policy makers and practitioners has been negative. It favoured non-involvement coupled with poor reporting and recording procedures. This resulted in the high level of domestic violence never being officially recognised.

However, in recent times a more positive and encouraging series of strategies has been tested. Perhaps the most important of these has been the recognition of the poor police response, working jointly with other agencies whilst promoting improved arrest performance and recording practices. The impetus for change in this country was provided by a number of interesting strides and initiatives in America. Most sought to provide a better and safer service for the victims of this type of crime. In this section I will consider some of these processes before going on to review the emerging police response in this country. Some of these research findings were important in providing the philosophy behind my Streatham policy.

JOINT AGENCY APPROACH

CO-ORDINATED APPROACH

A co-ordinated approach entailed a number of agencies working together with an agreed, or joint, strategy, objective and tasks. The goal was usually a common one with each agency approaching the problem from its own standpoint.

Family violence involves a number of complex issues which often require professional help from various agencies such as law enforcement, health and social services in addition to the support available from the voluntary sector. In North America the need for co-ordination of these agencies has been recognised both at a national and local level. In Canada the government regarded itself as providing a leadership role in identifying the emerging social issues and problems whilst encouraging innovative ways of responding to the concerns of family violence. The government issued a strategy which defined the federal role in developing a coherent national approach. In 1988 the government granted an additional 40 million dollars to help address the problem. In announcing this allocation of extra money Mr EPP, the Health and Welfare Minister, set out the aims of the government:-

"We have to commit ourselves to looking for more than a single answer to this problem. Step by step we have to move towards a comprehensive solution".

Co-ordination was also organised on a local basis. One such scheme was the DULUTH DOMESTIC ABUSE INTERVENTION PROJECT (D.A.I.P.) which involved the agencies of law enforcement (police), criminal justice (courts) and human services (victim and offender support). Their joint

purpose was to adopt a common set of policies and procedures aimed at providing a uniformed response to deal with assailants under the umbrella of D.A.I.P. Nine agencies set the objective to reduce the number of victims experiencing continued assaults by their partners. The intention was to make police and the criminal justice system responsible for controlling and regulating the offender's conduct, offering educational and support services to change the assailants behaviour, whilst increasing options for women victims.

The whole process, in the first instance, depended on the arrest of the offender. Police policy was fully to utilise police powers of arrest. The law allowed officers to make arrests on domestic assault calls involving co-habiting adults, if the arrest was made within four hours of the alleged assault and there was visible signs of injury to the victim. Although officers initially resisted the concept that discretion to arrest should be eliminated, it was found that such a policy had a significant effect on repeat calls. Data showed that there was a gradual decrease in repeat calls to victims whose partners had been arrested. It was found that before the policy was started police had prior contact with 73% of the assailants. During the six months following the adoption of the policy this figure dropped to 38% and, 7 - 12 months afterwards, it had significantly reduced to only 16%. The suggestion was that the arrest policy appeared to have a deterrent effect on many of the offenders. However, one must guard against such assertions based on such a short period of evaluation.

The prosecution of the case was dealt with by a dedicated advocate who was assigned to work with each victim from the time of his or her initial contact with the City

Attorney's Office. The advocates office did not adopt a stringent "no drop" approach but favoured a "case by case" policy. The previous practice of dropping charges against the assailant, upon the victim's request in writing, was eliminated. One of the results of this approach was a higher rate of guilty pleas at court. Researchers discovered there was no coercion of defendants and apparently the most frequent reason given for pleading guilty was that he had been caught ! Whilst I would accept that these findings may also indicate an increase in plea bargaining, I would argue that the important lesson was that many more defendants were being convicted as a direct result of better co-operation between the agencies.

The judiciary agreed that offenders who appeared before them would be dealt with by way of three sentencing options:-

1. jail sentence with no probation
2. a stayed jail sentence which included as part of a probation condition:
 - a) chemical dependency treatment and
 - b) participation in counselling and educational programme and
- 3) a jail sentence, partially stayed, with probation attached to the D.A.I.P. as a condition

Initially some clients failed to attend the counselling sessions but, when probation officers reported the facts to the court, the offenders were then given jail sentences. Such a positive stance had a profound effect on the increased attendance of subsequent convicted offenders. A criticism of this type of court mandated

system was that coerced treatment was usually less effectual than treatment given to participants who volunteered. This was a very difficult area because few men will admit they have a problem and will therefore be reluctant to attend such voluntary sessions. This aspect is further discussed by me in my section on "Self Help Group for Men".

Counselling was done jointly by four separate counselling agencies under a joint co-operative agreement. This avoided setting up and financing a new agency. The strategy for counselling was on the offender and not on the marriage or relationship. PENCE (1982) believed that traditional counselling agencies had perhaps done a disservice to victims and perpetrators of battering by using marital or couples counselling which focussed on the family system and relationships as the cause of battering. The initial goal for offender counselling was to end the violence; once the violence had ended, relationship counselling was offered to couples having on-going contact with the agency.

Therapists were interviewed after six months of the programme and were convinced that focussing on the violence as a first treatment goal was very beneficial to assailants. One of the monitoring measures showed there was a reduced number of subsequent reported assaults by offenders who had attended the counselling sessions.

PENCE considered that there were two main reasons which trap a woman in an abusive relationship, i.e. lack of information about battering and lack of opportunity, for at least a short time, to stand outside the relationship. In 1977 a women's collective was

established and they formed a "safe house" (called a shelter) where emergency housing and advocacy services were available to women victims of domestic violence. After much discussion the shelter collective decided to support a mandatory arrest policy and a vigorous prosecution effort. They believed that a community response, which actively employed court sanctions to control the assailant's continued use of violence was a first and necessary step in eroding cultural and community messages that had in the past ostensibly legitimised the use of violence in domestic relationships.

Two additional services were provided by the shelter collective. First, weekly educational groups for women were made available and, second, a 24 hour, on call, community advocacy programme was maintained to provide immediate home visits to victims following the arrest of an assailant.

In 1983 the Minnesota State Legislature developed a system of protection and support to victims. The law was extended to give the police power to make an arrest without warrant for domestic abuse inflicted by offenders against former spouses, persons with whom they had lived in the past and persons who had borne a child regardless of whether they had been married or had lived together at an time. This was a very significant extension of the definition of abusing victims to include ex-cohabitees and ex-spouses whom it was found were just as frequently assaulted by their ex-partners. This was a view which was embraced in policy, some while later, by the Metropolitan Police in London.

In conclusion, the D.A.I.P. scheme focussed, inter alia on recognising all domestic violence as a crime,

encouraging positive action by the police to arrest, supporting victims by way of providing shelter and advocacy advice whilst offering court mandated counselling support to offenders. I believe the most effective approach to reducing domestic violence must come from a joint strategy between agencies but as will be seen later, unfortunately, I did not have such co-ordinated help available to me in Streatham.

As will be seen in the next section, another good example of agencies working together, to provide an effective service for victims of spousal assault, was found in London, Ontario where "Crisis Intervention" was the approach to the problem.

CRISIS INTERVENTION

Crisis intervention theory postulated that crises are temporary periods in which a person is under extreme stress, resulting in a disruption of that person's lifestyle. A state of disequilibrium, helplessness, and acute emotional upset are not uncommon in victims. The theory was that these emotional difficulties could be overcome with the help of others, e.g. trained social worker, psychologist, or counsellor. ROBERTS (1983) suggested that crisis intervention could help a battered woman to focus on the stressful situation and, during the short time of intensive intervention, learn new coping methods. ROBERTS, however, highlighted the dangers in relying solely on these schemes to provide an answer to the problems of victims. He said:

"Crisis intervention can certainly be beneficial and may result in improved coping and functioning. However, it should be noted that crisis intervention with battered women is not a cure all. Too often crisis intervention is seen as the final rehabilitative step for battered women. On the contrary, intervention programmes are only the beginning in the establishment of a comprehensive network of services for abused women".

Before describing how one of these crisis intervention projects linked in with the police it is relevant to make a few comments about the influence of the women's movement, particularly in Canada, which brought to the fore the great need for society to give co-ordinated help to women victims of violence.

During the 1970's and 80's the women's movement, particularly the battered women's movement, challenged the

criminal justice and social service system about its historic response, or lack of response, in wife abuse cases, e.g. LANGLEY & LEVY (1985) reported that arrest occurred only in 3% of cases, SMITH (1989) suggested police had "traditionally adopted a formal non-arrest policy". Partly as a result of this lobbying effort by women the Canadian government began to respond and a variety of new programmes and policies were implemented both at a national and local level. Whilst some feminists were critical of state interference because they argued that it de-politicised the issue, others viewed the state's interest as converging with women's interests, e.g. URSEL (1990). ROCK (1987) described the work of these pressure groups as an important confluence of policies and politics and that it was the feminists who began to address the problems of the victimised woman. He contended that what feminists accomplished in the instance of "crisis intervention" was the "transformation of a burdensome and hazardous operational problem of law enforcement into an illustration of existential situation for women". ROCK considered that up until the time feminists put pressure on the government police were at a loss about how to proceed and there was a sense that local service agencies were ill co-ordinated and inadequate. This was a view that was shared by URSEL (1990) who saw the greatest success, of the battered women's movement, as being the level of legitimacy which the issue of wife assault had acquired in the public eye. This legitimacy, URSEL emphasised, created the political will to proceed with the development of these victim initiatives.

One such initiative was organised at London, Ontario where the police were assisted by the FAMILY CONSULTANT SERVICE whose main objective was:

"Immediate assessment of, and
intervention in, crisis situations

and arrange referrals to appropriate community resources".

Other aims included facilitating increased understanding and co-operation between mental health and law enforcement professionals and towards this specific goal they provided "in service" and field training for police officers in the area of crisis theory.

Most importantly the family consultant service was located at the police headquarters. It operated 7 days a week and almost 24 hours per day. The staff consultants were mobile and in constant radio contact with police communications. This allowed for immediate assistance when police were involved in calls needing the expertise of the consultants. At the time of writing this thesis the service has been operating for nearly 20 years. BROEMLING (1986) said of the project that its primary mandate, crisis intervention, capitalised on both the mobility and immediacy of contact by the police and the available community resources in the mental health and criminal justice systems. She thought the service endeavoured to provide a sensitive and therapeutic bridging between these systems. JAFFE (1984) described the consultants as "service brokers" in the sense that they identified the appropriate community resource to match the needs of the client and thereafter referred, or negotiated, with the other agencies involved in the delivery of the most relevant service to the victim. Research on the effectiveness of the service found that the family consultant involvement reduced the number of calls back by the police to the same address regardless of the form of resolution. By reviewing calls to police 20 months before and 20 months after the intervention researchers found that repeat calls were reduced by one third. In fact these repeat calls were further analysed

and it was found that few related to repeat domestic violence. It is true to say that the reduction could be interpreted in more ways than one, e.g. it could be that victims wanted to have less to do with the police. SMITH (1989) was also critical of this research. As she pointed out there were many reasons for people failing to make calls back to the police. That said, I believe these research findings should not stand alone but should be considered with other comments made about the scheme. JAFFE, FINLEY and WOLFE (1984) highlighted that previous research, completed with the family consultant service, showed a positive correlation between repeat calls and an increasing likelihood of family violence. This finding was important in that it underlined the importance of police and other agencies doing everything possible to prevent repeat calls. JAFFE, FINLEY and WOLFE thought that the evaluations of this scheme had been very encouraging and they pointed to the attitude surveys of police officers. These repeatedly indicated that the Family Consultant Service was considered to be a valuable and integral part of the police force's response to domestic violence. JAFFE (1984) wrote that a crucial factor in the development of this programme was the receptiveness of the ideas by the police force, especially at chief and senior officer level. Support was spread throughout the force by the initial training programme and the informal contacts made between the police and the family consultants.

Another important part of this programme was the evaluation of the effectiveness of police policy which directed officers to lay charges where reasonable and probably grounds existed that the assault took place. The result was a dramatic increase, in police laying assault charges, from 2.7% in 1979 to 67.3% in 1983. The proportion of cases which were heard in the criminal

court rose from 1 in 16 to 3 out of 4. BURRIS and JAFFE (1983), whilst writing about the Ontario scheme, concluded that the traditional attitudes to domestic violence, which resulted in their non-enforcement of the criminal law, could be changed provided police officers had clear policy guidelines encouraging such decisive action. SMITH (1989) however was more cautious. She thought that changes in police behaviour might have been seen as more dramatic, but, changes in attitude were more ambivalent.

When victims were interviewed by researchers, a significant number feared retaliation or increased violence from their spouse, as a result of the police laying charges policy. What actually happened was the opposite. It was found that victims were more likely to be faced with new threats and/or assaults when no charges were laid. This policy change resulted in a considerable decrease in women seeking to withdraw charges and an increase in victim satisfaction with the positive arrest policy shown by police.

Two reservations should be made about these particular data. Firstly, London had considerable professional and counselling services available to give back up support, especially for victims. Victims, therefore, knew if they came forward they would get long term help and support. Second, the results were presented in the form of group data. Individual case satisfaction may well deviate depending on the number of variables applied to that particular case, e.g. the nature of the victim, the alleged offender, the history of police interventions and the nature of community support services.

Finally there were some very important lessons, for the police policy makers, emanating from this project. They

included that the traditional and negative police behaviour and attitudes could be changed with clear policy guidelines and arresting and charging offenders were very important to victims who were more likely to be threatened or assaulted, if no charges were laid.

I will next consider other research to evaluate the effectiveness of the "arrest" approach by police to these types of crimes.

EFFECTIVENESS OF THE POLICE ARREST

ARREST STRATEGIES - EARLY POSITIVE RESULTS

As an experienced police officer I have always felt that our most effective weapon against crime was the arrest of the offender. I would contend that the average police officer is not equipped, and has not been trained, in social work, marriage guidance or counselling skills. Undoubtedly at the scene of a crime most police officers can give victims advice, compassionate help and guidance, however, I believe an equally important role for the officer is to take every step to find and arrest the perpetrator. So I was particularly interested in reading the research findings into the effect of arresting offenders of domestic violence.

An important step forward in the policing of these incidents was seen in Minneapolis where a change of policy in 1984 attracted important research by SHERMAN and BERK. The experiment was conducted to discover which of the three alternative policing approaches of mediation, separation or arrest was the most effective in reducing subsequent violence against victims. Prior to the project local police officer's response to these incidents was influenced, in at least three different ways. The officer's colleagues might have recommended forced separation as the best way of achieving short term peace. Alternatively, an officer's trainer might have recommended mediation as a means of getting to the underlying cause of the dispute and alternatively, local feminist groups were insistent that the police role was to arrest the offender to best protect the victim.

The design of the experiment was centred on simple domestic assaults where both the suspect and victim were present when the police arrived at the scene of the crime. Thirty four police officers volunteered to take part in

two busy Minneapolis precincts which had the highest density of domestic violence. The officers agreed to give up their arrest discretion and take whatever action was dictated to them by a random adjudication of either arrest, separation or giving some form of advice. The method attempted to ensure that those arrested, advised and ordered out of the house were roughly comparable in age, education, income, rate of offending, percentage of black or white and whether intoxicated.

Two "outcomes" were measured. One was the "police recorded" failure of the offender to survive a six month follow up period without the police having to generate a written report on the suspect for domestic violence. This was measured through an offence, or arrest report, written by any officer in the department through a subsequent report to the project. Second, there was a series of interviews with the victims in which they were asked if there had been any repeat incidents with the same suspect. Broadly speaking the definition of a further incident included an actual assault, threatened assault or property damaged.

The researchers found that each police intervention resulted in no repeat violence in the 24 hours following the incident. Over the next six months the arrested offenders were half as likely to commit repeat violence as the non-arrested offenders. About 18% of all offenders repeated their violence, while only 10% of those arrested committed further assaults in the experimental period. This research tended to show that arresting offenders, as a policing strategy, had the greatest deterrent effect. These findings were subject to some reservations and SHERMAN and BERK drew the following conclusions from their work:

- a) There was no evidence that deterrence will work in general but swift imposition of a sanction, of temporary incarceration, may deter male offenders in domestic assault cases.
- b) The police fears that arrests in domestic violence cases can make violence worse, were largely groundless.
- c) The police felt that making an arrest was a waste of their time without the application of swift and severe sanctions by the courts. They felt arrest and booking alone, had no bite. However, results at court indicated that only 3 of the 136 arrested offenders were formally punished by fines or subsequent incarceration. This gave some weight to two propositions. Firstly, initial incarceration alone may produce a deterrent effect regardless of how the courts treated such cases and second, arrest can make an independent contribution to the deterrence potential of the criminal justice system.
- d) The police policy makers had to be wary about making policy based on a single experiment.

SHERMAN, whilst conceding that further experiments could change the conclusions, argued that the police would be negligent in failing to arrest now that there was some evidence that arrest can have a deterrent effect on an assailant.

The methodology and reliability of the findings in Minneapolis have been scrutinised by other specialists HORLEY (1989) was critical of the six month evaluation period which she argued was inadequate to assess re-offending rates. This was particularly so when one

considered other research which showed how men can deceive woman about their behaviour patterns. WALKER (1981) found that a cycle of violence existed in most domestic violence situations. This process, which can occur over a considerable period of time, was described by FERGUSON (1987). He said that, following an assault by her social partner, a woman would frequently ask officers to arrest him and be willing to prosecute. The arrested man, after being released from police custody, or court detention, and perhaps feeling guilty about his actions, would over the next few weeks or months, be as an accommodating partner as possible to the woman. She might well then be deceived into thinking that he has changed his violent ways and might then regret having him arrested and charged. Often, at about this same time, the court case came to trial. A woman victim, who had been deceived by an assailant, would then decide not to testify because the man was apparently "sorry for what he had done". The court case would invariably be dismissed, the man released without sanction and, within a period of time, he would resume his cycle of violence against the victim. If this theory, which has gained much support, was accepted then great caution needed to be attached to any conclusion about re-offending rates over such a short period of time.

EDWARDS (1989) was also critical in a number of ways. She suggested that the requirement of random assignment meant that the more serious cases were excluded and, in any case, officers may have left out certain cases themselves by not reporting them. This was born out by the researchers who had noted that most officers only reported two or three cases, whilst three officers accounted for nearly 28% of the sample. EDWARDS also pointed out that the deterrent impact of advice and information would vary considerably depending on the quality of advice and effort made by the individual officer.

The results might well have been very different had there been a special back up counselling system such as could be found in Duluth. The experiment was also criticised for its use of volunteer officers the significance of which was that little was done to change the attitude of the vast majority of other officers, many of whom still held entrenched negative views about this type of crime.

SMITH (1989) considered the research findings from another angle. She thought it could well be the case that arrest may be a more effective deterrent for different types of offenders. For instance, men who did not have a long history of abusing their partners, or men who had not previously experienced any officer reaction, might well be more influenced, and thus more deterred by arrest than men who had previously experienced arrest. She also concurred with SHERMAN and BERK in that the findings may not apply to other types of cities or areas, with perhaps different population types, levels of crime and different victim support services.

That said, further research in other parts of North America tended to agree with the theory that arrest can in itself act as a deterrent. As an example in Winnipeg in 1983, a similar vigorous arrest policy was favoured by police. In that year the Attorney General of Manitoba directed police to lay charges in all reported cases of spouse abuse when there was reasonable and probable grounds that an assault had taken place. Prior to this directive, wife abuse cases, were treated differently from general assault cases in that a victim usually had to request that charges be laid against her assailant. Part of the research completed by URSEL (1990) revealed that on average 70% of individuals arrested for domestic violence had prior police records. A high proportion had records of assault, either domestic or general. Of particular

interest was the declining percentage of offenders with prior police records for domestic assault after the policy was implemented. The statistics tended to suggest that a vigorous arrest policy can even have a deterrent effect on those offenders with prior police records for domestic violence. Again, such conclusions can be criticised as they rely on reported, and not actual, crime. The following figures illustrate this pattern:

Year	1983	1985	1987
Sample Size	373	522	253
% Prior Records for domestic assault	44	34	16

URSEL (1990) considered these figures and thought that the most optimistic interpretation was that the arrest policy was reducing the rate of recidivism in wife assault cases. URSEL qualified this by making the somewhat cautious comment:

"While there are some studies that suggest this pattern, (SHERMAN & BERK 1984, JAFFE, WOLFE, TELFORD & AUSTIN 1985), more detailed follow-up studies would be necessary to confirm that this is the case".

Before moving on to mention further studies, it was interesting to note also in Winnipeg, the increased rate of victim co-operation with the criminal justice system. This was in the light of a positive arrest and prosecution policy which seemed to show that the victims had greater confidence and satisfaction in this police method of dealing with this crime. The following table illustrates this:

Year	1983	1985	1987
Sample Size	373	522	253
Total Charged	629	859	922
% of Court Dismissal for want of prosecution	18%	9%	1%
Stays of Prosecution	32%	31%	32%
Victim/Reluctance as reason for stay	95%	30%	18%

The table shows that as the arrest policy progressed, the charges increased, court dismissal of cases lessened and there was a dramatic decrease in the number of victims "dropping out" of cases.

The next stage in testing the deterrent theory of arrest came from a series of six replication studies in America. The findings of the first replication study in 1989 at Omaha, have been published. Domestic violence assailants received one of three different police actions, i.e. arrest, separation or mediation. Approximately 300 couples were re-contacted during the six month period after the date of the assault. The victims were asked if there had been any new episodes of violence after the original offence and police records were reviewed and compared against victim self report information. Unlike Minneapolis no difference was found between the three police approaches when measured against repeat domestic violence incidents. Arrest, in this experiment, was found to be no better or worse a deterrent than separation or mediation.

It is worth noting that, in conjunction with the arrest policy, the department developed a plan, with the county court system, to apply for arrest warrants for suspects who

had left the scene prior to the arrival of police. This plan alleviated the financial and emotional burden on the victims by taking the responsibility for pursuing a prosecution away from them. Research showed that in cases where a warrant was issued there was twice as much chance of the offender being arrested. It was also found that when a warrant for arrest was not issued suspects in this category were nearly twice as likely to be reported by victims for subsequently injuring them when compared to cases where warrants were sought.

This was a good illustration of a positive joint response, by the courts and the police, which resulted in the victim receiving a better a safer service.

Omaha Police Division then reviewed its policy in the light of the findings from their own experiment. Since arresting the suspect at the scene of the crime did not appear to reduce repeated domestic violence, the logical decision for police might have been to pursue a non-arrest policy. Nonetheless, Omaha found that arresting suspects did not produce any added risk of harm to victims, and the policy was not perceived as being counter productive to the objectives of policing. The positive policy of arrest remained and in a press release the department stated:

"Although arrest may not act as a deterrent to continued domestic violence, often arrest is one necessary step in a co-ordinated process to break the cycle of violence".

This was a most important statement as it recognised the vital arrest role the police had in dealing with domestic violence. Arrest was seen, by the police policy makers in Omaha, as an important intervention process in providing the most effective help for the victim, as one of many

stages in attempting to alter the behaviour of the offender and finally to link in with other agencies in a joint strategy to break the cycle of violence.

A discussion of the other studies, some of which challenge "Minneapolis" is covered in the next section.

Whilst some states were advocating an arrest policy others went further and implemented a mandatory arrest policy for police. As an example, in 1979, the state of Washington declared its objective for dealing with this type of crime:

"It is the intent of the legislature that the official response to cases of domestic violence shall stress the enforcement of the law to protect the victim and shall communicate the attitude that violent behaviour is not excused or tolerated and that criminal laws be enforced without regard to whether the persons involved are or were married, co-habiting, or involved in a relationship".

The state passed a law which made it mandatory for police to record all family disturbances handled by them. Officers and their supervisors were guided by departmental policy and procedures and were expected to exercise discretion in deciding which situations should result in arrest. The intention of this reporting procedure was to bring to notice those cases in which support could be given by way of crisis intervention specialists who could assist in resolving the conflict. This process backed the notion that domestic disputes were better resolved through social intervention than by legal action.

By 1984 it was apparent to the authorities that the mandatory reporting of incidents was not enough. The

number of reported incidents greatly increased to show the problem was much more serious than had previously been realised. As a consequence, in 1984 the DOMESTIC VIOLENCE PREVENTION ACT, was made law. It specified that a "police officer shall arrest and take into custody a person who, within the preceding 4 hours, had assaulted that person's spouse, former spouse or other person with whom the person resided or formerly resided". This power was similar to that which had been made law in Duluth. FERGUSON (1987) suggested that the impetus behind the policy was the belief that the impact of arrest was needed to break the cycle of violence. As part of the new policy victims received counselling from victim advocates who provided close support. FERGUSON noted that this change to a very positive arrest policy by police had a significant "knock on" effect on the resources of the processing agencies, i.e. police, courts, jail and social services. The SEATTLE POLICE DEPARTMENT tried to measure the estimated additional cost and found for 1984 and 1985 they would have needed an extra 645,000 dollars. In manpower terms this would be nine extra policemen ! However, I would argue that although such a policy may have additional manpower costs in the short term, in the long term the reverse would probably be the result. My point of view is that in the short term more reports would be made by police as victims reported more crimes, more arrests would be made requiring more police manhours to process the cases, but if the arrest process did have a deterrent effect then eventually the number of reported crimes, arrests etc., would fall so that there would be a saving of police time. Perhaps most significant in terms of police time would be the reduction of police manhours in dealing with less "repeat calls". The figures produced by URSEL (1990) tended to support this opinion, but, much more extensive research would have to be done over a much longer period to prove or disprove my belief.

The results from the Washington project were quite dramatic. Domestic violence arrests in 1985 showed a 520% increase over the same period as 1984 and successful prosecutions increased by 300%. It was concluded that the increase in successful prosecutions was not due solely to the increase in the number of arrests but also to the fact that the prosecution was taken out of the hands of the victims. Almost all arrests resulted in at least one court appearance.

This arrest policy was viewed by some commentators as only a provisional solution to the long term problem. BITTNER (1985) felt the Police responsibility lay in stopping the violence, whilst it was the task of other agencies to try and eliminate the causes which led up to the assault. BITTNER opined that the role of the Police ceased after arrest and that the long term solutions lay in the support given to the victim by other agencies.

The development of the mandatory arrest approach was very much increased after the Tracy Thurman case in 1985. She was the victim of a domestic assault and was awarded 2.6 million dollars in a liability action against the town of Torrington in Connecticut. This historic case set a precedent for holding the Police accountable for their action, or rather lack of actions, as in the Thurman case, when called to investigate domestic violence. BANGMAN (1986) writing about Police policy after the Thurman case said, "the bottom line is two-fold, the new social costs domestic violence will touch every segment of society and mediation is no longer an acceptable option." BANGMAN, who was Chief of Police in Farrington,

Connecticut, heralded that the case ended the traditional law enforcement approach towards domestic violence and suggested the following points of guidance for police officers:

- a) First, police officers must approach domestic violence in the same way as they do any other crime. Looking for signs of probable cause puts the focus of the Police investigation in a new perspective.
- b) Emphasis shall not be on mediation but whether there exists probable cause of arrest. Because of the nature of domestic assault, and the offender's ability to terrorise the victim, the officer should give the benefit of the doubt to the victim even though this may result in a "false arrest law suit".
- c) The administration must establish a written arrest policy that mandates arrest when probability cause exists. He stated many Police administrators blamed courts for not taking cases seriously but, he questioned this view, arguing that if the Police continued to mediate the arrests the courts would never know there was a problem.

The Thurman case was probably the watershed of Police response in North America. It changed the traditional Police response which was shown to be totally inadequate and, indeed, negligent. Police owed a duty of care to the victim. This, it was decided, was best carried out by arresting the offender.

However, whilst a mandatory arrest policy ensured an offender was arrested, if he was present at the scene of the crime, it also sometimes resulted in the victim being apprehended (eg., in Connecticut this was reported as high as 14% - SHERMAN 1992). Such dual arrests could therefore run counterproductive to a policy of encouraging women victims to come forward the report such crimes. SHERMAN 1992 stated that in some cities where dual arrests were made the children were put in foster homes.

Some States tried to solve this problem by legislating for the arrest of the "primary aggressor" but as SHERMAN 1992 found when he observed the Colorado Springs experiment, this too can work against the victim. In one case a man was arrested after a woman had hit him, apparently he had started the argument and Police deemed him the 'primary aggressor'!

So whilst accepting the unfairness of dual arrests, I would conclude from this section that arrest was generally considered a vital step in breaking the cycle of violence, so much so that some States made it mandatory. Arrest appeared to act as a deterrent (but not always so), the process gave satisfaction to most victims and victims did not suffer from any retribution by arrested offenders. However, as I will now describe, later research findings, from the other replication studies, cast some doubt on the deterrent theory of arrest.

ARREST STRATEGIES - REPLICATION STUDIES

The previous section considered some of the results of the positive police arrest strategies. In Minneapolis, Winnipeg Manitoba and Washington, arrest seemed to show real benefits for victims and acted as a better deterrent on offenders when compared to other methods for dealing this type of violence. However, many of these studies were guarded when drawing definite conclusions from their analysis of this 'legalistic' approach. Most favoured further research (SHERMAN & BERK 1984, URSEL 1990) to discover if arrest really was best approach from Police to adopt.

This section, therefore, first overviews the findings from another positive arrest strategy in Ontario, Canada before considering the replication studies of the Minneapolis experiment.

An opportunity is taken to focus again on the main findings of what SHERMAN and BERK originally found in Minneapolis and this is, followed by what was concluded at OMAHA, CHARLOTTE, MILWAWKEE, COLORADO SPRINGS and MIAMI.

LONDON ONTARIO

1986-90

The study examined the effectiveness of police officers laying charges in domestic violence cases when they had reasonable and probably grounds to believe that an assault had taken place. The police instructed officers to lay charges regardless of the wishes of the parties involved. The policy was assessed by inter alia interviewing 90 women who were victims of wife assault in 1988 or 1989 in London Ontario. There were three types of police intervention (a) police intervention and charges laid, (b) police intervention and no charges laid and (c) no police intervention with no charges laid.

The percentage rates of charges in these cases increased dramatically from 2.7% in 1979 which was before the policy began to 89.9% in 1990. There was some significant findings which included that victims were more likely to follow through court appearances when police laid charges compared to victims laying charges, fewer cases were withdrawn during court proceedings when police laid charges but more importantly for this thesis, victims reported a significant reduction in violence after police laid charges than compared to the other two approaches. JAFFE, REITZEL, HASTINGS and AUSTIN 1991 laid caution about these findings and pointed to the need to monitor results over a longer period of time. They also drew attention to the small percentage of minority groups involved in experiment (5%) and to the small sample size of those where 'no charges were made'.

There was also a Co-ordinating Committee set up in 1980 which found that many professional services were not co-ordinated in their approach to family violence. Their work not only encouraged co-ordination of services but encouraged new services eg., group counselling for batterers and a Battered Womans advocacy programme. The London Police Force also had a Family Consultant Service which was a civilian crisis unit of the police force to assist officers to deal with crisis situations such as domestic violent. Therefore, during the policy period, better support services emerged to help victims and offenders. This may have affected the overall results, especially when compared to other areas without such services.

JAFFE, REITZEL, HASTINGS and AUSTIN 1991 described the situation as

"Abused women in London are far more likely to be treated with greater understanding and sensitivity, provided with consistent information and referred to appropriate services than victims elsewhere in Canada."

65% of the victims expressed satisfaction at this style of police response, a marked increase from 1979 when it was 48%. 87% of victims stated they would call police again.

Significantly, the researchers found that it was rare that there was a complete termination of violence and suggested that a greater deterrent impact may come from additional community and other interventions rather than leaving to police charging strategy.

MINNEAPOLIS

As discussed earlier, the project was funded under a grant from the National Institute for Justice, for the Minneapolis Police Department to conduct a randomised, controlled experiment from early 1981 to mid 1982. SHERMAN 1992 described it as -

"This meant that, as in medical experiments in which some randomly selected patients are given a new drug while others are given a standard drug or placebo, the decision to arrest a person was determined by a systematic equal probability lottery method."

The experiment tested three different Police responses to minor assaults which made up the bulk of Police calls to domestic violence call outs. The responses were to arrest, attempt to counsel both parties or sending the assailant away from home for several hours. Two kinds of measure for repeat violence were used by the researchers. The first was a six month follow-up period of recorded offender repeating domestic violence according to reports on Police records and interviews with victims of this crime.

The results by official Police records found that sending the suspect away produced 24% of cases domestic violence was repeated, advising produced 19% and arrest 10%. The percentage of repeat violence from victim interviews produced slightly different results; 33%, 37%, 19% respectively. Both official records and interviews of

victims showed that 'arrest worked best' and acted as a better deterrent than the other two methods. The researchers pointed to a number of factors which suggested a cautious approach should be made in interpreting results. They recommended amongst other things, that Police should make warrantless arrests in misdemeanour domestic violence cases and this was later adopted in Maryland and eleven other States.

The researchers recommended against mandatory arrest for Police, based on the results, but suggested that other replication studies should be carried out in different cities with different economic and demographic conditions. SHERMAN 1992 concluded that the experiment did not prove that arrest worked best in every community or for all kinds of people. However, the experiment had a significant impact on Police policy makers on both sides of the Atlantic. Arrest was seen as the best deterrent and this project provided a watershed for Police policy making in favour of a positive approach away from the traditional Police response of doing as little as possible. Interestingly, despite the researchers' reservations, sixteen legislatures thereafter enacted mandatory arrest laws.

After much public debate on the findings, the National Institute for Justice supported other replication studies at OMAHA, CHARLOTTE, MILWAUKEE METRO-DADE and COLORADO SPRINGS. The effectiveness of the 'arrest is best' was tested in different areas. Some of the results were

quite different from Minneapolis and it was these results which have thrown doubt on the deterrent theory of arrest.

OMAHA

The experiment started in 1986, 194 officers were assigned to operate it during the hours 4pm - midnight. The criteria for cases to enter the scene were that a Police Officer had probable cause for an arrest for misdemeanour assault, the case involved a clearly identifiable victim and suspect, both parties were over 18, lived together sometime during the preceeding year and neither had an arrest warrant on file.

The outcome of the cases were randomly assigned to mediation, separation for eight hours or arrest. The results were assessed through official Police report records and victim interviews twice over a six month period to measure -

- (1) Fear of injury;
- (2) pushing/hitting; and
- (3) physical injury.

It is interesting, from this perspective of this thesis, to consider the views of the victims to the Police arrest. Ninety seven victims responded to this aspect of the survey, sixty per cent indicated that they did not want the Police to arrest. Sixty five per cent reported that the suspects blamed them for the arrest and twenty one per cent indicated that suspects threatened them because of the arrest. Ninety three per cent reported that Police presence stopped the violence and sixty six

per cent cited arrest as the reason for the restoration of the order. The researchers, however, also concluded that victims, whose partners were arrested were no less likely to experience repeated violence from their partners than had they received any of the other two outcomes.

In both Police records and victim interviews the study found, unlike Minneapolis, that arresting suspects had no more effect on deterring future arrests of complaints than did separating or counselling them. DUNFORD, HUIZINGA and ELLIOTT 1990 were cautious about these results. They thought the findings could not be generalised beyond OMAHA nor beyond the types of cases defined during the hours of the experiment.

OMAHA had attempted to replicate the Minneapolis study but DUNFORD et al were guarded about making comparisons because there was significant differences in the experiments. SHERMAN et al 1992 pointed to the apparent different results obtained from offenders with different social status in the prevalence of repeat official violence.

Social Status	Arrested	Not Arrested
Employed	19%	28%
Unemployed	57%	53%
Married	29%	18%
Unmarried	35%	48%
High School	24%	34%
Drop-out	48%	32%
Whites	17%	27%
Blacks	55%	54%

SHERMAN et al 1992 compared the results to Milwaukee.

He argued that there was a clear deterrence of persons with a higher stakes in conformity and much weaker evidence of escalation effects of arrest for 'less marginal' people. If this opinion was accepted then the deterrence impact of arrest for domestic violence appeared to have some correlation with the social status of the offender.

CHARLOTTE

This project started in 1986. It tested the efficacy of three different Police ways of handling domestic violence cases. The Police action was randomly assigned using one of three approaches to either (a) Advising, and possibly separating the couple; (b) issuing a citation to the offender; or (c) arresting the offender. Measures of recidivism were obtained for a period of at least six months after the original crime, through official Police statistics and victim interviews.

In relation to Police records the prevalence and incidence of arrest recidivism after 6 months from the date of the incident was 11.8 for the advise/separate 19.2 for citation and 18.2 for arrest. 76% of offenders were re-arrested for assaults against the victim. The HIRSCHL 1991 concluded that statistically arrest was not significantly better or worse than these other two treatments. They considered that there was some indication that the advise/separate treatment was more effective than the other two at reducing subsequent recidivism on the part of the offender.

After viewing the results from different statistical perspectives the report concluded:-

"Nearly all of the statistical analysis we conducted failed to detect any significant difference between the treatments. Furthermore, the great majority of women have not been victims of a repeat incident within the six

months follow up, and the differences which do exist between the treatments in terms of time to failure are in our judgement not substantially significant These findings in no way would justify Police moving to an informal response to spouse assault as a preferral action"

The result from the interviews was of a similar pattern. Each victim was interviewed twice. First, soon after the incident and second after six months. In the second interview victims were asked about whether the offender (1) threatened to hurt her; (2) actually hurt or tried to hurt her; (3) threatened to hurt any member of the family; (4) actually hurt or tried to hurt any member of the family; (5) threatened to damage property; and (6) actually damaged property. The type of recidivism reported most frequently by victim were threatened to hurt, tried to hurt and actually hurt the victim.

HIRSCHEL 1991 found that of all the examples of recidivism arrest only appeared to be the best deterrent in the category of 'threat to property' but this was not found to be statistically significant. In a similar way to the Police records the researchers concluded that arresting offenders was no more effective than the other two treatments in deterring subsequent abuse, nor was it any the less effective.

The researchers opined:-

"The results are decisive and unambiguous and indicate that arrest of misdemeanour spouse abuser is neither substantially nor statistically a more effective deterrent to repeat abuse than either of the other two Police responses".

The researchers attempted to speculate on why their results might have been different from Minneapolis. Perhaps the main question which needed an answer was why was arrest seemingly a deterrent in one place and not another. They attempted to do this. First they highlighted that the majority of male offenders had previous criminal records so arrest was not an unusual experience for them. Second they found that for many of the couples, abuse was a common rather than occasional occurrence. Third, they found that arrest was not backed up by much "time in jail" with many having a quick release, and fourth they found few offenders were found guilty and given a custodial sentence. All of, or some of these, may have contributed to giving a different result from Minneapolis.

MILWAUKEE

The controlled experiment took place in districts of the city which were racially and economically diverse but most of the cases came from the poor black areas. An analysis of the offenders illustrated this seventy six per cent were black, sixty four per cent never married to the victim, fifty five per cent were unemployed and fifty per cent had a prior Police record. The project compared a standing verbal warning to the offender at the time with arrest and detention for three and twelve hours. Unlike the Minneapolis experiment, where offenders were kept overnight, it was intended to also determine whether different periods of detention affected the results. Whilst the official findings have yet to be published SHERMAN, SCHMIDT, ROGAN, SMITH, GARTIN, COHN, COLLINS, BACICH 1992 reported that this experiment found no evidence of an overall long term deterrent effect of arrest. There was some evidence of a deterrent effect for up to thirty days, but by one year later arrest and both sets of detention produced an escalating effect when compared to the warning. The first reported act of violence, following an arrest occurred on average 20% sooner than it did following the warning treatment. The researchers also drew attention to the different effect arrest had on different groups of people. SHERMAN 1992 referred to these groups as 'The Haves' and 'The Have Nots'. The employed, married, high school graduates and white suspects were less likely to have any incident of repeat violence if they were arrested than if they were not. Unemployed, unmarried, high school drop outs and black suspects on average were reported much more

frequently for domestic violence if they were arrested than if they were not. The magnitudes of the increased domestic violence with this latter group associated with arrest were substantial in some categories. SHERMAN et al 1992 was cautious about the significance of these results as the social background of re-offenders of other offences was not known. In other words this pattern may be replicated in other offences, types and would have little bearing on the offence of domestic violence. SHERMAN et al 1992 thought the short term implications of this dilemma for public policy were daunting. Arrest can escalate violence, not deter, and they concluded that there was a need for other approaches to the control of domestic violence amongst socially marginal groups.

COLORADO SPRINGS

In Colorado Springs the experiment randomly assigned one of the four treatments of (1) arrest of the suspect coupled with an emergency protection order (to stay away from the victim) and issued by the Police at the scene. (2) Immediate crises counselling for the suspect at Police Headquarters coupled with an emergency protection order but no arrest. (3) An emergency protection order and (4) restoring order, advising at the scene with no arrest, counselling or protection order. SHERMAN et al 1992 highlighted differences in this experiment from the others, one of them being that an assault had only occurred in 38% of the cases. There was also more use made of protection orders in three of the categories.

At the time of writing this thesis the official report has not been published. SHERMAN et al 1992 reported that the official data showed that the arrest process did not deter repeat violence. However, the victim interviews showed that arrest was a deterrent.

SHERMAN thought this result may be due to the fact the experiment went, in relation to offence type included in collection data, beyond assault reporting (harassment formed 54% of all reports, menacing 3% and false imprisonment 2%). His inference being that the arrest may have a deterrent impact on harassment rather than assault. Unfortunately the full data breakdown was not available to further break down this analysis. He did use the data to support his "have" and the "have not"

theory. There was, as an example, a stronger deterrent effect among the employed and married than the unemployed and unmarried.

MIAMI METRO DADE

In Miami, the Minneapolis results were very closely repeated. Two out of the three outcomes measured showed the deterrent effect of arrest.

The experiment randomly assigned four different treatments. The first was arrest with no follow-up, the second arrest with a follow-up visit by a special Police unit, the third no arrest and the fourth no arrest with a follow-up visit by the Police unit.

The official Police report record showed no increase in repeat violence indicating that arrest had no impact on deterrent rates. SHERMAN et al 1992 opined this could well have been due to the poor Police response of officers not reporting the violence when the suspect had gone.

However, the victim interviews showed quite different results. At the time of the initial interviews, 18% of no arrest victims reported at least one repeat incident in which the suspect hit, slapped, hurt or tried to hurt the victim. This compared to 10% in the arrested group. At the six month interview, 27% of the no arrest group reported repeat violence whilst there was only 15% of victims suffering repeat violence in the arrest group.

The numbers of repeat offences however, was low. Out of the 465 arrested persons, only 5 were re-arrested for at least one offence.

At the time of writing this report the Miami report has not been released but SHERMAN et al 1992 speculated that one reason for this figure might be the high level of marriage rate (79%) indicating there was a high degree of conformity in this group who had, as he saw it, a real stake in society.

In conclusion, these replication studies focused on the different results which emanated from the arrest strategies by the Police. SHERMAN 1992 compared the war on domestic violence to the war against cancer. He thought that domestic violence was as complex as cancer and equally difficult to treat. He suggested that if his conclusion was accepted, there was a need for many more experiments. He wrote:-

"As of 1987, only 10 chemical substances had been found moderately to highly effective against cancer. Approximately 500,000 potential substances had been tested to discover those 10 effective treatments. So far, the number of different treatments of misdemeanor domestic violence we have subjected to controlled experiments is eight, the number found always effective is zero."

I will now go on to consider the advantages and

disadvantages of 'arrest' as a Police strategy before considering other evidence whether arrest is effective on its own to deter future violence.

OTHER VIEWS ON THE USE OF POLICE ARREST

Although arrest was viewed as having many advantages it seemed that for the Police policy maker other additional strategies needed to be explored to enhance any deterrent impact of arrest. This view was expressed by EDWARDS 1989 who thought if criminalisation of marital violence was the way forward, arrest and prosecution policy unaccompanied by other measures to protect victims from repeated violence would have 'disastrous consequences'. She suggested inter alia that shelters and emergency accommodation were urgently required together with greater co-operation between agencies. SMITH 1989 thought an effective domestic violence response involved more than medically treating injuries and ensuring the law was enforced. She pointed out that research had shown that the attitudes of those involved with agencies, which assisted domestic violence, favoured women in a subordinate role to men. She thought these attitudes needed to be confronted before domestic violence was to be successfully tackled.

A similar opinion was expressed by STANKO - "No matter how sensitive and sympathetic the Police became they will never be able to provide protection against everyday violence". She viewed domestic violence as the struggle against womens' oppression and that women demanded they no longer had to face the risk of physical and sexual abuse at the hands of men who promise protection. In the fight against male violence she said it was important also that 'women defined' strategies be aimed at intervention on every level of society. First she

expressed the importance of strategies aimed at encouraging friends, co-workers, counsellors to help break the cycle of silence which surrounded this crime by listening to and supporting victims. eg., HOFF 1990 in her research found that close relatives strongly disapproved of domestic violence and were generally supportive of daughters and sisters and willing to help. Second she drew attention to the obstacles found in legislation and Court procedure eg., defence Attorneys, discrediting female witnesses by referring to previous sexual behaviour. Third to change institutional prejudice shown against women by challenging those in decision making capacities which she said contained heavily entrenched male points of view, eg., monitoring Police behaviour or participating in the training of Police or Court personnel.

These views supported the need for a multi agency approach, not just to tackle the symptoms but, to reach the causes so that multi agency strategies could be adopted to deter violence. HOFF 1990 however, found that formal networks, except womens' shelters, for the most part were either negative or indifferent to women victims. The women victims who were interviewed, sensed that institutional representatives eg., housing authorities, regarded battering as 'taboo' and that they were shunned rather than helped. SMITH 1990 wrote that solutions, including deterrence, had to go beyond the machinery of the criminal law to be really effective.

"In short, an integrated response by the whole community was required".

An example of this type of structured and co-ordinated response was recommended by McGIBBON, COOPER and KELLY 1989.

In their final report on the support services in the Borough of Hammersmith and Fulham when they listed some of these services and strategies as follows:-

General Council Policy

- (1) Produce a full and detailed Council policy on domestic violence.
- (2) Set up a working party to monitor Council response to domestic violence

Black and Ethnic Minority Women

Information on domestic violence and local services to be available in all languages in written and typed form.

Older Women

All Council information on domestic violence to reflect the fact that women may decide to seek support, leave violent men at any age, sometimes after many years of suffering abuse.

Women and Disabilities

All information produced to be available on tape and in brailles with interpreting services to include sign language.

Lesbians

All training should include discussion of violence to lesbians.

Housing

Extending 'move on' offers to both local refuges to be seen as a matter of priority, in order that they can function effectively as crisis provision.

Refuges

The Council should commit itself to securing the future of both groups, financially, should other sources of funding disappear.

Law and Enforcement

There is a need to produce and monitor full statistics about the Police response. There is a need for more women officers to handle domestic violence incidents. There is a need to research 'the Police practice' as opposed to policy.

Voluntary Sector

Investigate the possibility of funding a 24 hour crisis support service for woman and children who have experience of domestic violence.

There was a need for networking between voluntary groups and that it be publicised.

Similar conclusions were reached by the National Victim Support Scheme which set up a working party in 1990 to see whether the services currently available to victims, of this crime, met their needs. Their Inter Agency Working Party on Domestic Violence recommended that a Government Department should be given responsibility and resources to co-ordinate work on domestic violence.

Locally a multi-agency domestic violence forum should be set up with clear aims, objectives and funding. All the organisations in the community, which had contact with such victims should improve and widen their local knowledge about sources of help in order to increase access to those services. They endorsed the notion of arrest by stating that offences of domestic violence should be treated with no less seriousness than crimes of violence in other contexts. The Police, they recommended, should do all in their power to ensure the safety of women, both immediately and in the future.

Most of these commentaries recognise the need for a co-ordinated multi-agency support strategy was necessary to give help to victims of this crime and none opined that the answer solely lay with the Police or Criminal Justice System.

My final contribution in this section is to examine the impact of the Police arrest in other countries.

INTERNATIONAL PERSPECTIVES ON THE EFFECTIVENESS
OF ARREST STRATEGIES

The purpose of this part is to take a 'snapshot' at the effectiveness of arrest in two other countries, i.e., Australia and the Netherlands.

Some of the responses in Britain, Canada and USA are covered in other parts of this literature review.

An example of the Australian perspective can be viewed through the research completed in New South Wales. The New South Wales Domestic Violence Committee in 1983 evaluated the legislative needs in 1983 and thereafter in 1987 the Law Reform Task Force on Violence Against Women and Children looked at the need for legislative changes. This law then clarified Police powers and included rights of entry and if refused a radio telephone warrant could be obtained from a Magistrate. A Protective Order which lasted for six months, could also be applied for and officers were given a power of arrest if there was a breach. The sum of the legislation was described in the 1985 in the report of the New South Wales Domestic Violence Committee as:-

"A clear determination to make the Police and the Courts more effective in dealing with domestic violence".

HATTY 1989 researched the results by specifically looking at the promotion of the law as a primary means of addressing male violence. She questioned 500 general duty police officers, observed a random sample of officers actually dealing with 238 incidents and interviewed them following each incident. She also placed a questionnaire addressed to women victims in national family magazines with an extensive female readership.

She found a large divide between the intention of the policy makers and the action of police officers in practice. She found that even when women were injured arrest only occurred in 36% of cases and even then Police were most reluctant to use their powers under the new domestic violence laws, but tended to use other legislation which was traditionally used to control behaviour in the public domain (eg. drunkenness). Officers displayed misogynist attitudes and behaviour towards female victims. They divided the community into 'deserving victims' and 'hopeless families'. Within these categories officers often attributed responsibility to the women for the violence or showed disrespect for her position. The results were often manifested in failure to arrest or placing the onus on these women to initiate legal proceedings. HATTY found three main Police beliefs about women victims which influenced Police non action. Officers conceptualised any behaviour departures of the women from the accepted standards of mothering and housekeeping as contributory factors towards violence. The second was the male perception of the woman's responsibility for the violence. Officers

did not seek to understand the behaviour from a from a woman's viewpoint. Third, and HATTY thought most 'potent' was most officers believed that women, subjected to abuse, were psychologically abnormal and psychiatrically disturbed. She also found that officers found excuses for male behaviour such as merely reacting to a cluster of social stresses. HATTY said:-

"The Police, then, construct and perpetuate a dichotomous set of beliefs in which women are cast as failures or oppressors and men as heroic victims"

From the questionnaire she elucidated that women adopted a series of well considered tactics to placate the violent male, a situation found in other parts of the world, STANKO 1985, HOFF 1990. Women cited financial and social dependency, protectiveness towards children, shame and fear as factors which deterred them from leaving their relationship. The respondents thought police officers conceptualised victims as either manipulative, vindictive or masochistic and denied the sadist behaviour of violent men and the degree to which women abhorred violence. Women reported a 'pronounced distrust' of the criminal justice system and disappointment and frustration at police performance.

EDWARDS 1989, in discussing the New South Wales Police response, thought that whenever traditional police attitudes remain uncontested, although policy directives

gave the appearance of change, real change would only occur in dealing with the more serious cases and not minor assaults.

HATTY 1989 concluded that the juxtaposition of police attitudes and womens' experiences, in New South Wales, revealed an enormous disparity between male belief and 'female reality'. She thought it signalled the futility of promoting the law as the primary solution to violence against women.

This example of an Australian Police approach illustrated the need for policy to be monitored and evaluated to ensure that the intention of the policy maker happened in practice.

In the next section a consideration is made of the Police approach in the Netherlands where there was an absence of policy.

The effect of both strategies has been observed as not being very encouraging from the perspective of the woman victim ZOOMER 1989, HATTY 1989.

The policing of women battering in the Netherlands was researched by Olga J. ZOOMER in Eindhoven, which was the fifth largest town with a mixed population in excess of nearly 200,000. The research was funded by the Ministry of Home Affairs. Some of the questions the research addressed was to (a) find the rationales underlying police actions and, (b) was advocating more arrests in accordance with what battered women actually wanted?

ZOOMER was critical of the government because it had not issued police guidelines for dealing with domestic violence but had confined their policy to giving directions for victims of rape and sexual assault. This was disappointing because a study conference, which was followed by a series of government papers, had advocated a stronger position for victims of violence through legislation, better police performance combined with a more active prosecution policy. She pointed out that the traditional police response strategies was around 'conflict management', dispute settlement skills, crisis intervention and mediation. A change of Police approach was not pioneered by their government but ZOOMER 1989, suggested a more positive police role had been influenced by the workers from the local refuges. They acted as a pressure group and were insistent police should point out more often to victims there was the option of making a formal complaint.

The project consisted of analysing police files and conducting interviews with 47 Police Officers and twenty two women who had been victims.

The police files showed that when Police were called to the scene of a domestic disturbance they were most likely to limit their response to calm the parties down, mediate or do nothing. There was, however, despite this, a significant increase of arrests from 6% in 1984 to 40% in 1985. She found that n 40% of the calls Police had previously been summoned to the address for the same reason. There was not a well considered Police policy as she found therefore, that different Police Officers were giving different advice to the same victims. The service therefore lacked consistency in the approach.

In a similar way to other studies (EDWARDS 1989 HATTY 1989), she found negative attitudes and assumptions inherent in officers. They placed domestic violence into two categories 'just arguments' and 'real woman beating'. The following summaries of the views stated by officers best describe their lack of sensitiveness to the plight facing domestic violence victims.

'Domestic violence is more or less a natural outgrowth of marital relations"

"Wife beating is a legitimate means of control for a husband"

"Women are unreliable complainants"

"Most of them saw the victim as partly responsible"

"Woman beating is incidental, unattended and unfortunate events that are best forgotten about as soon as possible"

ZOOMER considered that officers did not see men as offenders nor women as victims. She got the impression that officers were not as much concerned for the welfare and care of the women victims, as they were for conserving Police resources by taking no action and thereby cutting down Police paperwork!

She described this poor approach as:-

"By denying themselves a law enforcement role and a social work role the Police seem to have manoeuvred themselves into a role of helpless witness".

Some officers, however, expressed the view that a harsher approach might have had a deterrent effect in certain situations where the man had not beaten up his wife before or where he had no former Police contacts. This was one of the views espoused in the later research from the Minneapolis replication studies, SHERMAN 1992.

When the women victims were interviewed 40% of them stated they had been assaulted on a previous occasion. Calling Police was a last resort with fear, shame and a feeling they should be able to solve their own problem being the main reason for this. Most women called Police because they wanted "help", meaning more than mediation and a referral to a social agency. Some women wanted the man to get his "just desserts" and hoped that Police action would somehow put a limit on the man's violent behaviour.

In most cases Police calmed down the situation but women were critical of them for "doing nothing"; a feeling ZOOMER suggested, manifested because they seldom took legal action. Only a few women were happy with the Police intervention and most thought Police were not understanding and supportive.

In general women were more positive about the response they received from the community type Policeman probably because listened and found out what kind of help was needed.

ZOOMER drew a number of conclusions from her study. She concluded that battered womens' interests were not very well served by the reserved approach, however it was not obvious to her that more arrest with a possible prosecution and conviction are what women actually wanted. Only a few women wanted the offender prosecuted and punished yet they sought more than mediation and a referral to another agency. Women wished the immediate threat removed and that protection be offered to them. Nevertheless she argued that women should not pin their faith to a system that was designed to preserve the established social order rather than to change it and therefore was seen, in itself, as part of the problem.

ZOOMER opined that real changes could only be achieved by altering the overall unequal power balance between men and women. However, until that problem was addressed she saw nothing wrong with demanding that the Police do their

job. She thought this included treating injured parties as victims of crimes, and therefore by implication treating offenders as criminals.

Having viewed the Police response, in terms of effectiveness of arrest, strategies especially in different parts of the world, the fact remained there was no mandatory arrest procedure in this country, and up until the late 1980's few Chief Constables had policies even advocating arrest. Therefore, any change of Police practice would have to be preceded by a change of policy. I have already mentioned that policy could go some way to altering Police behaviour, however, in this country there were a number of entrenched obstructions which had to be overcome before Police practice could reflect Police policy. In the next section I will look at some of these problems.

ARREST STRATEGIES - ADVANTAGES AND DISADVANTAGES

DISADVANTAGES

Arrest, especially the use of mandatory arrest, can cause increased violence, compared to other forms of Police intervention. SHERMAN 1992 alluded to this in the commentary he made about some of the six replications studies. HAMMER et al 1989, thought that some women judged an arrest as a way to escalate violence by adding to the grievances of the man with whom she intended to continue the relationship.

FERRARO 1989 considered that some women did not want their husbands arrested, but called Police because they either wanted assistance in leaving the premises with their children or simply wanted their husbands to be taken elsewhere to sober up. Olga ZOOMER, 1989 found most women in the Netherlands called Police because they needed 'help'. They called Police as a desperate last resort. First of all they wanted Police to end the crises and bring the case back to manageable proportions after which they often preferred to solve their own problems. The help they wanted usually implied more than medication but didn't necessarily mean arrest and prosecution. STANKO 1969 stated that presumptive arrest strategies did not maintain a women's autonomy and did not give a woman control over the situation. HANMER et al 1989 - considered that the only way a woman would be satisfied by the outcome of Police intervention was if she achieved a degree of control over her life following the arrival of Police. FERRARO 1989 opined that criminal

justice system was not designed to, and did not, empower women but maintained traditional family structures which had it's roots in patriachal dominance and maintained women's subordination within the nuclear family. She was also of the view that increased policing of wife battery had the potential to divert attention away from the real sources of violence to the individual perpetrator. HANMAR et al 1989 thought presumptive arrest promoted the general lack of awareness and understanding of the power dynamics behind a womans' need for assistance. This was the case despite much educative work by feminists. The policies, such as presumptive arrest, which were not located within a recognition of gendered power relations can result in further oppression of women, under the guise of a Police even handedness or equality. They were critical of the enduring Police ideology that divided women into groups of 'deserving' and 'undeserving' of Police attention. The latter category being those women who 'asked for', provoked or enticed assailants into victimising them and the former where women were seen (as viewed by Police) as behaving appropriately in their hetro sexual relationship.

CHATTERTON 1983 found Police made similar moral judgements when dealing with general assaults.

Another disadvantage of an arrest policy was that Police Officers discretion resulted in subjective interpretation by them leading to inconsistency and frustration by victims. FERRARO 1989 found Officers looked for excuses for not arresting. These varied from finding lack of evidence, police time spent in tracking down offenders, a

belief that women would not press charges and that the case would not be prosecuted to conviction. FERRARO 1989 also found that officers' actions depended on their views of those involved being either from 'deviant' or 'normal' families. If they viewed the family as 'deviant' then they felt Police could not do anything but if they were from a normal family that was a legitimate Police concern. Even in this latter category, she found Police questioned women victims (several times,) about whether they really wanted to give evidence. This questioning acted as a deterrent, to women to demand arrest.

HANMER et al 1989 stated that the benefits of arrest were often only short lived and often the man returned to the home. Their opinion was in some ways validated by some of the findings in the six replication studies. In Omaha, Milwaukee and Charlotte there was evidence of short-term deterrent impact of arrest, however, the long term result of such a policy, when compared to others, was that arrest increased violence.

ADVANTAGES

Arrest had disadvantages and some research had shown that it had only a limited deterrent effect on the offender. However arrest formed an important part of the caution policy so any advantages of an arrest strategy had to be clear and signalled to both Police, victims and offenders for positive attitudes to be engendered. Some of these were as follows.

STANKO 1989 stated that arrest gave women victims breathing space. It particularly assisted women who were in acute danger because it removed the assailant from the scene of the crime. HANMAR et al 1989 put it another way, arrest permitted women to obtain safe space in which she could consider the options available to her. STANKO 1989 pointed to the immediate deterrent effect of arrest, a point also made by SHERMAN 1992, when he referred to some of the Minneapolis replication studies. EDWARDS 1989 drew attention to the earlier findings of the National Crime Survey in USA between 1978 and 1982 where, victims of spousal assault who called Police, 16% later reported further victimisation within six months compared to 23% who suffered further violence as a result of not calling Police. EDWARDS 1989 suggested that the mere calling of Police can act as a short-term deterrent for further violence. ZOOMER 1989 thought that the arrest and time spent in Police Custody allowed some male offenders the opportunity to cool down and to think about their violent actions.

Arrest, STANKO 1989 felt, was the consensus opinion as the best solution to simple battering, and was the preferred response of policy makers, Police Chiefs and feminists. HANMAR et al 1989 thought it's significance was that it gave a positive focus on the fact that violence in the home was a crime. SMITH 1989 agreed with this and thought that vigorous arrest policies demonstrated to offenders the general disapproval of such crimes. Arrest strategies gave an important, clear and distinct policy to the Police Officers according to ZOOMER 1989. She thought that arrest was to be a deterrent by some Police Officers if the offender did not have former contact with the Police. She also felt that it did away with the unsatisfactory situation where Police gave contradictory advice to the victim and it sent a clear message to offenders that Police will take positive action when dealing with such cases. JAFFE REITZEL et al 1991 found in London, Ontario, Canada that the positive arrest and charge policy created a more positive attitude in officers who traditionally did not view this type of work as real policing.

FERRARO 1989 stated the arrest policy showed, in a very symbolic way, that women would get support if they turned to Police for help. She said that the extra Police protection, given by arrest helped to reduce the fear of such crimes in female victims. HIRSCHER et al 1991 in their final report of the CHARLOTTE replication study wrote that although arrest in their experiment did not prove to be a deterrent they considered that arrest may have had a general deterrent effect on others although not necessarily on their specific cases. Conversely, they

said that non-arrest may have sent message to offenders that it was not a matter which Police took seriously. They concluded the arrest policy and practice placed Police in a vital lynch pin role, connecting the offender and victim with other social, community and criminal justice resources.

HANMER et al 1989 stated that the arrest practise defined men as criminals and helped considerably to get over some of the main assumptions about male and female relationships. Finally, SHERMAN 1992, doubted if other agencies outside the Police, would get the necessary funding to provide a bitter alternative or even equally effective alternative to arrest!

This section has highlighted some of the contrasting views on the effectiveness of Police arrest from a point of view of deterring further violence. My opinion was that arrest stood the best chance of success when it was only one part of an overall strategy by society to combat this crime. In the next part I will consider some similar views expressed by other commentators.

THE POLICE POLICY AND PRACTICE

CHANGING POLICE PRACTICE THROUGH POLICY

There exists in most organisations a difference between written policy and what actually happens in practice. Policy obviously has considerable influence on practice, however, in my opinion there invariably exists a number of obstructions which have to be overcome by managers to ensure that their intentions, as set out in the policy, are practiced by the operators. As a starting point the policy maker ought to be aware of the hurdles so that an implementation plan can be adopted to overcome these practical difficulties. The policing practice, in relation to domestic violence, is no different. As BOURLET (1990) pointed out many forces had arrest policies but as HORLEY (1988) and EDWARDS (1990), had shown, there was a considerable divide between what the chief constable had written in his policy and what the officers did out in the street.

My intention in this section is two-fold, first I will consider the general position of policy making in the police and the freedom which a chief superintendent has to make his own policy, second I will reflect on some of the influences which surround a police officer when making a decision on whether or not to arrest an offender who has committed a crime of domestic violence.

There is no common policy of mandatory arrest, charging or prosecution in this country. Two of the more important reasons for this is the constitutional position of the chief constable and the important balance of power in our society which gives independent powers to the legislator, the executive and the judiciary. These safeguard any interference with the considerable discretion, which the law allows, the chief constables in carrying out their

function. Their legal position was articulated in the famous judgement of Lord Denning (Regina -v- Metropolitan Police ex-parte Blackburn 1968 CA 1 all ER 763) when he said:

It is the duty of every chief constable to enforce the law of the land. He must take steps to post his men so that crimes may be detected, and that honest citizens may go about their affairs in peace. He must decide whether or not suspected persons are to be prosecuted, and if need be, bring the prosecution or see that it is brought. In all these things he is not a servant of anyone, save the law itself. No minister of the crown can tell him that he must, or must not, keep observation on this place or that, or that he must, or must not, prosecute this man or that one. Nor can any police authority tell him to do so. The responsibility for law enforcement lies on him. He is answerable to the law and the law alone".

It would seem to follow that the forty three chief constables in England and Wales could issue their own quite separate policy on how they would wish their officers to deal with domestic violence. However, in reality, some uniformity of approach was achieved as a result of a number of influences which were exerted on the discretion of chief constables. First there was public opinion which had been articulated in a number of forms in recent times. These have included public opinion surveys, consultative groups, the press and in very recent times a growing influence from some of the feminist groups. Much of their attention was focussed on the plight of victims of crime and in domestic violence cases the lack of a positive police response.

Second was the advisory content of Home Office Circulars which emanate from the Home Secretary, usually after consultation with professional bodies involved in the subject area of the document. As an example, Home Office Circular 69/1986 gave advice on "domestic violence":

"There must be some over-riding concern to ensure the safety of victims of domestic violence and to reduce the risk of further violence, both to the spouse and to the children who may be present, after the departure of police from the scene of the incident. Police officers will be aware of the powers of arrest which are provided in section 24 and 25 of the Police and Criminal Evidence Act 1984".

These sections gave police powers of arrest in situations where it was necessary to protect "vulnerable" persons.

Third was the reports of HER MAJESTY'S CHIEF INSPECTOR OF CONSTABULARY who were required, under the Police Act 1964, to inspect each force as to its efficiency. Part of the Force Inspection may well have been an analysis of its response to domestic violence. BOURLET (1990) suggested this would probably come about in response to a matter of public concern or a media campaign which was beginning to gather momentum. BOURLET (1990) speculated that the personal career prospects and development of a chief constable could also have affected some of the policies issued by him or her:

"Anyone (referring to chief constables), seeking to mount crusades or develop policies, which do not carry the tacit approbation of the Home Office or the public, may well find themselves ploughing a lonely furrow".

He pointed out that any intemperate remark, lack of

judgement or inconceived decision could well blight a promising career because chief constables could still progress to command larger forces, to become commissioners, or to be inspectors of constabulary; indeed, the recognition of outstanding service can also be acknowledged through the Honours List.

The slow development of this corporate type of approach was illustrated in the research done by BOURLET. He compared the number of domestic violence policies issued by chief constables in England and Wales in 1985 with 1989. He discovered that, in 1985 20% of all forces had either in advisory type of policy or some forcewide order, whilst in 1989 this number had risen to 78%. In 1985 52% of forces had a policy on action under the Domestic Violence and Matrimonial Proceedings Act 1976 and the Domestic Proceedings and Magistrates Courts Act 1978 whilst in 1989 this had dropped to 17%. Regrettably, BOURLET's research did not go further and examine the actual content of the various constabulary policies, however, other research has shown there to be a considerable disparity, between forces, whether to arrest, or not, offenders of domestic violence. This fact was highlighted in a POLICY STUDIES INSTITUTE SURVEY (1989) when the researchers visited, and interviewed, a number of police officers attending one of the regional training centres at Ashford in Kent. Officers, from different forces, gave details of totally conflicting force instructions, varying from arrest of a violent person in all cases to arrest only as a last resort. This divergence of police practice was also highlighted by Sandra HORLEY, a Canadian who had been Director of Chiswick Women's Family Rescue since 1983 and who had made a significant contribution to the police policy debate. In 1989 she personally addressed the A.C.P.O. annual conference and argued for the need to follow the North

American experience and create a national vigorous arrest and prosecution policy. She argued that this was the most cost effective way of reducing police time and saving resources and also the most likely to give real protection to battered women and children. HORLEY (1989) suggested the success of the North American approach was dependent on training. She pointed out that all the solicitors, crown prosecutors, magistrates and judges, as well as social workers and the police, underwent training courses in domestic violence to ensure a consistent and informed approach to their work. However, up until the writing of this thesis there was little evidence to suggest that the lessons from the U.S.A., particularly the SHERMAN and BERK 1984 study in Minneapolis, had been adopted by many forces in this country.

It is very relevant to note an observation that was made in the P.S.I. study. The researchers considered that there ought to be a middle way between the two extremes of police policy, i.e. arresting and taking no action. They pointed out that a woman who had been assaulted by her partner faced many disadvantages and difficulties if she sought to prosecute him. These included her financial and emotional dependence on the man and, in some cases, the weakness of the evidence that an assault had taken place. The study sought to argue that it seemed wrong that police reluctance to give support to a prosecution should be seen as yet another disadvantage to a woman. The P.S.I. mentioned two other sanctions that were available to the police, i.e. arrest for breach of the peace and immediate adult caution. It was precisely this "middle" course which the Streatham policy sought to follow. Finally in this part, it is pertinent to mention the recent efforts made by the Metropolitan Police to change policing practice through issuing policy. It was this impetus which fuelled various developments in London.

In 1984 the Metropolitan Police set up their own internal Working Party on Domestic Violence. The group included representatives from many outside organisations. After meeting for two years the group produced a final report which included a number of recommendations and suggested some fundamental changes in the areas of crime recording, training, victim support and information. It was from these recommendations that in 1987 new guidelines were produced and Commander BOREHAM, described the background of the new philosophy;

"Nothing is more insidious than the circumstances of a woman subjected to violence in the place where she expects to be safe - her own home. We have been carefully looking at the issue for some time now and our policy is designed to tackle the problem".

The policy made some important changes. These included improving recorded practices; officers were required to report the domestic incident in the crime book or else in an incident report book. Officers were encouraged to use their power of arrest, under Section 25(6) of the Police and Criminal Evidence Act and also to improve the support and help given to the victims of this crime. HALL (1987) took the main thrust of the policy as the instruction to officers that they should regard an attack in the home as much a criminal act as one that may have taken place in the street. Detective Superintendent Roger STREET, of the Community Relations Branch at New Scotland Yard, stated the guidelines were part of the "wider approach" to the problems of women as victims of crime.

In practice the effectiveness of the new policy depended to a large extent on the change of traditional negative attitudes shown by many officers. EDWARDS carried out research at two London divisions in 1988 and compared the

results with previous research that she had completed on the same divisions in 1984. She found that the results were encouraging. There was increased recording of incidents, of crimes, of arrests and fewer allegations of domestic assault were being "no crimed". However, still over 60% of cases fell into this latter category. BROTCHE (1988) thought that a major obstacle remained in that there had been no significant change in the number of cases reaching prosecution. Overall the study highlighted the problem facing police managers in changing well established practice through the issuing of new policy. After assessing the different results achieved at each station, the report found that there was still a tendency towards diverting cases away from criminalisation, by avoiding making arrests, referring parties to other agencies, and in many cases, doing no more than attending the call and stopping any violence in progress. EDWARDS (1989) summed up the reluctance of the police to become involved:

"Translating policy into action was one of the main problems facing all police initiatives. The effectiveness of police policy depended on creating a climate of awareness and commitment, within individual stations where police were supported by senior management and where its spirit was kept alive by junior officers and officers on the ground".

She thought the problem of reluctance to intervene and prosecute was compounded by the reluctance of the complainant to prosecute once having made a complaint. She opined that this probably affected the police non-intervention, including prosecution avoidance, and considered these difficulties were translated into the

police culture permeating at every level, including the police recording practice.

Poor recording practice had been identified as a problem and, in October 1988, the Metropolitan Police formulated policy to improve the situation. They actually followed the example set by police forces in North America. The new policy included a definition of "actual bodily harm", quoted from the case of *Regina v Miller*, QBD 1954 282, as "an injury that may be inferred if pain, tenderness or soreness results from an act even if no physical injuries were visible". It was sufficient if the violent act merely caused psychological injury such as hysterical or nervous condition. The procedure also laid down that all other types of assault were also to be recorded in the crime book. The aim was to fully and accurately record all assaults which were reported to the police and thus improve the service, give consistent advice to victims and assist managers to monitor police performance.

The next policy development was the setting up of specialised units of police officers, at local stations, to assist victims. The first was located at Tottenham Police Station. *City Limits* (1988) reported that the unit encouraged officers to arrest, e.g. in March/April 1988 out of 36 cases of physical assault the unit claimed that 29 arrests were made; gave victims advice on criminal prosecutions and information on help that was available from other agencies e.g. A.S.H.A.; kept victims informed of the bail conditions of the offenders and generally gave them support. HORLEY, in the same article, was cautious about the initiative and stated that there had been only small signs of change since the force order of 1987. However, the number of local domestic violence offices continued to increase on a local basis and in 1990, Sir Peter IMBERT, Commissioner

of the Metropolitan Police, made it one of his annual priorities to establish more domestic violence "Units". Subsequently the number continued to increase and at the time of writing this report, out of a total number of 68 divisions over 50 claim to have their own domestic violence office. As interest in this particular aspect of policing increased, the Metropolitan Police in 1990 issued a comprehensive set of guidelines and actual best practice for dealing with domestic disputes. It catalogued all the ad hoc local working practices which had sprung up in different parts of London. Many of these initiatives resulted from the formation of these domestic violence units and I have devoted a separate section to describe and assess their current role, effectiveness and development.

Other forces in the U.K., were meanwhile, developing their own local policies and practices. DEVONPORT (1990) reported that in May 1988 the first police domestic violence unit, outside London, was started by the Northumbria Police. Their force approach was different in as much as they worked with other agencies such as Marriage Guidance Counselling, and the Alcohol and Drugs Advisory Centre in which the emphasis was placed on tackling the underlying causes of the violence. Another example was the contribution made by the West Yorkshire Police Authority. They commissioned HANMER and SAUNDERS to research the local police approach to domestic violence and, in November 1987, their report was received by the Authority. The result was that the Chief Constable re-organised his police response and in December 1990 HANMER produced a follow-up report which evaluated, rather critically, the effect that the force changes had made in practice. The West Yorkshire Police response is described more fully at Chapter 14.

So it was that different policies were being practiced in this country. Some were based on arrest, some on mediation, whilst others favoured a co-ordinated approach with other agencies. Surprisingly, there was no central body, either at the Home Office, A.C.P.O. or the Inspectorate which appeared to be monitoring and evaluating all these different approaches. It was for this reason that I have suggested the National Police Staff College, at Bramshill, ought, as a starting point, to organise short courses on the subject of "police approach to domestic violence". It was believed that much positive progress could be made by the cross-fertilisation of police ideas and experiences which were invariably generated at these courses. I concluded from this section that policy alone would not alter practice. Basic attitudes of practitioners e.g. constables, can only be changed if police managers ensure:

- a) Constables are given the reasons for changing to a positive policy so that traditional, misinformed assumptions can be altered.
- b) A common, positive policy which favours one strategy, e.g. arrest, is adopted.
- c) Recording procedures must complement police practices. This can be achieved only through classifying all allegations of assaults as crimes.
- d) Monitoring and evaluation programmes are set up to ensure the purpose of any policy change is manifested in practice.

All of these recommendations were within the scope and power of chief superintendents to implement in their local police area. It is this freedom, which was given to local police commanders to issue local policy, that I will discuss next.

THE POLICY MAKING ROLE OF THE CHIEF SUPERINTENDENT

The purpose of this next section is to describe the policy making role of Chief Superintendents in charge of police land divisions particularly in the context of the Metropolitan Police. It will explain the devolved power which an officer of that rank has to create his, or her, own local policy. My Streatham project was a good example of this.

The organisation of the Metropolitan Police had three tiers, i.e. headquarters at Scotland Yard headed by the Commissioner, 8 areas each headed by a Deputy Assistant Commissioner and within each area a number of divisions (approximately 8 in number) each with a Chief Superintendent in charge. There are 68 land divisions in London.

In 1983, as a result of the Commissioner's Annual Report to the Home Secretary, a project team was formed to review the force organisational structure. Their objectives included rationalising command and functional responsibilities and considered adaptations which were required to improve management practices. The project team produced a report entitled "Force Organisation and Management Review" (F.O.M.R.) which was critical of the divisional command structure at that time. The researchers found that the emphasis on supervision tended to be from a retrospective perspective with divisional officers in command viewing their functions as supervisors as opposed to managers. Part of the fault lay with the traditional job descriptions in which there was little mention of responsibility for objective setting, strategic planning, experimenting with new initiatives or for adopting a proactive approach to problem solving. Instead they found there was a negative theme which tended towards

routine checking of records and constant involvement in the mechanics of station procedure at a very basic level. Most station procedures were laid down in a very comprehensive, and rigid, set of organisational rules written in "General Orders". This emphasis on rule keeping was written into the first paragraph of the chief superintendent's job description which stated that chief superintendents had responsibility for ensuring that "General Orders" were complied with.

Before 1983 there was no suggestion of autonomy in divisional policy or any guidelines which indicated the standards by which local decisions should be judged. The report writers pointed out that there was a need for local policies which were more sensitive to, and in line with, the needs of a local community. This was one of the main issues found in the Scarman Report (1981) and led to the birth of local community consultative groups.

The team also found that chief superintendents were often performing mundane clerical tasks and sought to re-distribute this work to more appropriate levels. The team drew attention to the poor management practice which made chief superintendents accountable for tasks, which were dictated from the centre of the organisation, but without giving them the control of resources which were necessary for their completion.

A number of solutions were recommended, accepted and implemented in 1985 by the Commissioner. Some of these had a far reaching effect on the policy making role of the chief superintendent. I will describe some of these as they enabled me at Streatham Division to have the freedom to research, plan, develop and create new policy for dealing with minor cases of domestic violence.

Most authority for managing the police organisation was devolved from the headquarters to the division. The division was viewed as fundamentally the most important unit in the policing of London. Additional resources were made available to carry out tasks which were the responsibility of the division. A comparison had been made with commercial organisations which had long recognised the key role played by the outset which represented the contact point with the customer. After all it was that unit which ensured that the benefits of the policy actually reached the customers. At the same time it was recognised that certain centralisation was necessary to combat forcewide problems which were unrelated to local boundaries, however, it was highlighted that local managers could feel frustrated if their freedom was curtailed to use their initiative. The report emphasised also that when policy was received in the form of details and precise instructions, rather in the form of guidelines, this could totally stifle any management initiative and flair. "General Orders", which were two lengthy books of orders were replaced by one instruction manual which gave guidelines and not orders. Police Orders, which were issued twice weekly and gave specific instructions were replaced by "Administration and Reference Notices" which again tended towards guiding and advising as opposed to laying down rules for all contingencies. Resources, including police overtime, were devolved to local management who were also given control of thirty local financial budgets with the power to vire between different capital accounts and between revenue accounts. As an example the Streatham annual police overtime budget was £500,000, and the Chief Superintendent was allowed to vire up to £10,000 into other revenue budgets, e.g. to make local purchases or to develop local publicity.

The role of the chief superintendent thus dramatically changed after 1985 and this was best reflected in an overview of the new job description. It is worth citing three items from this job description which will illustrate the shift away from a "retrospective supervisor".

1. Forward planning for the division, devising divisional changes and objectives within the Force Policy goals and the needs of the community.
2. Develop close contact with local people, organisations and the media; to liaise and manage community conflict; obtain feedback from the community and from members of the management team to ensure the necessary adjustment is made to divisional goals.
3. Setting personal objectives, developing own skills, keeping aware of professional knowledge together with changes and trends in society.

F.O.M.R. listed some key skills which were necessary for realising this new job description. These included:

Creativity
 Flexibility
 Innovation
 Ability to think forward and plan
 Listening
 Resolving conflict
 Keep aware of changes in society

Therefore, from 1985 the force organisation was changed to give more power and control to local managers who were encouraged to develop strategies, objectives and tasks which were more in keeping with the needs and requirements of the local communities. The voice of the minority

groups could now begin to influence local policing approaches to problems. Such groups applied pressure to improve police response to such issues as racial incidents, rights of prisoners, homophobic crimes and victims of crimes. This latter group included victims of domestic violence.

It would be wrong of me not to mention some of the checks and balances which were built into the system to make the chief superintendent give account for his or her policy and practices. Chief Superintendents had to consider these before embarking on any local initiative. There were three levels of internal checks which operated at headquarters, area and local levels.

First at a local level the Chief Superintendent produced two types of annual report; one, which was very comprehensive, was for the area Deputy Assistant Commissioner who assessed the content and progress of the divisional performance before the officer submitted the report to the Commissioner's Office. These reports from the 68 divisions formed the basis for the Annual Force Report to the Home Office. The other report, which contained many local performance indicators, was a document which was produced for the local community. Both reports covered the details and progress of the yearly objectives. These reports were also debated and discussed in a public forum at the monthly local consultative groups where Chief Superintendents invariably had to answer questions, from the public, on local policing.

Most of these annual police station objectives were made within the spirit of the guidelines set at the beginning of the planning year by the Commissioner. However, they could also be outside these parameters and be of a purely local nature. The police policy and actions were often of

public interest and attracted questions from local counsellors and M.P's e.g. council meetings, Question Time at the House of Commons. The publication of the police answers also played a part in stirring and influencing public opinion. The reaction of the local community then, in turn, guided future policy.

At area, force and national levels there was internal inspection teams who monitored, evaluated, advised and reported on police performance. Although they performed a reporting function if a Chief Superintendent adopted a policy which was against the spirit of either a Home Office Circular, a force or area guideline, then no doubt "pressure" would be applied to the Chief Superintendent to change his local procedure.

Like most organisations a department head is always answerable to the "boss". The police service was no different. Many force procedures required higher authority before embarking on a particular strategy e.g. the area Deputy Assistant Commissioner had to authorise any plain clothes operation to combat allegations of homophobic crimes. Before granting such permission the D.A.C. would require that every other avenue of approach has been tried before resorting to plain clothes observations. This type of "supervision" of divisional policy ensured a standard approach was adopted and made divisional Chief Superintendents internally accountable for their management approach as well as performance. The Commissioner was ultimately responsible and accountable to the Home Secretary for the organisation of the Metropolitan Police and therefore could not afford the possibility of "Maverick" divisions working at odds with the declared central policy.

To sum up the power and control inherent in the position of chief superintendent, I would suggest that he or she had local flexibility in policy making but this was set in the context of guidelines from the centre of the organisation and suggestions from the local community. The local Streatham policy for dealing with minor cases of domestic violence was within the spirit of the guidelines set by Home Office Circulars, within the spirit of the Metropolitan Police Order of 1987 and the 1990 Best Practice Guidelines, and were the result of listening and adapting suggestions from the local community in an attempt to improve performance in this area of policing.

Having briefly described policy making in the police both at national and local level my intention now is to return to the difference between policy and practice. It is my experience that the following issues have promoted a negative attitude by police officers to the policy of arresting domestic violence offenders:

1. Many of these cases were not followed through to prosecution and no sanction was therefore put on the offender.
2. Officers rarely saw an "end product" to their effort and work put into dealing with these crimes.
3. Police records, did not reflect police performance.
4. It was perceived by the police that positive arrest policies led to more officers being injured.
5. The whole police culture and management did not view these crimes as a priority.

Therefore, in my opinion, the police policy maker, if he is to be successful in the implementation of his policy, must adopt a strategy which will overcome these obstacles and so promote a positive attitude from a negative one. But first, the policy maker must understand why these attitudes have developed in the police service. To this end I will now expand on some of these issues. I will discuss the role of the Crown Prosecution Service, the police officer's attitudes, the role of cautioning as an end product for minor cases, the statistical level of assaults on police officers in dealing with domestic violence and police record keeping.

LEGAL PARAMETERS - THE ROLE OF THE CROWN PROSECUTION SERVICE

Policing policy and practice must first be examined in the context of the legal constraints binding police performance. In the field of domestic violence, a seemingly useful provision was introduced by Section 80 of the Police and Criminal Evidence Act 1984. Section 80(3) made the husband or wife a compellable witness for the prosecution if the offence charge involved an assault on, or injury or threat of injury to, the wife or husband of the accused. This legislative provision seemed to give the prosecution an opportunity of getting the victim, who was reluctant to have a change of heart, to appear before the court. But, I would argue, implementation was obstructed by later legislation under the Prosecution of Offences Act 1985. This act established the Crown Prosecution Service and took the responsibility for criminal prosecution away from the police. Section 23 allowed for the discontinuance of cases by the Crown Prosecutor and Section 10 set out the principles upon which the Crown Prosecutor can exercise discretion to prosecute or not. These principles are set out in the Code for Prosecutors 1984. They include sufficiency of evidence, reasonable prospect of conviction, public interest and credibility of the victim. A closer examination of this Code, which controlled C.P.S. practice, may provide reasons as to why only a small percentage of domestic violence offenders were pursued through to prosecution.

Section 5 stated that the Crown Prosecutor, in evaluating the evidence of the case, should have regard to the following matters:

"Does it appear that a witness is exaggerating, or that his memory is

faulty, or that he is either hostile or friendly to the accused or may otherwise be unreliable."

Section 9 stated that:

"In some cases it will be appropriate for the Crown Prosecutor to have regard to the attitude of the complainant who notified the police but later expresses a wish that no further action should be taken. It may be that in such circumstances proceedings need not be pursued unless there is a suspicion that the change of heart was actuated by fear or the offence was of some gravity".

So it could be, that in the application of the principles contained in these sections, within the context of prosecuting domestic violence cases, a Crown Prosecutor may well have decided to drop a prosecution case. The C.P.S. may well have regarded a woman victim who has left the matrimonial home, and sought relief in a women's refuge, as "hostile" to the accused. Conversely, the victim may well be viewed as "friendly" to the accused if she returned to live with the offender. Also, a woman victim, for a number of reasons, may well have felt a change of heart about continuing with a prosecution. Within the guidelines, all these circumstances gave good reason for stopping a case being prosecuted and invariably this decision was taken after police have summonsed or charged the offender.

This vulnerability of the victim, was compounded by the Crown Prosecutor who was encouraged to use his legal discretion, under Section 3, not to pursue a prosecution unless there was a likelihood of getting a conviction. Section 3, which gave authority for the Crown Prosecutor to withdraw a case stated:

"Crown Prosecutors at every level in the service will have great scope for the exercise of discretion at various stages of the prosecution process and in respect of many different functions. The responsible use of that discretion, based on clear principles, can better serve with justice, the interest of the public and the interest of the offender, than the rigid application of the letter of the law. The misuse of discretionary powers, on the other hand, can have severe consequences not only on those suspected of crime, but also on the public at large and their application of justice and the service itself".

The Crown Prosecution Service, unlike the Attorney General in Canada, had not issued any principles which were sympathetic to the plight of the victim of domestic violence. The code appeared to provide ample justification for the exercise of discretion by the Crown Prosecutor and legitimised the withdrawing of many such cases. This view was expressed by EDWARDS (1989) who quoted my research findings at Streatham Division in 1987. I looked into all police charges and summonses, in 1987, in which offenders were due to appear at court. My aim was to find out what happened to cases when police handed the prosecution over to the C.P.S. This was at a time when the police did not have a strong arrest policy and therefore most of the cases involved assaults where the injury was more serious. I discovered that in 46% of cases a prosecution was not continued and, therefore, there was no punishment of the offender. Unfortunately I was not able to get sufficient information from the C.P.S. as to the reasons for this poor prosecution rate, but verbally I was informed that victim withdrawal usually featured high on the list. However, I would

infer that the legal constraints built into, and practiced by, the C.P.S. mitigated against the pursual of domestic assault cases through to conviction. This small piece of research suggested that the efforts of police in arresting offenders and bringing them before the courts was being thwarted by the legal discretion exercised by the C.P.S.

This issue was further complicated by each of the thirty one crown prosecution areas who made their own decisions and set their own policy within the Code of Practice. It was this authority which EDWARDS (1989) believed led to inconsistency in the handling of cases. This unsatisfactory state was quite different from the policy pursued by the Ministry of Attorney General in Ontario, Canada. It is worth being reminded of their philosophy, which was in stark contrast:

"Crown Attorneys may proceed with a prosecution against the wishes of the complainant. The Crown Attorney should accede to a request by the complainant not to proceed only after giving the request careful and serious consideration. This is clearly in line with the view that domestic violence is in the realm of other criminal offences and must be treated as equally serious and not regarded solely as a private family matter".

HORLEY (1989) also highlighted this "strange contradiction" in the policies between the police and the Crown Prosecution Service:

"We need a stronger co-ordinated policy with the judiciary because the police have found that the C.P.S. is reluctant to accept cases of domestic violence. This should not happen: it demoralises the police and women concerned".

Although there has not been specific research into this area, it did appear that the C.P.S., through their interpretation of the Code of Practice and discretion, may well have adopted some of the traditional police attitudes to this crime. Whilst it was accepted that the C.P.S. was an independent body, and therefore beyond the control of police, the message for any police policy maker wishing to influence the C.P.S. discretion may be to create a positive arrest system and inform the C.P.S. of the reasons for such an approach. This type of inter-agency approach can be discussed at liaison meetings between the police and the Crown Prosecution Service and also at Court User Groups. This strategy may eventually influence the Crown Prosecution Service to change their "probability of conviction" stance to one of vigorous prosecution and thus give greater support to victims. I suggest that any new police innovation in domestic violence must be supported by a strong prosecution policy against those charged by police.

POLICE ATTITUDES

The purpose of this section is to describe briefly the prevailing police attitude towards domestic violence, consider some of the research that has been undertaken in this area and I shall attempt to account for this attitude and approach by officers in this country.

PAHL (1982) found the police emerged as the least helpful of all the main agencies to which women turned for help before going to a refuge. The London Strategic Policy Unit (1983) thought the police used a jaundiced view of women's willingness to pursue complaints as an excuse for taking no action themselves. FARAGAR (1985) studied the police response in the communications room at two urban police stations and observed twenty six calls for police assistance in domestic disputes. In ten of these cases there had been an infringement of the legal code, five involved assault. In only two of these cases was an arrest made. FARAGAR thought that in many of these cases, where no arrest was made, officers had taken on the role of acting as judge and jury.

The Policy Studies Institute (1988), in a study which attempted to evaluate the police work, spoke to few officers who "liked" dealing with domestic incidents. More typical the police attitude was that officers found domestics were a "pain" to deal with and "a waste of our time and the court's". A number of officers who were interviewed said that this type of work was "time consuming" and not satisfying, particularly the repeat calls to deal with incidents between the same people. REINER (1985), wrote that many officers regarded domestics as "rubbish". EDWARDS (1989) confirmed that the rank and file officers were "ambivalent": she thought that it was understandable because officers were not always wanted at

the scene. She found that only few officers ever considered arrest appropriate and even "when appropriate" still did not arrest. BOURLET (1990) discovered that police officers generally had a negative attitude to this type of work and were reluctant to accept it as part of what they perceived to be "real police work".

There are many factors which influence the discretion of officers. Some are personal and some are professional. It is therefore worthwhile to examine briefly two of these factors, which may have encouraged a negative outlook and hopefully this will identify the part of the problem and lead on to what can be done to change this approach.

CONFLICT OF APPROACH STRATEGIES

In the vast majority of cases the decision to arrest and charge an offender lay with the constable. In making the decision, the officer was accountable to the law. As I have said there is no mandatory arrest policy in this country. The police, in exercising their discretion, may adopt a number of courses. They may decide to take no further action or refer the matter to some other body such as the Social Services Department, issue a formal caution either written or verbal, or report the matter to the Crown Prosecution Service. It was in this area of exercising their discretion that many commentators have been critical. As an example PAHL (1982) found that police did not treat assault in the home as serious as an assault in the street by a stranger and found there was a conflict in the course of action open to officers, i.e. the role of the law enforcer or that of just being a peace-keeper. This was best perhaps explained by the different demands of the victim. Some victims wanted the law enforced, but others simply wanted the offender calmed down, some wanted to be taken to a place of safety, while

others wanted information about their legal position if they remained at home. The difficulty facing an officer was to decide what action was best and most appropriate in the interest of the victim.

This conflict of strategies, or options, was made even more difficult for an officer who made a decision with only limited information, and facts, about the situation as seen reported to him or her.

ASSUMPTIONS AND PERCEPTIONS

Many personal assumptions and perceptions are built upon personal and professional experiences. In the Police Force I have always found that the views of my peer group, sometimes referred to as the police "culture", have played a strong influence on my decision making. A number of researchers have examined these assumptions and perceptions and my aim in this section is to highlight some of them.

HANMER and SAUNDERS (1989) found that police officers had a "crude and simple" assumption that society was clearly divided into the good, the bad and the ugly. They discovered that this simple yardstick, in judging people, was often applied to crimes committed in public places, however, in people's homes officers experienced uncomfortable feelings about being an intruder. The roles, which influenced their conduct out in the street, became "unclear". Officers, as a result, inevitably relied on their own personal experiences, as members of their own families, into home based interventions with their own pre-conceptions about what they considered were acceptable forms of behaviour in the home. Officers perceived being called to such incidents as attending a "domestic" rather than responding to a crime. They were

expected, by their supervisors, to mediate between parties and only if it was a serious assault would it get reported as a crime.

HANMER and SAUNDERS also found a different approach to domestic violence between male and female officers. A typical response for a male officer was, "why do we have to sort out marital problems ?" But female officers tended to say "I'd like to think that if I was being beaten up somebody would come and rescue me". HOMNENT and KENNEDY (1985) in the U.S.A. and EDWARDS (1989), in this country, came to the same conclusion. They surmised that perceptions of a situation influenced the action taken by officers thus if officers perceived a domestic dispute as a marital problem, they were likely to act as "poor and unqualified social workers". However if their perception was of being called out to deal with a crime they would more than likely attend as police officers dealing with a crime and appropriately administer justice.

FERRARO (1989) also found that police officers tended to divide the community into normal and deviant citizens. Normal citizens abided by society rules through maintaining employment, sobriety, family and a modestly clean home. They were normally heterosexual, white and spoke English. Deviants, on the other hand, were invariably intoxicated or high, homeless, involved in crime, lived in run down houses, had atypical family structures and/or spoke a foreign language and habitual problems were endemic in their lifestyle. FERRARO suggested this idea of stereo-typing emerged through police practice. She suggested that officers would arrest if the offender was a "normal citizen" because they believed that such suspects may be deterred by arrest because both violence and arrest were extra-ordinary and undesirable events for such people. However arrest and

violence were viewed as routine events for deviant men. She found officers on patrol often referred to Mexicans, Indians, gay men and people in housing projects as "low lifes", "scum", or, "these kind of people". Officers believed arrests were a waste of time, and meaningless for these people, because violence was a way of life for them.

FERRARO also found that police officers held stereo-types about battered women. One repeatedly expressed to her was the idea that battered women were likely to drop any charges that might be filed. She found that police officers believed that battered women chose to remain in abusive situations and most thought that adult women could leave violent situations if they wanted to. That said, officers expressed to her a range of attitudes from being sympathetic through to being neutral, towards battered women. Unlike HANMER and SAUNDERS, she found a wide range of attitudes expressed by women officers. The majority of women officers expressed their disdain for family fight calls and many held antagonistic views towards an arrest policy as a means of dealing with such incidents.

It has to be accepted, by any policy maker, that attitudes cannot be changed overnight. I believed written guidelines could change behaviour which may eventually lead to an alteration in attitudes.

RECORD KEEPING BY THE POLICE

Whilst much valuable operational time was spent by police officers in handling domestic violence at the scene of the crime, often in the past, this has not been reflected in the number of police records. It was these records, rightly or wrongly, which were often regarded as a performance measure of the police. I believed that it was this apathy in record keeping that contributed to the negative approach by some officers and it was my intention in this section to draw attention to some of the research that has been done.

I would contend that the high level of domestic violence was not known. A number of researchers have variously estimated this figure. As an introduction, I will reflect on some of these findings. The British Crime Survey (1989) found that 18% of all crimes of violence were incidents involving family, lovers or ex-lovers. The report acknowledged that both domestic and sexual assault, against family members, was very much "under-counted". An earlier crime survey in Islington discovered that only 27% of all domestic crime was reported to the police. NEUSTATER (1988) estimated that 60% of all married women were subjected to physical abuse and that 25% of all battered women suffered violence through pregnancy. JAFFE and BURRIS (1983) showed that women were battered, on average, thirty five times before they reported the incident to police or left their partner, or both. They pointed to various research studies which indicated that between 10 and 50% of all women who live with a male partner will be assaulted at least once during their relationship.

SAMPSON and FERRELL (1990) conducted a victimisation and crime prevention survey on an inner city area to assess,

inter alia, the under-reporting of crime seen and heard by 600 residents. Whilst there may, of course, be issues on how residents went about knowing what they had seen or heard, their findings confirmed the vast under-reporting of domestic violence, especially when compared to other crime:

	Burglary	Street Arrests	Domestic Violence
Proportion of residents who have seen or heard an incident	237 40%	243 91%	181 30%
Proportion of incidents not reported to police	66 28%	88 36%	158 87%

Whichever figure was correct, no doubt, much of it was as a result of the non-reporting by the victim, however, some of it was due to the poor reporting practice adopted by the police officers. This has had a profound effect on the under-reporting of the crimes which reached official statistics.

SMITH (1989) wrote, that despite the considerable demand on police resources, there was very poor record keeping and it was not possible to retrieve figures from official Home Office statistics to show trends and levels of domestic violence. BOURLET (1990), was critical of the Home Office for not linking the relationship between the victim and the assailant in their Home Office statistics. He emphasised the fact that this was one of the recommendations made, but not yet implemented, by the House of Commons Select Committee on Violence in Marriage in 1975. He rightly pointed out that such statistical data could easily be organised, and produced, to enable social services, probation service, local authority

housing service, police and other agencies to assess their policies and resources which could then be planned according to the problem. He suggested that it would possibly allow those agencies to make provision to deal more effectively with this issue, rather than rely on estimates. Whilst accepting there was no current official crime classification of "domestic violence", it was nevertheless relevant to consider the amount of case attrition at each level of the reporting system. I hoped to illustrate the "odds" against a domestic crime of violence reaching the official statistics, albeit in one of the assault classifications. Research had been carried out at the different stages of reporting. It was shown that, at each stage, there was a significant number of crimes which were "cuffed" out of the system and so never reached official Home Office crime figures. Each stage will be briefly discussed.

The level of reported domestic violence depended, almost entirely, on the reaction and response of the public and victims to inform police of the crime. As discussed, at the beginning of this section, only a small percentage of victims reported the crime to the police.

Second, at the point of contact with the police, officers often used their discretion in favour of not reporting the incident. Researchers found, for instance, that radio controllers and telephone operators often screened out calls. PARNAS (1971) found that this was particularly so for domestic violence, especially if the police were busy. DUTTON (1977) found that if the victim phoned the police for assistance there was only a 50% chance of getting help, other than just advice. Although this research was conducted in America, it is my experience that there is very little difference in policing practice in this country. SMITH (1989) suggested that when an officer arrived at the

scene he or she may well have exercised discretion and decided that the circumstances did not warrant completion of a crime report. Conversely, research at a much later date by EDWARDS (1989) found that this only happened infrequently and that some forces had eliminated this discretion by making reporting in crime books mandatory, e.g. Metropolitan Police Policy 1987. Nevertheless, CHATTERTON (1985) produced an interesting analysis of policing and styles that operate in relation to the arresting and charging of offenders in assault cases in Manchester. He adduced from his observations that persons involved in assaults clearly expected police to adopt an adjudicatory role when dealing with such incidents. He concluded that there was much more at stake, and more to be considered, than the formal procedures when officers were making a decision on whether to submit a crime report or not, e.g. their relationships with colleagues, C.I.D., and senior officers. He found there were various policing styles adopted by different officers, particularly in arrest situations. These styles, which he called snatching, dodging and negotiating, affected the outcome of cases. "Snatchers" believed that they had to produce an above average arrest rate to convince supervisors that they were committed. "Dodgers" put their own individual interests and convenience before those of the job. The majority, he thought, were "negotiators". CHATTERTON put their philosophy as:

"Identifying not only the legally relevant features but also those relevant to their concern to assess culpability. Experience confirmed that the legal victim did not always prove to be the moral victim".

It is my opinion that these three different policing styles, probably contributed to many offenders, whilst legally guilty, not being arrested by officers who viewed

and judged the incident from a "moral perspective". I would suggest it is also not an unreasonable assumption, that because of the type of work, calls to domestic violence would attract "negotiators". "Dodgers", no doubt avoided attending these calls as would "snatchers" because they would not be able to see a forthcoming arrest. Lastly, at the station itself, many crimes were blotted out of the books by the police classification of "no crime". EDWARDS (1989) stated that when she researched two London police stations in 1984/1985 she found that up to 83% of allegations of domestic violence were in this category. This confirmed earlier research by McCLINTOCK (1983) in London. He found that "no crime" was widely used in the classification of other crimes. STEER (1981) similarly looked at recording practices in Oxford and found the category of "no crime" extensively used when allegations of crime could not be substantiated for a number of reasons e.g. evidence was weak because the injury was not visible, to where the injury was visible but the complainant decided not to prosecute. SMITH (1989) took issue with the different habits of operational officers in dealing with domestics and suggested that such practices e.g. allowing for a cooling off period before reporting, asking victim in front of the offender whether she wished to press charges, or repeatedly asking the victim if she really wanted to proceed "encouraged victims to withdraw allegations which were then no crimed". This position was well described by the London Strategic Policy Unit (1986). They stated that "no criming" made nonsense of the accurate recording of criminal offences. By "no criming" the police did not mean to imply the offence did not occur, but rather that they were not pursuing the charge. Logically, they argued, the offence should be recorded as "detected, not proceeded with". It was this procedure which was followed by some forces outside London, i.e. Kent.

There was no standard policy, across U.K. police forces, about "no criming". SMITH (1989) made the excellent suggestion that consideration should be given to treating domestic violence in the same way as laid out in the Home Office Circular number 69/1986 on rape. In other words, the assault allegation should be "no crimed" only if there was a complete retraction of the allegation by the victim and an admission of fabrication. Crimes should be classified on the original statement made by the victim or the witness. I completely concurred with SMITH, and as will be seen later, the Streatham Policy took account of this suggestion and appropriate local instructions were issued.

It is very relevant, at this point, to mention that there was no common policy between police forces for "clearing up" crime. CHATTERTON's research showed that when officers were investigating a crime, where it was unlikely to produce a result, the C.I.D. thought it quite reasonable in the circumstances to "cuff it". He considered the C.I.D. were understood to be the "keeper of books" with ultimate responsibility for ensuring that they balanced at an acceptable detection rate ! The detection rate was calculated by the total classified crimes being divided by the arrest clear up rate and this was expressed as a percentage. There was, therefore, an incentive to keep the total classified crimes down and so improve the detection rate. It was probably for this reason that C.I.D. officers "no crimed" as much crime as possible.

The official Home Office counting rules stated that where the guilt of an offender was clear, and the victim was reluctant to press charges, then the matter should be cleared up. EDWARDS (1989) suggested that confusion and great ambiguity still abounded about this issue. She

gave as an example South Wales, where the police routinely entered domestic assaults as a crime and then cleared up the allegation. However, in London, she found that police still treated many of these such allegations of crime as "no crimes" and therefore, failed to take the opportunity of classifying the crime as a "clear up". She suggested that confusion, and therefore scope for ambiguity, arose from the term "where the guilt of the offender was clear" as contained in the counting rules. She strongly argued for a uniform police policy to be adopted across the country. The guilt of the offender should be inferred from the victim's complaint allegation alone and there was no need for the police to obtain other evidence, e.g. from a witness or an admission of the suspect, before classifying a crime of domestic violence. It was exactly this proposal that I adopted in the Streatham divisional policy.

ASSAULTS ON POLICE

Whilst a policy maker can issues instructions to improve reporting and records keeping, I would contend that the real challenge was to break down the myths that abound in the police culture. One such myth was in relation to the number of officers that are assaulted whilst dealing with domestic violence. These myths were often referred to as "rumour control", the content of which was often based on anecdotal evidence and not fact. Nonetheless "rumour control" has had either a negative, or a positive effect on how police went about their operations. A policy maker cannot afford to ignore it !

It has long been recognised by police officers, including myself, that the handling of domestic disturbances posed difficulty and danger. This was particularly so because of the unpredictable and volatile state of those concerned. On occasions the verbal or physical abuse of the people involved will be re-directed towards the intervening officer who can be assaulted themselves and suffer from the resultant injuries. So, if a policy was to be changed particularly for more "arrests" then, I doubt if it could be accepted in practice if the rumour was that it was going to add more danger to their work. It is the aim of this section to consider briefly the research findings in this area in an effort to ascertain what was behind "rumour control".

In the U.S.A., the F.B.I. reported one fifth of all deaths of patrolmen while on duty fell into the category of "family disturbance" and nearly 30% of assaults on officers occurred in these type of situations.

Another survey in the U.S.A. by DOLAN (1986) of police officer's attitudes revealed that domestic violence was

regarded as a real threat to their safety. SMITH (1989) wrote that this was one reason why police were reluctant to become involved in domestics. GARNER and CLEMMER (1986) re-analysed the statistical evidence in the U.S.A. and concluded that the danger to police had been overstated. When domestic incidents were separated from disturbance calls, data revealed that there were fewer police officer's deaths actually associated with domestic assignments than there were other types of domestic calls. They estimated that police deaths which occurred during domestic disturbances were less than one third of the number commonly found in the previous literature. STEWART (1986) looked at police contemporary training for domestic disturbance calls and found that danger to the police was a major theme in such programmes. His research revealed a good deal of police work and training had been based on anecdote and assumption. He thought that GARNER and CLEMMER's research, which had given new information on the limited threat to officers from domestic disturbances, freed police managers to explore more effective ways of dealing with domestics. ELLIS (1987) further analysed assaults in the U.S.A. for 1982 - 1983 and attempted to put the assault figures in perspective. He found that for every police officer assaulted at the scene of a domestic call, five were assaulted whilst attending a non-family disturbance. LEVY and DUTTON (1978) in Vancouver, examined police injury figures and their findings also contradicted the myths which had developed in the police culture. They discovered, of all the injuries on duty, during a six month period in 1975 there were only 29 reports of officers being injured on duty and that only two were from the scene of a domestic dispute. In both incidents the injuries were of a minor nature.

Unfortunately, there were no official British statistics which illustrated the levels of, or trends in, police

officers being assaulted on duty whilst dealing with domestic incidents. In fact, there were no official statistics which showed the level of police officers being assaulted on duty. This was confirmed by WHITEHEAD (1989) who conducted research into this subject for the Police Review Magazine. He wrote:

"No-one knew how many officers were assaulted each year. Enquiries to the Home Office, the Inspectorate, Association of Police Officers and even the Police Federation, all drew blanks".

WHITEHEAD decided to collate figures for the Police Review Magazine. A questionnaire was forwarded to all the U.K. police forces who provided the necessary data, but the researchers found that there were differences even in recording practices. This made comparison between forces impossible. Their survey did show that 20,000 officers had filed a report showing that they had been injured on duty in 1988. However, there was insufficient recorded detail to show how many officers were injured whilst dealing specifically with domestic disturbances. The lack of research in this particular part of the subject was rather disappointing. I felt that this was such a fundamentally important issue in getting policy adopted in practice that I conducted local research to find out the facts and this will be discussed later.

Having considered some of the research findings surrounding the subject of domestic violence, I shall move on to another aspect which was at the heart of my policy, i.e. the use of a caution as an end product to the police response for this type of crime.

ADULT CAUTIONING

A frustration felt by many police officers was to see no end product to their work. In the area of crime police officers in my experience were relatively satisfied if an arrested person was charged and taken before a court. In police cultural parlance this was called putting a person "on the sheet". This term came from charge sheets which were the fore-runner to custody records. Officers were judged, by their peer group, if their arrests were shown to have a positive end product, e.g. charge, summons or in recent times caution. This end product often indicated to them, and their peer group, that their actions were justified.

The aim of this section was to describe the recent origins and growing use of an official adult caution as a means of disposing of cases. Of course people have always been "warned" by police but it is only in recent years that proper police records have been kept. I will argue that a caution had a place particularly in dealing with the less serious offences. I have already discussed arrests, record keeping practice and prosecuting and I suggested, in theory, if the conditions of an adult caution were satisfied, this procedure may be used to good effect as an outcome to arrest for cases of domestic assault where the injury was of a minor nature. It was this idea which was a focal point in my Streatham approach.

An official adult caution for crime was usually given by a senior police officer, in uniform, under formal circumstances. The offender was warned about his criminal behaviour, informed a record would be kept for three years, and that information about the caution would be given to a court by way of antecedent history should the offender subsequently be convicted of an offence.

There was no set format for a caution. The HOME OFFICE WORKING PARTY GROUP 1984 advised:

"We feel that this (form of caution) should very much depend on the individual case and that the police should judge the best method of issuing a caution according to the character and circumstances of the offender. Often a formal reprimand at a police station will be appropriate but, in other circumstances, perhaps particularly with the elderly and those "at risk", it may be considered a more informal procedure would be more appropriate, the caution perhaps taking place in the offender's home".

The administrative procedure for cautioning a person entailed the offender having to sign an official form admitting the offence, fingerprints and photographs taken and a central record kept for three years. There was no national index, similar to the National Identification Bureau for criminal records, of persons who received cautions. It is therefore possible, at present, for an offender to be cautioned in one force area and those details not being available to another constabulary should the person re-offend elsewhere. (I have made it one of the recommendations of this thesis that a national index be set up and operated at the National Identification Bureau).

Cautions ranged from a short, sharp and stern warning from a senior officer to a lengthy interview where professional and personal advice was given. The caution can take place in private or in the custody suite of a police station. Offenders were often referred on to other agencies. However, this was only be on a voluntary basis and not conditional to accepting a caution. Experience of cautioning for domestic assaults at Streatham, had shown

that the offender, normally male, may well be accompanied by his partner or his children when he returned to the station. He may want to discuss the background circumstances of the crime, or have a "man to man" talk about his current domestic situation, or conversely will not be prepared to communicate at all. At Streatham the police officer carrying out the caution would allow half an hour for interviewing the offender.

Recent background research on the police use of cautioning was completed by a Home Office working party in 1983. The terms of reference were to recommend a basis for a more consistent and effective cautioning practice. Their report said that a caution:

"Has its roots in the discretion of police whether or not to initiate criminal proceedings when an offence is disclosed and is generally regarded as an alternative course to prosecution".

The Home Office found that most forces made some use of cautioning procedures for dealing with adult offenders. This was particularly so for elderly offenders and for those who were mentally disturbed or under "particular stress". Some forces extended cautioning into groups of offenders who were sometimes known to be "at risk". This group included people who were under emotional distress perhaps suffering from "severe domestic difficulties". Lord Shawcross, when Attorney General in 1983, whilst drawing up guidelines for prosecution, commented "It had never been a rule that a suspected criminal offence must automatically be subject to prosecution, rather "the dominant consideration" must be the requirement of public interest". The Home Office researchers found significant disparities in cautioning rates: Firstly, among different

age and sex groups and different types of offences, and second by different cautioning rates among different police forces within the same group of offenders. Such disparities in dealing with offenders were similarly highlighted by the Royal Commission on Criminal Procedure which stated that the general fairness and consistency in prosecution should be subject to a uniform policy throughout the country. After examining the research findings, especially the impact of Home Office Circular 70 of 1978, the working party concluded, that, to bring about a more consistent practice, the way forward was to prepare revised and expanded guidelines on cautioning. It considered a more important factor in determining the level of cautioning was whether there was a clear presumption indicated in favour of cautioning. It said of policy:

"What in the end counts, is how a particular policy is applied on the ground".

Certain forces had significantly affected the cautioning rates by deliberate changes in policy. The working party concluded:

"While differences in local circumstances are likely to continue to bring about variations in cautioning rates, these rates can be affected by the attitude of the police towards cautioning and inconsistencies in cautioning rates can be caused by variations in policy".

The working group thought that if an individual had broken the law and did not rank for prosecution, there was every advantage in registering a mark of society's disapproval in respect of the offence. The study suggested a caution should be readily distinguishable from a conviction but it should also be something different from a simple "let

off". The report concluded that a caution could be regarded as a form of punishment with consequences for the individual, e.g. cited in court, and considered that a caution was not as severe a penalty as a conviction and sentence, but that it did carry some weight.

The implications for the criminal justice system were that cautioning did not usurp the function of the courts because the question was, not so much how offenders should be punished but whether they should be prosecuted. As I have mentioned previously, police had always used their discretion on whether to give an offender advice, a warning or a severe "ticking off" and this process has always, albeit unofficially, sat comfortably alongside the official prosecution system. The working party thought there would only be a limited saving on court time because if the caution cases were taken to court, the prosecution would normally be straightforward and probably uncontested. Interestingly enough, the group thought that a more consistent and effective cautioning practice may have led to an enhancement of public confidence in the way that the criminal law was applied.

As a result of the recommendations of this group, the new guidelines were produced in 1985 and revised in 1990 - see Appendix 1.

Whilst there has been much research on juvenile cautioning, there has been little analysis of adult cautioning after the 1985 guidelines. Some limited research was carried out by Avon and Somerset Constabulary in conjunction with Bristol Polytechnic. They conducted a study into adult cautioning after developing the Home Office guidelines. Their system of adult cautioning disregarded previous cautions and convictions of offenders. The only criterion for cautioning was the

seriousness of the offence. The force policy held a presumption in favour of cautioning of young adults up to 21. Albeit the research period was only for six months and there was no evidence to confirm it, the impression of WESTWOOD (1990) was that there was no increase in the recidivism of offenders as a result of the policy change to cautioning. It was also significant that there was no difference in the level of reported crime as a result of using the caution policy. Whilst I would accept that the evaluation time was too short, and that reported crime was not a good indicator of a rise and fall in crime, this result had importance in as much as it challenged the presumptions of some officers who had doubts about the effectiveness of caution especially when compared to court appearances. It had to be conceded, however, that more detailed research needed to be done to test more conclusively the cause and effect of an adult caution. WESTWOOD thought the most immediate practical advantage was the saving of police time particularly in the preparation of case papers. He also found there was an increased job satisfaction for arresting officers who made recommendations, in their own cases, to the inspector. It was also interesting, that officers made recommendations that included a caution, as they saw it, as a legitimate means of disposing of a case.

But even accepting this limited amount of research, about the effectiveness of the caution, statistics from the office of Her Majesty's Inspector of Constabularies showed that a number of forces were making a significant use of official cautions. As an example, the following table of comparative caution rates of 6 forces illustrated the use of cautions as a means of proceeding with criminal offences.

<u>Caution Rates 1989</u>	<u>Total no of persons involved in criminal proceedings</u>	<u>Total persons cautioned for indictable offences</u>
Avon & Somerset	25,026	961 (4%)
Hampshire	28,086	1769 (6%)
Kent	17,491	1603 (9%)
Lancashire	28,929	1696 (6%)
South Wales	28,521	1248 (9%)
Thames Valley	26,364	1862 (7%)
<u>National Average</u>	<u>17,494</u>	<u>1215 (7%)</u>

As can be seen from these figures, in 1989 7% of offenders, who had committed indictable offences, had their cases processed by way of adult caution.

In London, the Metropolitan Police was also making an increased use of adult caution for all types of criminal offences. Statistics had been kept since 1985 and the annual totals reflected this as follows:

<u>Year</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>
Total Notifiable Crimes	109,786	103,084	109,587	108,706	101,420
Total Cautions	7,444 (6.7%)	9,101 (8.8%)	9,674 (8.8%)	9,926 (9.1%)	11,102 (10.75%)

Individual caution records were only kept for three years so a detailed analysis of the figures before 1988 was not possible. However, an analysis of the data since that year showed that the number of cautions for assaults had increased in the last two years from 577 in 1988 to 858 in 1989. A breakdown of the figures revealed cautions were administered to a wide range of offenders who committed assaults. The breakdown, by age, for cautions and assault cases in 1989 in London was as follows:

Age Group	No of Cautions	% Of Total Cautions
17 - 21	149	17
22 - 30	292	34
31 - 40	228	27
41 +	190	22

These figures show that 78% of all offenders who received cautions were under 40.

Having considered the evidence about cautions in other police forces and the Metropolitan Police, I made a brief comparison with Streatham in 1988. I took a sample of nine days police custody records at the beginning of October. It showed that of the 102 persons arrested, 42% were charged, 15% were cautioned, 13% involved no further action being taken and the rest had other action taken against them, e.g. bailed out for further enquiries. This analysis tended to show that there was already a healthy acceptance of the principle of cautioning at Streatham. Of those cautioned, 50% had committed a crime which was recorded in the crime book.

Regrettably, there was insufficient recorded details to establish any pattern on the use of cautions for domestic violence. One of the main reasons for this was that there was not a separate crime classification for domestic violence. It was suggested by SMITH (1989) that there was a good case for having such a specific Home Office crime classification of assault which showed if the circumstances of the crime were in a domestic context, e.g. "A.B.H. - domestic". It followed that forces could then have kept accurate details of crimes for this type of offence. It was suggested only then that commentators could begin to realise the high number of offences that were being committed in our community.

Whilst cautioning was greatly welcomed for many offence categories, I must point out its application in domestic violence cases was a matter for considerable controversy. HORLEY (1990) criticised the use of adult cautions as a means of dealing with domestic violence. She maintained that cautioning downgraded the offence. In consequence she feared that officers may have not seen this type of offence as important and may have ceased to take action. She stated that it conveniently avoided contact with the Crown Prosecution system which was not prepared to prosecute those cases which they saw as weak. She also hinted that police officers may have "net widened" minor assaults to include crimes where a more serious injury had been inflicted on the victim. She saw two reasons why police officers might have been tempted to take this course. First, because of the ambiguity in defining the word "minor" and second, officers might have downgraded an assault so that it could fit into the cautionary procedure and so avoid a court appearance.

It was my view that a caution had all the characteristics of a formal sanction. Its success, no doubt, depended on the deterrent impact that it had on the offender. While "minor domestic assaults" were not at all minor for the victim, I would argue that the courts never considered it appropriate to sentence such offenders in a draconian way. I believed that some offenders could be deterred from committing further crimes by the salutary effect of their arrest, detention, the taking of fingerprints and the formal caution. I argued that there was an incentive to the arrested person, who was cautioned, in that there was no permanent police records, provided he or she did not re-offend. Finally, I contended that the caution process could have encouraged offenders and victims, to seek counsel from other agencies such as Relate and Alcoholics Anonymous without having to go through the formal court

procedure. At this point I have concluded my Literature Review. The next stage will be to discuss the background pressures which caused police forces to look at their response to domestic violence then explain the background and development of my new policy at Streatham before going on to expand on the actual mechanics of the scheme.

BACKGROUND
PRESSURES FOR POLICE CHANGE

BACKGROUND PRESSURES AND REASONS FOR POLICE CHANGE

There was no one reason to explain why the Police Service (in the last twenty years) had been slowly changing its approach to domestic violence. A combination of resources, pressures and influences had all probably played their part. There had been academic reasearch findings into the Police response; there was a Police Service which had been questioning its role in society whilst it endeavoured to consult, listen and adapt so as to be in tune with the community it served; there was the voice of feminism and women, together with a Government which had enacted laws and provided guidance in an effort to improve the overall service given to the victims of crime.

I will illustrate some of these influences by focusing on the recent impact of Police and public consultation, the effect of more women officers joining the Police Service and the growing importance of victim support on the role of Police in the context of supporting domestic violence victims, the growth of feminism, the National Commission on Violence Against Women and the work surrounding rape investigation.

POLICE AND PUBLIC CONSULTATION

Lord SCARMAN enquired into the Brixton riots of 1981 and produced a report which signified a watershed in police/community relations. He found that prior to the riot there had been a breakdown in Police relationships with the local community. This was a contributory factor to the disorders. As a result, he proposed that a statutory system of local Police consultative groups should be set up to ensure "the Police, their policies and operations keep in touch with, and are responsible to, the community they police." Afterwards the Home Office drew up guidelines for this consultation process. In the opening paragraph the guidelines stated:

"Effective policing depends on such consent (of the community) being given and being seen to be given and on the Police Service making decisions which are in tune with the needs of the local community".

Viscount WHITELAW, Home Secretary in 1983, told the House of Commons how this form of consultation was intended to improve the quality and effectiveness of policing. It also enabled the Police to respond more directly to the concerns and anxieties of local people and encouraged Police and the public to co-operate in action to reduce the crime in their area. Since 1981 these consultative groups have been an important forum in which Police representatives listened to the views and concerns of the community. Often these groups took up issues and as a result influenced the Home Office, or Police, to reconsider their position and change a particular policy. Examples of this direct and indirect influence were found in such policing areas as ethnic recruiting, Police handling of racial incidents, lay visitors, equal opportunities, Police training and, in recent times, domestic violence. The influence of consultative groups was best illustrated by quoting from the first paragraph of the 1991 "Home Office Guide on Police and Community Consultation". The paragraph heading was "Tacking Crime In Your Community" and showed the status which the Home Office gave to domestic violence alongside other crimes:

"What can be done about burglaries, vandalism, street robbery and crime in your area? Or the complex social problems of racial harassment, domestic violence, child abuse and drug and alcohol abuse?"

The next part of the guide described the reason for setting up consultative groups:

"They have been set up all over the country so that people can get

given and being seen to be given and on the police service making decisions which are in tune with the needs of the local community".

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"What can be done about burglaries, vandalism, street robbery and crime in your area? Or the complex social problems of racial harassment, domestic violence, child abuse and drug and alcohol abuse?"

The next part of the guide described the reason for setting up consultative groups:

"They have been set up all over the country so that people can get

together with the police to discuss problems of mutual concern. The meetings are open to everyone, and are held regularly in Town Halls, school halls, public libraries, club rooms and so on. By going and taking part, asking questions and voicing your opinions, you can help to influence the way your area is policed".

To examine the depth of such influence I decided to look at the Lambeth Community/Police Consultative Group. It met monthly and inter alia covered the policing area of Streatham Division. I took a sample of minutes between March 1988 and November 1990. I found that domestic violence was featured in twelve out of twenty four meetings, so in one out of two meetings the subject was raised. Every three months the consultative group considered the statistics from the four police stations in Lambeth. As an example, the following table showed the figures for the first five months of 1989 taken from the minutes, reference CP81/89:

**LEVELS OF DOMESTIC VIOLENCE CRIME REPORTS
AND ARRESTS ON POLICE DIVISIONS IN LAMBETH**

Year 1989	BRIXTON		STREATHAM	
	Crime	Arrest	Crime	Arrest
January	73	6	34	5
February	34	8	49	16
March	62	12	45	16
April	50	11	37	22
May	79	10	29	15
TOTAL	298	47	164	74
Arrests expressed as % of total crimes	16%		45%	

The arrest figures expressed as a percentage of total crime illustrated the impact of the Streatham domestic violence project when compared with another division in the borough.

At another public meeting in May 1989, the consultative group discussed the "Lambeth Domestic Violence Group", a multi-agency borough based group initiated by the police. The group agreed to fund a poster for the group and provided basic administration costs for such matters as photostating etc.

These examples highlighted the importance which the community placed on domestic violence. This, I would suggest, reminded police of the importance of the subject and kept the issue in fairly high profile as a public concern. It therefore continued to focus police attention on their performance.

THE EFFECT OF MORE WOMEN POLICE OFFICERS

An influence on the traditional police patriarchal attitudes was the impact of the increased numbers of women police officers who had joined the police service in recent years and the drop in numbers who had been leaving. This was best illustrated by the numbers in the Metropolitan Police. In 1980 the figure was 2,074 when the total strength was 23,691 (8.7%) and in 1990 it was 3,500 when the total strength was 28,364 (12.5%) and the wastage was only 133. Although few had reached the very top positions, some had made considerable impact on policy for dealing with women victim issues. An illustration of their influence was the work of Commander Thelma WAGSTAFF.

Commander Thelma WAGSTAFF was the driving force in the 1980's behind the Metropolitan Police change in its

approach to the investigation of rape. The result was better training for women officers in interviewing skills, taking statements from victims and their investigating techniques. More important was the opening of "Rape Suites". These rooms were set up with special facilities, usually situated away from the police station. Victims were interviewed and examined at these locations. The aim was to reduce the trauma which faced a woman when she reported such crimes by making their interview surroundings more friendly and less hostile than a police station.

In an examination of the policy approach to domestic violence in London, it is relevant to note that the first domestic violence office was set up at Tottenham Police Station under the supervision and guidance of Sergeant Colette PAUL. She was, co-incidentally, completing an external part time study course at the University of Kent under the supervision of Jan PAHL ! The success of the office resulted in similar units which were set up at different divisional stations throughout London. In 1991 over 75% of divisional stations had a domestic violence unit. The Tottenham unit was given full support by the Community Relations Policy Department at New Scotland Yard and was seen as an important integral step in the way forward for police handling of these cases. Indeed in 1990, "to increase the number of domestic violence officers" formed part of the Commissioner's main strategy statement. The officer who was entrusted with supervising and monitoring the new policy and the development of domestic violence offices was another woman officer, Inspector (now Chief Inspector) Jane STITCHBURY. The cumulative work and effort shown by these women officers was recognised in the acknowledgement section of the new 1990 Metropolitan Police Domestic Violence best practice guidelines. Acknowledgement was made to six people, three

were male officers, whilst the others were Jane STITCHBURY, Colette PAUL, and Susan EDWARDS. Hardly a conspiracy but a very good example of women officers and academics who worked together and influenced the way forward for the policing of this type of crime.

THE GROWING IMPORTANCE OF VICTIM SUPPORT

In recent years those in the judicial process began to develop a more sensitive approach towards the victims of crime. A number of influences have ensured that victim support remained uppermost in police strategies.

The first was the work of the National Association of Victim Support Schemes which existed in most parts of the country. This body was set up to give on-going support to victims of crime. Each police division had regular liaison meetings with local co-ordinators and volunteers to ensure that good support services were given to victims. Victim Support Schemes, however, had not been able to give full support to all victims of domestic violence. This was due, in the main, to limited resources, lack of volunteers and a recognition of the need for specialist training in this area. However, this had been recognised by the N.V.S.S. At the 1991 Annual General Meeting it was announced that a working group had been formed to review the services already available to some victims of domestic violence and to consider the establishment of a central referral point from which all services could be co-ordinated. The membership of this working group included representatives from the police, women's aid, probation, medical and social work agencies. It was hoped this assisted in keeping the issue in high profile.

The second matter which focussed police attention on the victim came from the Home Office Circular 7/89. The circular launched "the witness in court leaflet" which gave practical information, reassurance, help and advice to victims and witnesses attending court. The leaflet was intended to be sent out, by police forces, with court warning notices to prosecution witnesses. Therefore, if an offender was charged, all domestic violence victims were to receive a copy of the leaflet from police. This indirectly acted as a reminder to the police of the importance of giving support to victims.

The third issue which helped to keep the victim to the forefront of the support services came from the Victim's Charter which was launched by the Government in 1990. The charter, for the first time, set out their rights and expectations to the victims of crime. It covered such issues as reporting crimes, victim support and criminal proceedings and drew upon an informal contract between professional agencies and victims.

Victim Support had also set up some special projects in seven Crown Court centres. At each court centre there was a court based co-ordinator and with selected volunteers, who were trained to give practical and emotional support to victims of crime and other vulnerable witnesses, assisted in giving help and advice to witnesses attending court.

It is relevant to this thesis to mention that included in the contents of the Victim's Charter was information about police cautioning and the charter made particular reference to the fact that before a decision was made to caution, either by the C.P.S. or the police, the interests of the victim was to be taken into consideration.

THE GROWTH OF FEMINISM

As the feminist movement in America was drawing attention to the plight of victims of domestic violence, so too were feminist groups in this country. SMITH (1989) alluded to the fact that both the British and American suffragette movements included domestic violence within their concerns, however, it was not until the 1970's that public interest was re-kindled and began to focus on the subject.

In 1971 the first women's refuge was founded by Erin PIZZEY. PIZZEY attracted much media attention by showing the difficulty she was encountering, especially from local authorities, whilst trying to provide help and accommodation for such victims. PIZZEY wrote a book, "Scream Quietly Or The Neighbours Will Hear", which gave an account of the physical and social miseries of women at her refuge who had fled from their violent partners. She was a controversial feminist and in her later book, "Prone to Violence" she suggested that victims of domestic violence were addicted to the violence in their relationships and could not help going back to it. HORLEY (1985) stated PIZZEY became alienated from many of her feminist colleagues whose aim was to combine the refuge movement and the women's movement and so establish a national feminist organisation which could become a formidable pressure group. She stated that in North America the various groups communicated and formed conditions and were united in lobbying fund raising and education. HORLEY said the splitting up of the refuge movement had stopped its growth and therefore limited its influence on opinion formers. EDWARDS (1989) found that the scars had not healed even some years afterwards. Three divisions of the refuge movement thus developed in this country. There was the National Women's Aid Federation, which attached great importance to the politics of women abuse and preferred not to work with men or non-feminists, the Independent Refuge Movement which adopted broader views and a group, spearheaded by Erin PIZZEY, who maintained that some women and families were physically and emotionally addicted to violence and that refuges should have employed

male workers to show that not all men were abusers. By 1985 Erin PIZZEY had left this country, leaving the Independent Refuges and the National Women's Aid Federation to work in parallel. DOBASH (1981), wrote that several fundamental changes had occurred as a direct result of the diverse activities of these groups. He concluded:

"Both material and symbolic benefits have been gained from the setting up of refuges, educating the public, pressing for legislation and attempting to get legal, medical and social agencies to take up their full responsibilities for dealing with violence."

The feminists groups drew attention to the inadequacies of the criminal law which offered, as they saw it, no redress in criminal law for the victims of domestic violence. SMITH (1989), also thought that the combination of the women's movement was influential in the Government setting up in 1974 the Commons Select Committee on Violence in Marriage. The Committee aimed "to consider the extent, nature and causes of the problems of families where there is violence." The Select Committee was followed by three important pieces of legislation which gave powers to the courts to help protect victims. The policing of these acts invariably fell on the shoulders of the Police Service. The Government continued its interest and set up a standing body which inter alia was concerned with violence against women (The Women's National Commission). At the end of 1986 the Government issued a circular, number 69/1986, addressed to all Chief Constables of England and Wales and stated that the over-riding concern in dealing with domestic violence was to ensure the safety of victims and further reduce the risk of violence. The result was that many chief officers issued their own policies in line with the spirit of the Home Office guidelines.

At the time of writing this report the current ministerial group on women's issues was working on the preparation of material for use in schools so that the prevention of

domestic violence was to be included in personal and social education. John PATTON, Minister of State at the Home Office, said of this policy:

"Young people must be taught that violence is not the answer to personal problems".

As well as ministerial and feminist groups, since the 1960's individual women had been conducting research and writing about women victims of domestic violence. One of the areas which had drawn their attention was the Police response towards dealing with domestic incidents. The following three examples illustrate this type of contribution to the overall debate.

Between 1976 and 1980, Jan PAHL, from the University of Kent, conducted research at a women's refuge. She interviewed forty-two women during their stay at the refuge and re-interviewed them again some time after they had left. She found that Police were perceived by these victims as being the least helpful of agencies to which women turned for help before going to the refuge. Married women who were assaulted by their husbands were less likely than other victims of assault to receive effective help from the Police. She found that there was a conflict for Police when they handled these incidents as to whether they should be law enforcers or peace keepers. Her research illustrated widespread disparity between the way that wife assault was perceived by the Police and by women who were assaulted. The former did not see it as real Police work whilst the latter wanted it treated as a crime in the same way as other assaults.

Susan EDWARDS from the Polytechnic of Central London, researched the response of the Metropolitan Police before and after their change of policy in 1987. She examined the performance of two divisions and produced a number of important findings. She found there was a considerable divide between Police policy and practice, the use of Police discretion led to the under-enforcement of the law even

after the new policy was taken into effect and decisions made by Police Officers on whether to arrest depended not on their powers under the law, but on the moral presumptions of officers. Her researchers discovered poor reporting, arrest and recording practices whilst dealing with these crimes.

Jalna HANMER and Sheila SAUNDERS, from the University of Bradford, in 1987 completed a two year study of "Women, Violence and Crime Prevention", in which they analysed statistics, interviewed Police Officers and victims of domestic violence. Their report to the West Yorkshire Metropolitan County Council included forty-four recommendations of which twelve applied to the local Police. In particular they recommended that specialist units of women officers should take the responsibility for responding to violence against women, Police Officers should ensure that the decision to enforce the criminal law should not be left with women victims, Police should monitor all assaults on women and the proportion of Women Police Officers in the West Yorkshire Police Service should be increased substantially. After the submission of the report, the Chief Constable of West Yorkshire issued a policy statement which showed his commitment to dealing with domestic violence in a most positive way. In his introduction to this policy he wrote:

"It has long been my belief that my policing priorities for West Yorkshire must, of necessity, reflect the priorities and fears of the public that we serve. Their priorities must be ours and the Force must be responsive to them. In recent months I have been increasingly impressed by the growing body of informed public opinion which has expressed real concern about the incidence of domestic violence and the need to ensure the proper protection of victims from physical attacks which take place in the home."

Interestingly, after he issued the policy statement, he rationalised the various ad hoc procedures and units under his command. In their place, he established eight units to deal with domestic violence which included spousal assault

and child abuse. The units were staffed, in the main, by women officers! The response by the West Yorkshire Police Service is discussed in more depth in a later section.

WOMENS' NATIONAL COMMISSION ON VIOLENCE AGAINST WOMEN

As I briefly mentioned in the last section, the Womens' National Commission set up its Working Group on 'Violence Against Women' in July 1984 under the Chairmanship of Mrs Ann HARRIS CBE., then President of the National Federation of Womens' Institute. The group focused on women victims of violence only and inter alia made recommendations on police training and procedures for domestic violence. Some of the recommendations included:-

- a. Senior officers should be concerned to ensure that, where Force instructions require this, officers should undertake arrest of persons perpetrating violence in the home, and should not use their own discretion.
- b. Incidents where violence has been committed should invariably be made the subject of a Crime Report.
- c. Officers who have taken a violent man into custody should try to ensure that they or their colleagues, inform the battered person what subsequently happened, including the time of release.
- d. All officers should be issued with details of appropriate local support organisations for battered wives, and other useful details.

The Working Group asked all Chief Constables for information about domestic violence measures they had taken or had planned. With reference to training, Chief

Constables were asked if any new training courses had been introduced and were requested to supply any background papers if there were any available. They were also asked specific questions about their response to rape victims. These included any steps taken which were similar to the Metropolitan Police press statement on new policy for dealing with rape victims ie., emphasis on needs of victim, training of women police to take initial statements in rape cases, Detective Inspectors in charge of investigation, opening of Victim Examination Suites.

These requests from an Advisory Committee to Her Majesty's Government, no doubt 'focused' the minds of Chief Constables to this issue. Out of the 44 replies, 26 either made no comment on measures connected with domestic violence or made a general statement indicating satisfaction with existing policies; a few very firmly indicated there was no need for action.

Their findings were considered by the Home Secretary and the Home Office responded to this Cabinet Office report with Circular 69/86 in 1986 (HANMER et al 1989).

This stirred many Forces into issuing new policies. As an example, the Metropolitan Police created a Working Party on Domestic Violence in 1986. HANMER et al 1989 described it as a 'flurry' of interest in London. This Working Party then produced recommendations, many of which became policy. EDWARDS 1989, who was a member of the Working Party, stated these reflected the recommendation of the Womens' National Commission Report. Interestingly, BOURLET (1990) wrote that, as a result of

a questionnaire he had forwarded to Chief Constables, found in 1985 20% of Forces had a specific advisory policy or Force order whilst in 1989 the figure had risen to 78% but noted that some had not yet moved towards the implementation of the recommendations of the Womens' National Commission. He thought that the Commission's Report highlighted one of the processes by which the attention of Chief Officers could be drawn in the hope that new policies and initiatives will result.

Whilst the Commission was considering its response, a new approach by the Police for dealing with victims of 'rape' was emerging in the USA. It drew attention of the Police and public to the plight of women victims and how they were being poorly treated by the authorities.

Such changes went some way to changing Police attitudes and I will next consider what some commentators said about this shifting Police policy, practice and attitude.

POLICE ATTITUDE TO RAPE VICTIMS

Public attention to violence against women, was also focused by the issues which surrounded official responses to rape. These included the police investigation and attitude to the offence.

LEDOUX and HAZELWOOD 1987 stated:-

"Because the public's perception of Police beliefs and attitudes concerning various crimes (in the context of rape) can affect its willingness to report crime, to assist in identification, to convict an offender and to support new legislation, law enforcement should study its own beliefs and attitudes - and reform, modify or use them as indicated."

LEDOUX and HAZELWOOD highlighted the traditional views of Police attitudes towards victims of rape. These fell into two categories; anecdotal and empirical. In the first, Police attitudes were viewed as hostile, callous, indifferent, stereotypic, insensitive and officers did not view rape as a 'real crime'. They thought empirical evidence suggested a more balanced view, ie., Police beliefs were influenced by other agencies to the Criminal Justice System which tended to put the blame for rape on many victims. There was evidence that Police training helped officers to understand the rape victim but did little to change the negative beliefs about blaming the victim in rape.

I will return to their research after considering the work of Ian BLAIR, who as a police officer completed some research on the American Police approach.

BLAIR 1985 examined the practices in 4 Police departments in the United States. He found that in the USA Police investigators had the opportunity to form part of a whole network of agencies designed to support and protect the victim. The experience of the American Police was that the most effective development in the investigation of rape was for detectives to treat victims in accordance with the knowledge of the particular effects of rape upon the victim ie., rape trauma syndrome. He urged Police in this country to adopt a similar approach as well as developing liaison with non police agencies.

He observed that the Police procedures in relation to the investigation of rape underwent fundamental development. He felt this was a result of a marked increase in the incidence of rape which coincided with important changes in American politics and society. This included the mass expansion, in both energy and influence, of the womens' movement. BLAIR thought in the early 1970's Police in America faced an intense challenge as to the effectiveness of policing methods and their structures for dealing with rape. The result was considerable energy and finance was put into examination of the traditional Police approach. He considered that experimentation had shown that whilst very little could be done to measure the detection rate, for attacks on

unknown assailants, the new methods employed by rape investigators decreased the trauma suffered by victims and appeared to improve the quality of evidence.

His view was, in some way, borne out by the work done by LEDOUX and HAZELWOOD 1987 who found a better change in attitude of officers was emerging in Police Forces. They forwarded a questionnaire to 3,000 participant police officers from different parts of the country. The response rate was 72% and they wrote that it was the largest national survey on Police attitudes towards rape. Their results showed a significant shift from traditionally held Police views. They found, inter alia:-

- (a) Officers were not typically insensitive to the plight of rape victims.
- (b) The officers were, however, suspicious of some victims who met a certain criteria which included previous or willing sex with assailant or where victims provoke rape through their appearance.
- (c) Officers now viewed rape as a serious crime which deserved punishment.
- (d) Interestingly, officers thought that prosecutors, victims and potential jurors were not properly prepared to play their assigned roles at a jury trial.
- (e) An encouraging aspect was that most rape investigators had received rape victim training.

They thought that since most training had occurred within a relatively short time of the questionnaire that

training might have explained the difference between the historical Police attitudes about rape and the attitudes expressed in their study.

BLAIR 1985 compared the external and mounting pressures in America to similar patterns which he felt were emerging in this country. However, in the early 1980's he found very little inter-agency co-operation for supporting victims. BLAIR pointed to the three issues which fuelled the public interests. First, in 1982 public controversy was aroused over a case where a rape victim, who had hitched a lift, was the subject of judicial comment for contributory negligence. Second, in 1983 the Chambers' and Millar's report, 'Investigating Sexual Assault' suggested fundamental shortcomings in Police procedures and attitudes to this crime. Third was the case of Director of Public Prosecutions -v- MORGAN and others 1975 Cf.App. Ref 136 in which the House of Lords had to make a judgement on appeal whether in rape, the defendant can properly be convicted notwithstanding that, he, in fact, believed that the woman consented, if such a belief was not based on reasonable grounds. Their Lordships, by a majority of 3 to 1, decided that he could not, and the appeals were allowed. It was after this case that the definition of rape was changed by Parliament. The significance of the case to this thesis was that it brought the position of the rape victim into public focus, and, helped to continue the debate about domestic violence.

The poor Police approach was also subject of much comment in the Womens' National Commission Report in 1986. They pointed out that similar to what Chambers and Millar had found the Police often initially adopted this stance to test the authenticity of the woman's story and if proved, the police officer usually became more supportive of the victim.

MAIDMENT 1977, had opined a similar view and suggested that the perceived insensitive approach was due to the officers trying to do their job thoroughly in a situation where embarrassing and personal questions had to be asked. He quoted the dilemma facing police officers was spelled out in Matthew HALE's 'A History of the Pleas of the Crown', "Rape is an accusation easily to be made and hard to be proved."

The Womens' National Commission heard evidence from the West Midlands Rape Crisis Centre that valuable contacts were made with senior officers but that attitudes of officers at some local stations were un-enlightened. MAIDMENT 1977 thought that many officers, male and female, were cold and sometimes callous in their handling of victims. Some were voyeuristic in their approach. Such attitudes were graphically displayed in the Graif's TV documentary film on a rape investigation in the Thames Valley Police Area. Part of the video showed police officers questioning a rape victim in a very unsympathetic insensitive and aggressive manner.

The programme received much media attention and BOURLET 1990 thought that this led many Chief Constables to review their policies and adopt the recommendation of the Womens' National Commission. These included recommendations to improve police training, the taking of initial statements by specially trained officers, that interviewing officers should be aware of the Rape Trauma Syndrome, for the option to make available to victims to be examined by women police surgeons and that an officer be designated to advise and liaison with the complainant and referral to other organisations.

Perhaps the most significant result of these analyses of the Police approach to the investigation of rape resulted in a number of important changes in Police procedure with an emphasis on a better service and understanding of the position of women victims. As an example, the Metropolitan Police formed a working party into rape investigation and training.

The Metropolitan Police Press Release 1985 stated the emphasis was on the needs of the victim and new measures designed to make the victim as comfortable as possible. These included training of women officers to take initial statements, Detective Inspectors were to take charge of investigations, some of these senior investigating officers attended courses which included Rape Trauma Syndrome, Victim Examination Suites were opened where victims were taken to be medically examined, private arrangements were made at hospital to conduct follow up victim examination and selected victim support volunteers were given specialist training in handling rape victims.

The approach adopted by the Metropolitan Police was mirrored throughout the country. Therefore change of the Police approach to rape, during the eighties went some way to improve, and highlight, the position of women victims in cases of domestic violence.

All these developments, in my opinion, went some way in persuading the Police to change their policy and practice towards victims of this type of crime. There was not a co-ordinated pressure lobby but rather an ad hoc series of public statements from different groups at different times with the common theme to improve the service given to the victim.

The Police examined their role and considered their options. It was within the Metropolitan Police Service policy framework that I considered developing "the adult caution". In the next section I will describe the consultation process, which took place, as well as outlining the procedure which emanated from this process.

C H A P T E R 2

The Streatham Policy

BACKGROUND AND DEVELOPMENT OF THE STREATHAM PROJECT

The embryo idea for this project emerged in about 1986 whilst I was studying part time for a Law Degree. The section which covered family law included domestic violence and the Police response to such conflict. I was exposed for the first time in my twenty year Police career, to some of the academic research findings, particularly those from North America. Most of the research findings have been discussed in the previous section in my literary review. The result was that it caused me to question my established, and I would have to admit somewhat entrenched, views and attitudes to Police involvement in these cases. I was persuaded that the best course would be for the Police to view spousal assault from a victim's perspective. I realised that the traditional Police approach could be improved by a radical change in both policy and practice.

I thought the starting point was to create a positive approach in policy which encouraged police officers to intervene and arrest at the earliest stage in any allegation of domestic assault, I felt the best opportunity Police had of influencing an offender's behaviour was to arrest the suspect when first called to any assault even where minor injury had been inflicted. This was done in the belief about deterrence, not with any empirical evidence, that such apprehension may well have acted as a salutary lesson to some offenders and stop the repeated violence. Many researchers had discovered that domestic violence escalated in severity over a period of time. Therefore, it seemed reasonable to me that an offender's behaviour was best influenced in the early stages of this process of escalation.

A similar approach had been adopted by Police in the area of juvenile crime since 1968 in the Metropolitan Police

area. I had worked previously in a community office and was very familiar with the care, sensitivity and understanding undertaken by the police when they dealt with such cases and wondered if a similar procedure could be developed in domestic violence cases. It is therefore pertinent to describe briefly the police system as it applied to a juvenile who was arrested for a crime.

Invariably the juvenile was taken to the nearest police station and processed under police and legal rules. The circumstances of the arrest was investigated by the custody officer who had to be satisfied that there was sufficient evidence to support any charge or summons should the case eventually appear before a juvenile court. In most cases fingerprints were taken and the juvenile released into the care of the parents or guardian who were asked to return to the station with the offender at a later date. Meanwhile, the case papers were prepared and submitted to the Detective Chief Inspector for the purpose of a double check and assurance that there was, indeed, enough evidence to prosecute. The case papers were then referred to a "Juvenile Bureau", which was a police office specially set up to make further enquiries into the personal background of the offenders. A Juvenile Bureau officer was assigned to the case and made enquiries about the offender with other agencies involved with the juvenile, e.g. education, welfare and social services. The Juvenile Bureau officer visited and interviewed the juvenile and parents at home and thereafter completed a fairly comprehensive, yet confidential, report on their findings which were then submitted with appropriate recommendations to a Chief Inspector. This senior officer examined the evidence, considered the background of the juvenile and decided the most appropriate course of action to process the case, i.e. no further action, caution, summons or charge. The decision hinged on the particular

facts of the case and the background circumstances of the juvenile. Every effort was made to avoid bringing the juvenile before a court of law.

The main aim was to stop juveniles re-offending. In most cases it was found that a caution appeared to be as much a deterrent as a court appearance especially for a first and second offence. The caution was not a criminal record and provided an incentive to the juvenile in that if he or she did not re-offend before reaching the age of seventeen, the police record of the incident was destroyed when the juvenile reached that age.

I thought the framework of that procedure could be applied to first time offenders of domestic violence, but only where the injury was minor. Therefore, the sections of the juvenile procedure which I felt could be used were as follows:

- a) Police officers to exercise their power of arrest for crime and to take the prisoner to the police station.
- b) Process the prisoner at the police station under the current regulations for dealing with criminal offenders, e.g. take fingerprints and photographs.
- c) If the offence was not of a serious nature and it was the first time the person had been arrested, bail the prisoner for consideration of alternative outcome, i.e. caution.
- d) During bail period enquiries were made into the background of the offence and the offender by specialist unit.

- e) The offender was seen by a senior police officer on return to the police station.
- f) Police records were destroyed after a set period of time.

It was my intention not to make any comparison between the types of offences and offenders but suggested that the procedure might be applied to some domestic violence offenders. That said, I took the view that there were certain similarities between some juvenile crime and some domestic violence, i.e. the offences often highlighted some problems which had their roots within an emotional, family or relationship context.

The next step was to develop this idea by seeking the advice and views of others involved in dealing with the effects of this type of crime. I therefore arranged to meet a number of other people with different experiences in the field of domestic violence. The first meeting was with a group of people who reflected broadly the opinions of academic researchers, women's refuge, feminists, policy department at Scotland Yard and operational police officers. After a lengthy and constructive meeting the following points emerged:

- 1) Any special procedure for handling domestic violence cases should be expanded and the definition of "household members" should include victims who had any type of relationship with the offender, e.g. boyfriend/girlfriend. It was felt that the Metropolitan Police definition, which limited the meaning of domestic dispute as "any quarrel including violence between family or household members", was too restrictive and appeared to be unfair to people who had a relationship outside this narrow

definition. The group pointed out that much domestic violence was between partners who had temporarily broken up their relationship.

- 2) There should be a strong policy of arrest and that police officers should be encouraged to deal with these assaults in exactly the same way as they would have done with other crimes. The feminist view was that all offenders ought then to be charged without seeking the views of the victim.
- 3) There should be better police recording and monitoring practice of these crimes. Far too many crimes never reached official statistics and police should be discouraged from "cuffing" allegations of crime which were recorded in the crime book merely because the victim later made a withdrawal statement. There were many reasons why a victim wished to withdraw from a prosecution, however, the fact remained that a crime had taken place and in the view of the group, should have been recorded in the Home Office statistics.
- 4) In relation to this specific procedure, minor injury needed to be carefully defined to avoid the danger of officers expanding the scheme to include more serious assaults. It was regarded as vital that this project only covered minor injuries and that all other assaults should be vigorously pursued through to prosecution.
- 5) The group agreed that victims of domestic assault were "vulnerable" and that police should use their power of arrest under Section 25 of the Police and Criminal Evidence Act to protect these vulnerable persons.

- 6) Every effort should be made by police management to bridge the gap between policy and practice in these cases.
- 7) Extra training of officers was seen as essential. Other agencies should have been consulted in the development of this procedure e.g. social services.

The second meeting took place with representatives of the local Borough Council, Community Affairs Department and Police Monitoring Committee. I had hoped to involve the Social Services Department in providing some extra support, especially long term, for victims and their families who had been the subject of, or witnessed some, abuse. Unfortunately, the meeting concluded with the council representative stating that they would only give limited assistance and objected to the idea of releasing background information on individuals or families which were held on confidential social services records. It was, however, agreed that in cases of domestic violence where the offender lived in a household where there were children, a written report would be forwarded by the police to the Director of Social Services of the area where the household was situated. It was agreed that in most cases where families had children who were on the "at risk" register, the social services would probably call a case conference to discuss any implications of the domestic violence. Where the children were known to the social services, but not on the "at risk" register, the department would consider communicating with the victim to assess if the children were in need of any supervision.

I was disappointed at the apparent lack of co-operation by the social services department. However, I had to be realistic and accepted that their resources were limited. I also accepted that the idea of visits by social workers

to check up on children could have caused a dilemma for victims of domestic violence in that it might have caused victims not to report assaults in order to keep the social services away from the family. This, of course, could undermine one of the intentions of my new policy which was to encourage, not discourage, victims to report assaults.

The final two meetings were concerned with the legal implications of my policy. The first was with the local Crown Prosecutor who agreed with the system in general and advised that two months would be the appropriate period of time for deferment of a decision to prosecute or caution. He felt that it would be wrong in law to start any prosecution after that period. This agreement was important because some offenders would have to be prosecuted when they returned to the station at the end of the two month deferment period, e.g. if the victim wished the case to go to court or if he re-offended or did not admit the offence. Another meeting took place with the representatives of the Metropolitan Police Solicitors Department. The police solicitor examined the procedure from a legal point of view and gave a written opinion which is referred to in the next section. His opinion was that the policy was within the law but he expressed a personal preference for instant cautions at the police station at the time of arrest rather than the issue deferred for a decision.

Whilst I did not agree with him, I felt that my proposal of deferring the decision to prosecute for two months was important in as much as it allowed breathing space for both parties and it gave the police time to reflect on the best course of action. He opined that the instant caution would be the least costly, that justice would be seen to be done quickly and there would be an instant record of the offenders' caution in the central index which would

have been available to other police officers if the offender re-offended. I thought his opinion was very persuasive. However, on balance, I preferred the deferred decision idea. In my recommendations at the end of this thesis I do mention that it would be very useful for further research to be completed to compare and assess the value of an instant caution with the deferred decision procedure.

With this broad structure in mind, I then consulted further with police officers who were to operate the policy. There was an underlying reluctance by some officers to co-operate mainly because of the heavy workload. Nonetheless, the majority thought it was a positive step which gave them direction.

It was fortunate I had the full support of the police station management team. I have already acknowledged the support and encouragement given to me by Roger STREET. It was most important to have the support of "the management team". This was especially so in a hierarchical organisation such as the police. It was not possible to get a policy through, or if approved to get it to work, without the help of all the supervisors. I was also very appreciative of the encouragement I was given by the Detective Chief Inspector who was head of the station C.I.D. He was in total agreement with what I was trying to do, so I felt confident that the C.I.D., who had to complete much of the crime investigation, would give their support to the idea.

To sum up this section, the original idea was my own but it was developed with the help, guidance and co-operation of other professionals. In the next section I will describe each part of the policy in detail.

THE STREATHAM POLICY

As I have already described it was out of a change in police attitude towards domestic violence, in policy and legal practice, that the Streatham scheme was conceived. The process was an amalgamation of academic research findings, Home Office Circular 14/85 later replaced by 59/90 (see Appendix 1), and Metropolitan Police policy (1987 Force Order). The new procedure was developed after consultation with various agencies concerned with this issue.

The aim of the policy influenced police discretion at each stage of the process, e.g. arrest, custody and caution, encouraged a positive approach by police officers and therefore provided a better service to victims. Each stage of the policy was as follows:

ARREST STAGE

Officers, when satisfied that there was sufficient evidence to prove that an assault had taken place, were encouraged by supervisors and the new policy, to use their legal powers and exercise their discretion to arrest. Arrest was seen to provide the best service to victims and to act as the best deterrent. Officers were reminded of the legal definition of assault as established by the courts:

"An assault was any action in which 'A' intentionally or recklessly causes 'B' to apprehend immediate and personal violence" (Fagen v Metropolitan Police 1QB 439 1968, 3 ALL ER at 455).

The purpose of reminding officers of this definition was to support my idea that an assault was a crime

irrespective of the degree of injury. So, in my policy, I went on to further elucidate exactly what constituted a legal assault.

An assault, occasioning actual bodily harm, was any act in which 'A' intentionally or recklessly inflicted unlawful personal violence on 'B' (B. ROLFE 1952 36 Criminal Appeal Report). Personal violence included any hurt or injury which resulted in any injury to the victim's state of mind for the time being (Regina v Miller QBD 1954 282). Officers were advised to use their powers provided for in the general arrest condition found in the Police and Criminal Evidence Act, Section 25 (3) (e). This authorised a constable to arrest if he/she had reasonable grounds for believing that arrest was necessary to protect a child or other "vulnerable person" from the relevant person. The policy emphasised that domestic violence victims were "vulnerable persons" and that arrest was necessary to protect such persons from offenders. The purpose was to persuade officers to exercise their legal powers to arrest even in cases of minor injury.

In cases where evidence was insufficient to prove an assault, officers were asked to consider exercising their powers of arrest under common law for breach of the peace. These powers were defined in the case of *McCONNELL v Chief Constable of Greater Manchester* 1990 1 ALL ER 423:

"At common law a breach of the peace can occur on private premises even if the only persons likely to be affected by the breach of the peace are inside the premises and no member of the public outside the premises is affected".

Accordingly, where a police officer genuinely suspected,

on reasonable grounds, that a breach of the peace was likely to occur inside private premises, the officer was entitled to exercise his common law power to arrest for breach of the peace without warrant.

Officers were also reminded of the importance of being caring and compassionate to the victim of a domestic assault. These victims would invariably be in a state of shock and should always be spoken to separately from the suspect. Officers were advised to give the victim a locally sponsored advisory leaflet (see Appendix 2) which had been produced by Streatham Police. The intention of this leaflet was to standardise the information that was given to victims.

The policy extended the Metropolitan Police definition of domestic dispute. The official policy had defined a domestic dispute as any "quarrel including violence between family or household members". Divisional policy developed this definition to include those who had "some type of personal relationship e.g. boyfriend/girlfriend, or ex co-habitees". This action afforded other vulnerable victims the same service from police and avoided any perceived discrimination.

The guidelines endeavoured to influence, and persuade, officers to deal with domestic disputes from a legal, and not a moral, perspective. This pragmatic approach intended to change some of the negative attitudes which had been shown previously by many officers.

CUSTODY STAGE

Offenders were processed and supervised by police sergeants who acted in their capacity of custody officer in exactly the same way as towards other

prisoners, i.e. under the provisions contained in the Police and Criminal Evidence Act 1984 and the Codes of Practice. In addition, each case was supervised by the duty inspector. This provided a second check and aimed to ensure that it was only cases that fell within the guidelines were deferred for two months. Custody sergeants decided if the case fell within the criteria for a deferred decision procedure. If not, sergeants had to charge all cases if they thought there was a realistic chance of conviction.

The criteria for deferring a decision fell within the Home Office guidelines for cautioning:

- a) The injury had to be of a "minor nature". The decision, as to what constituted a minor injury, was left to the common sense and judgement of the custody officer. In making his decision, the custody officer consulted with the C.I.D. officer appointed to supervise the case. The guidance given was that such an injury would be confined to soreness, redness, slight bruising, nervous or hysterical tension.
- b) The standard of evidence had to be the same as required by the code for Crown Prosecutors, e.g. the test for prosecution must be whether there was a realistic prospect of a conviction.
- c) The offender had to admit the offence and agreed to the deferment procedure.
- d) The victim agreed to the caution and had to be informed that such a caution could deprive

him or her of a ready means of redress through a court compensation order.

A deferred decision to prosecute was not to be used if the following conditions applied:

- a) Where the victim wished to have the offender charged and there was sufficient evidence to prosecute.

or

- b) Where there was sufficient concern for the safety of the victim. If there was a possibility that the release of the offender would result in a re-occurrence of the original situation then I suggested, the proper course for the police was to detain the offender, for appearance at court, either by way of charge or bind over application.

or

- c) Where the offender had a previous conviction, or caution, for assaulting the victim.

Fingerprints and photographs were taken from the offender who was treated like other prisoners and detained in a police cell until release. This was intended to have the dramatic effect on the offender who, it was hoped would have, realised that he was being treated as a criminal. The symbolic impact of this part of the process was intended to bring home to the suspect that his actions were officially being recorded. Custody officers, when satisfied that the basic criteria for deferment had been met, informed the victim of the

impending release of the offender and bailed the offender to re-appear at the police station on a Thursday evening two months later.

After the scheme had been operating for about 18 months, a "self help group" for men was started by some local professional people. The offender was given an invitation letter, which was sealed in an envelope marked "personal", before leaving the station. This aspect of the policy is discussed in more detail in a later chapter.

TWO MONTH DEFERMENT PERIOD

The two month deferment period of time was my idea, chosen because I felt that it gave everybody breathing space. As mentioned earlier it was the maximum time which the C.P.S. thought was legally possible in these circumstances.

During this period, the investigating officer completed any further enquiries with regard to the allegation of crime, e.g. extra witness statements, and prepared case papers as if the case was being presented before the court. The C.I.D. officer liaised with the domestic violence officer who supported and advised to the victim during this period. The domestic violence officer ascertained if there had been any re-offending against the victim, and checked with the National Identification Bureau records for any previous convictions of the offender.

The domestic violence officer ensured that a report was forwarded to the social services department of the local authority, if there had been any children involved with

the offender. A previous agreement, already discussed, had been made with the social services department that they would make further enquiries and arrange a case conference if they considered it appropriate, e.g. the children involved may be on the "at risk" register and considered to be in need of further supervision.

The domestic violence officer was also in a position to refer the victim, or indeed the offender, to other agencies, e.g. Relate, Alcoholics Anonymous or local self help groups.

If the person arrested re-offended during this deferment period, the intention of the police was to charge him with the original and the new offence.

Provided there was no repeat crime(s) the Community Liaison Inspector, after speaking to the C.I.D. officer and domestic violence officer, acquainted himself with the evidence contained in the case papers and antecedents of the offender before administering the caution at the police station on the return date.

CAUTION STAGE

The inspector, in uniform, conducted the caution, usually in a formal setting at the police station. The offender would be advised where to seek further help if this course was desired. Local and central records were noted immediately after the caution.

The experience at Streatham was that the most effective method was the Community Inspector gave the caution to the offender. The main advantage of using the same person was that it ensured a minimum standard of caution and a consistency in approach.

CLEARING UP ALLEGATIONS OF CRIME

After the project had been operating for several months, local policy directions were issued on how crimes should be cleared up. Guidance was taken from the national rules for clearing up crime as laid down by the Home Office and gave police the opportunity to "clear up" the crime.

A crime was cleared up if (i) "the guilt of the accused was clear but the victim refused or was permanently unable to give evidence", or (ii) "the accused admitted the offence but it was decided that no useful purpose would be served by proceeding with the charge", or (iii) the accused "was cautioned by police". These rules were vigorously applied at Streatham and consequently most crimes, which involved domestic assault, were cleared up before submission of the crime statistics to the Home Office.

CLASSIFICATION OF ASSAULTS (NO CRIMING)

In the latter stages of the research the policy of the division was altered so that most crimes were classified according to the statement (verbal or written) made at the time by the victim or another witness. Allegations were only classified as "no crime" if the crime was transferred to another division, or where there was substantial indication that the allegation was actually false, i.e. where the victim admitted that the statement made to police was completely untrue. All such retractions were carefully examined in the knowledge that victims may have denied the assault as a result of pressure from the offender.

Withdrawal of support for a prosecution, by the victim, would not in itself be sufficient for a "no crime" classification.

See Appendix 3 for flow chart of the procedure.

This section dealt with the actual procedure I adopted, in the next part I will discuss the law as it related to the process.

THE LAW AS IT RELATED TO THE STREATHAM PROCEDURE

General developments in the criminal law set the parameters of the police legal powers which were to be found in the Streatham procedure. Before the policy was finally formulated I met with the local Crown Prosecutor and a representative of the Metropolitan Police Solicitors Department to discuss the legality of the proposed system. The Solicitors Department provided me with a written legal opinion on some aspects of the procedure.

This section is thus devoted to a brief consideration of that part of the law which gave legal authority to the scheme. I had felt that it was vital to have a legal opinion as I had thought that the "cynics" at the police station would not accept my interpretation of the law. I was right, because, as can be seen later, some custody sergeants did not fully accept even the legal opinion ! Nevertheless, the legal opinion added to the scheme's general acceptance at the station. I will now mention some of the specific issues which were subject of legal advice by the lawyers. Where appropriate the legal opinion of the Metropolitan Police Solicitor is quoted.

THE POLICE POWER OF ARREST

Section 25 of the Police and Criminal Evidence Act 1984 contained the general arrest condition of police. One condition provided by Section 25 (3) (e) stated:

"That a constable has reasonable grounds for believing that arrest is necessary to protect a child or other vulnerable person (my emphasis) from the relevant person".

In the Streatham policy all the victims of domestic assaults were regarded as "vulnerable persons". This

section gave police constables power to arrest offenders for the purpose of protecting the vulnerable person. Initially some officers were uncertain as to how long and under what circumstances a person could be regarded as "vulnerable". Some officers took the view that once the immediate danger from the offender had passed there was no longer the legal power of arrest. I disagreed with this and my policy specified that any victim of domestic violence would be vulnerable up until the time the offender was arrested. I suggested the role of the police was to use their power of arrest and, in doing so, offer the best protection for the victim.

Legal Opinion

"It is legally correct to view just about all victims of domestic assault as "vulnerable persons" as provided by Section 25 (3) (e) of the Police and Criminal Evidence Act 1984. However there may be the very unusual case where the victim may not be such a vulnerable person and it could be envisaged that such circumstances could arise where the female victim was, for instance, say a professional lady wrestler or the alleged offender was wheelchair bound."

This latter example was rather far fetched but was included to remind officers that they had discretion under the law and each case was to be judged on its merits.

THE POWER OF THE POLICE TO DETAIN

THE OFFENDER FOR A COOLING OFF PERIOD

The main issue which arose here concerned the powers of the police to detain a person merely for a "cooling off" period in custody at the police station prior to being released. This was not an integral part of the procedure, but, caused some debate between the police custody

officers, especially in the initial period after the scheme was launched.

Legal Opinion

It is advised very definitely that a cooling off period of a number of hours, for no other reason than a cooling off, is not lawful and does not accord with the provisions of the Police and Criminal Evidence Act. The duties and obligations of a custody officer in respect of detention at a police station are exhaustive - see Section 34 (1). At the risk of over-simplification: such a person may be detained at a police station before charge only for such a period as is necessary to obtain sufficient evidence to charge that person with the offence for which he has been arrested - see Section 37 Police and Criminal Evidence Act 1984 and the Codes of Practice - see Code C, paragraph 1 (i) which provides that all persons in custody must be dealt with expeditiously and released as soon as the need for detention has ceased to apply."

Another interesting legal point, which was also discussed by the officers who were going to operate the policy, was the correctness in law if an officer who was called to the scene of a minor domestic assault, did not exercise his power of arrest under Section 25 (3) (e) but decided to arrest the assailant under the common law provisions of preventing a further breach of the peace. It was held in *McConnell v Chief Constable of the Greater Manchester Police* 1990 1 ALL ER 423 that a breach of the peace could have occurred on private premises even if the only persons likely to be affected by the breach of the peace were inside the premises and no member of the public outside the premises was involved. BEVAN and LIDSTONE (1984) pointed out that the general limit on police detention, which was contained at Section 34 of the Police and

Criminal Evidence Act, only applied if the person was arrested for an offence and not for the person arrested "under other powers of arrest" (e.g. common law).

It thus seemed to follow that the police, if they exercised their power of arrest under common law, were not bound by the restrictions of the Police and Criminal Evidence Act. Therefore they could keep a person in detention for a suitable "cooling off" period until the danger from the person's violence had abated. This period of detention could have been for several hours after the offence, even overnight, before the assailant was released. If the possibility of a further breach of the peace did not abate, the person could have been detained in custody and taken before a Magistrates Court to show why he should have not to be bound over to keep the peace in future.

This method of dealing with an offender in a case of domestic assault appeared practical, but did not receive the support from the Solicitors Department.

Legal Opinion

Police should exercise their wide powers under statute and not resort to common law where there was reasonable grounds for suspecting that a statutory offence had taken place.

Some police forces promoted a policy for dealing with minor domestic cases by arrest for breach of the peace. Their argument was that a bind over at court was a suitable sanction on an offender. The circumstances described probably warranted interpretation from a court and although I disagreed with the emphatic opinion from the solicitor, I did not encourage the use of common law as a method of dealing with these cases. It was my belief

that the strict legal definition of assault gave the police adequate powers of arrest to deal with even the most minor of cases. I also believed that a caution had a more lasting impact on an offender because the police record was kept for three years whilst a bind over was usually only for a period of up to twelve months.

DEFERRED DECISION TO PROSECUTE

The two month deferment period for consideration to prosecute/caution/no further action was agreed by the local Crown Prosecution Office. Some custody officers had considerable difficulty in accepting the legality of this part. Their argument centred around the principle that once the initial police investigation was completed the offender had to be taken before a court. Again this was a matter of legal interpretation which was a matter for the courts, but, I asserted that there was power to bail exactly the same way as the police service dealt with juvenile crime.

Legal Opinion

A deferment period of two months is probably lawful since consideration may need to be taken as to whether, in the circumstances, charge or caution are appropriate and the provision of police bail to await such a decision would probably fall within Section 35 (5) (b) of the Police and Criminal Evidence Act 1984 which states that a person shall be released without bail unless it appears to the custody officer, that proceedings may be taken against him in respect of any such matter and if it so appears, he shall be released on bail".

Most custody officers accepted this legal opinion but a legal difficulty arose if the offender failed to appear at

the station in answer to this bail. Under the law the police had no power of arrest in these circumstances unless there was new evidence justifying a further arrest (Section 42 (2) Police and Criminal Evidence Act 1984). The options available to the police were to take no further action, or locate the person and administer the caution at the place where he was found e.g. home address, or send a written warning (not an official adult caution), or summons if the intention was to prosecute the suspect.

Experience at Streatham showed that the offenders who failed to appear at the station invariably had moved address. This made the service of a summons, or a issue of a caution, difficult. In any case the intention in most cases was to caution and the legal process did not validate the person being summoned to appear at the station to receive a caution. Overall the Metropolitan Police Solicitor favoured the police use of an instant caution at the time the person was brought to the station rather than deferring the matter.

Nevertheless, I personally believed that the two month "waiting period" added a significant dimension to the adult caution, so I continued with my policy. That said, I have suggested in my recommendations, that further research should be conducted using the instant caution procedure and then comparing the results with the deferred decision to prosecute or caution.

Most police officers, once they became fully aware of the legal opinion, accepted the legality of the different parts of the scheme.

As I have already mentioned it was not difficult to formulate new policy, however an effective manager's major task was to ensure that the procedure was being accepted

and adopted in practice. A most important part of this work was to objectively monitor and evaluate the working of the scheme. Doctor Susan EDWARDS gave me valuable advice and guidance in this area. I will deal with this aspect in the next section.

CHAPTER 3

The Research Evaluation

THE RESEARCH EVALUATION

The implementation and impact of my policy was evaluated with the help of three researchers from the University of Buckingham. From the outset of the scheme I considered it was important to draw on the independent expertise of Doctor Susan EDWARDS, who had been working in this field for several years. I believed that the use of independent researchers/interviewers was most likely to achieve a higher level of objectivity to the analysis. I also believed that working with an established academic brought greater influence, post project, when endeavouring to persuade other police managers to adopt a policy.

My aim in this section is to discuss the problems in evaluation, interviewing victims, how implementation and effectiveness were measured and the methodology that was adopted.

THE PROBLEMS OF EVALUATION

The success of the policy depended, in part, on the impact of the arrest, deferred decision and caution on the subsequent behaviour of men who assaulted spouses/girlfriends. The effectiveness of this policy, in reducing subsequent battering, was not easily measured since evidence of subsequent behaviour needed to be assessed over a period of time. It also depended, inter alia on couples remaining together as well as on the proclivity of the victim to report any subsequent assault either to the police or to the interviewer. The success was determined by a number of variables.

First, I set out to examine how far the policy was implemented by police officers at the various levels of operation. This included a consideration of the extent to

which officers arrested in minor cases and how far they recorded such crimes. This was empirically evaluated through a very thorough examination of all police records by one of the researchers.

Second, I set out to examine the impact of the policy on officers, offenders and victims. The researchers interviewed a number of police officers and a sample of offenders and victims.

MEASURING IMPLEMENTATION

The measurement depended on the difference, if any, that had taken place between the pre and post policy period. This part of the study was evaluated through a number of different methods. First a short questionnaire was devised and completed by a sample of police officers who were operating the policy. Second a number of interviews were conducted with a sample of officers at each level of the organisation. These were conducted by the researchers and included a sample of arresting officers, custody officers, C.I.D. officers, domestic violence officers, inspectors and senior management. Third was a calculation of the arrest rate expressed as a proportion of the total domestic crime, and comparing this profile to a sample period in earlier years (pre-policy) and with the performance of another division which did not have a similar policy. Fourth, a quantitative examination was made of the proportion of domestic violence cases that resulted in a deferred decision, expressed as a proportion of all incidents from which charges were laid.

MEASURING EFFECTIVENESS

The effectiveness of any new proposal was usually considered proved by a marked reduction in the behaviour under consideration. In this project a reduction in the violent conduct of the offender was desired so the re-offending rate of suspects was measured during and after the monitoring period. An examination was also made of police records to find out the re-offending rate of other offenders who had been charged with domestic violence. The difficulty with this type of measure was discussed at Chapter 1 and therefore a reduction in violence was not taken as the only measure of success or of effectiveness.

Firstly, effectiveness had to be reflected in an improved police response and service. Secondly, it had to be proved by an increased use by the police officers of their powers of arrest. Thirdly, it had to be shown that there was a continued police commitment to prosecute offenders who had not been cautioned. Finally, and most importantly, there had to be an increased public, especially victims, satisfaction with the police response.

I suggested that studies in the field of family violence have relied too heavily, and often erroneously, on the diminished or increased frequency of repeat violence as a measure of the success (or the failure) of the police arrest policy. As I previously discussed, SHERMAN and BERK (1984) found that where there had been an arrest, the offender was less likely, compared to other police methods, to re-offend during the follow up period. They concluded arrested men were less likely to re-offend and it was arrest which had the deterrent impact on their subsequent behaviour. This conclusion remained open to empirical question and scrutiny. If there were cases where arrests were executed and there were fewer calls to

the police for subsequent assistance, can it reasonably be inferred that the violence in these relationships had ceased, or on the contrary had, in fact, the violence continued and women were too afraid to contact the police? It was well known that women were traditionally reluctant to report these crimes to the police. This was not just reflected in the low level of reported crime figures, but more importantly it was one of the conclusions reached by the crime survey interviewers of the British Crime Survey 1988.

It therefore followed that it was scientifically unsound to rely solely on the increase or decrease in repeat calls to police for assistance as a measure of success or failure. This study, then, treated and regarded the matter of measuring implementation differently.

Firstly the deferred decision policy had to be examined within the overall frame of policing policy on domestic violence. One indication of the success of the implementation of the policy was the calculation of the arrest rate as a proportion of all reported incidents. It was expected to increase and certainly not fall. An additional measure was the prosecution rate, expressed as a proportion of all recorded incidents, since the success of the deferred decision policy depended also on ensuring that the deferred caution was not used as an alternative to prosecution, (a matter feared by critics of the policy) but rather the alternative to no action being taken in minor cases. It was expected that the prosecution rate would increase and certainly not fall. These measurements, of course, were relevant only in the short term. In theory, if this arrest procedure was very successful, and acted as a deterrent, then eventually reported crime would have dropped as would the prosecution rates. Whether or not the deferred caution was used as an

alternative to prosecution or as an alternative to no action was best assessed by comparing the arrest and prosecution profile of Streatham Division with another division in the Metropolitan Police area that had no specific policy on domestic violence and lacked a domestic violence unit. For this purpose the other division, which was referred to as division 'A', was chosen for two reasons. First the population and police size were very similar and second, the other division had been researched in earlier studies by EDWARDS (1986) (1989).

Secondly, the policy had to be measured in the context of how far the implementation of the policy accorded with the strict guidelines and criteria. This measurement centred on how relief officers used their discretion in exercising their power of arrest and how custody officers exercised their discretion and power to defer the decision for a caution.

Thirdly, policy had to be examined according to its implementation. This required the need to interview a number of officers. Consideration was given to working alongside officers and observing how they actually performed their duties. Unfortunately, a limited research budget made this proposal unrealistic so it was not undertaken. Another difficulty in observing officers was the problem of adopting the correct approach, e.g. a researcher could have attached him or herself to one officer on a tour of duty and never have received a call to a domestic assault. On the other hand, the researcher could have stayed at the station and waited for a suitable call. The officer who dealt with the incident would then have returned to the station before going on to the scene of the incident. This would have caused delay and therefore would have given a second rate service to the victim.

Fourthly the policy had to be assessed through interviews with offenders as to the execution of the arrest, detection and the prospect of a deferred decision to caution and its broad impact on subsequent behaviour.

Lastly, the policy had to be assessed through interviews with victims as to the assistance rendered to them by the police throughout this time. It was intended that efforts were to be made to distinguish the effects of arrest, detention of the offender in custody whilst necessary enquiries were being made, the effect of the pending decision to charge/caution on the interim behaviour of the suspect and the effect of the deferred decision. For example, it was necessary to have considered whether the same, or similar, effect on offenders might have been achieved by arrest and detention alone.

METHODOLOGY

Quantitative and qualitative research methods were used by the researchers.

Police records were examined for the period of six months at Streatham Police Station from May 1989 to December 1989. The aim was to examine in close details the several profiles on incidents, reported crimes, recorded crimes, no crimes, arrests, deferred decisions and cases reported for prosecution.

Two months, September and October, were chosen for comparison with two control samples. The first control sample was the same period during the previous year at Streatham Police Station and the second control sample was selected for the same period at another police division. The aim was to make a comparison between the total crimes reported, arrests expressed as a percentage of total

records, the number of crimes that were reported yet were "cuffed" expressed as a percentage of total crimes recorded and an analysis of the charging rate also expressed as a percentage of total records.

My own domestic violence officers examined pre and post policy police records on injury on duty files, sickness records, occurrence and incident report books and ascertained the number of officers injured as a result of dealing with domestic violence.

Interviews were conducted by researchers with offenders, victims and police officers. Forty-seven offenders who had been arrested, detained and subject to the deferred decision policy were interviewed with a view to assessing the impact of the procedure on subsequent behaviour. A checklist was devised for the interviewer (see Appendix 8) whereby all offenders were questioned on matters relating to the effect of the arrest, the taking of fingerprints and photographs, the detention and deferred decision periods and the caution.

Interviews were conducted with twenty-three victims, whose aggressors had been subject to the deferred decision process. Victims were questioned with a view to considering their levels of satisfaction with the police response and to gather information on subsequent behaviour of offenders during the two month deferment period. Again a checklist of questions can be found at Appendix 8. Thirty police officers from each level of the organisation, and who had experience in the implementation of the policy, were interviewed to assess their attitude and response to the new policy. An interview checklist is to be found at Appendix 9.

PROBLEMS WITH INTERVIEWING

Other research has found that a number of sensitive problems were posed by interviewing victims. For instance, the British Crime Survey (1983) was notionally unsuccessful in fostering disclosure of domestic violence and rape in the course of sampling interviews. HOUGH and MAYHEW (1985) explained that the very low reportage of domestic violence might have been because the offender was in the house during the course of the interview, thereby, inhibiting full disclosure by the victim. HANMER and SAUNDERS (1984) argued for the use of specially trained female interviewers.

At the beginning of the project several of these problems were anticipated and resolved in the following way.

- 1) All female victims were interviewed by an independent female interviewer and three victims were questioned by Doctor Susan EDWARDS.
- 2) The location of the interview was a cause for some concern. It was finally decided that victims should be interviewed in their own home if they chose. In some cases the offer, to complete the interview at this location, may well have contributed to the non-response rate.
- 3) The privacy of the victim was also an important concern and here the non-response rate may well have been affected by those women who simply did not wish any further invasion of their privacy. A small fee, of £5, was made available to victims as a recognition of their time. It was not meant in any way to reflect the true value of their time and co-operation, but was a gesture. In this respect many

of the North American studies, which involved similar victim surveys, involved a fee to victims.

There was also some concern about a suitable time and place for interviewing offenders. After much deliberation it was decided, that the most practical and cost effective way was, to conduct the interviews at the police station immediately after the caution. Having adopted this strategy I accepted that this location may have had some influence on the answers given by the interviewees and might have put doubt upon the credibility and independence of the male interviewer.

CHAPTER 4

The Quantitative Research Findings

THE QUANTITATIVE RESEARCH FINDINGS

This section is divided into five parts. The first describes the approach which had been taken in the analysis of statistical information, the second highlights the main findings, the third discusses the comparative results from the control samples, the fourth illustrates the general prosecution practice and the last examines the extent of "cuffing crimes".

STATISTICAL ANALYSIS

The aim of this study was to measure the impact of the Streatham domestic violence policy by (i) considering the total records over the eight month period, (ii) comparing the arrest and recorded crime figures with those of an earlier period at Streatham, and (iii) comparing those trends with another division that had no specific policy, nor a dedicated domestic violence office.

The method employed was to examine police records for an eight month period between May 1989 and December 1989. In addition data were collected for September/October 1988 at Streatham, and September/October 1989 at another division, to achieve a basis of comparison through the use of two control samples.

Data were collected from the following sources - incident report books, beat crime books, major crime books, screened in books, screened out books, domestic violence office files, arrest index books, custody records, bail book, court index book, court records and the station injunction book.

To allow for an accurate and a systematic analysis of police records all the data was imputed into an Apricot

computer which was on loan from the Metropolitan Police Department of Computer Services. That department also provided valuable advice to me and trained the researcher who had the responsibility for imputing and analysing the statistics. As a result of the advice and guidance the "card box" file system was employed. It was necessary to construct our own fields of information and a coding system appropriate to the research needs - see Appendix 6.

MAIN FINDINGS

The "progress" of reported domestic violence incidents, and their case mortality, from the public reporting by victims and bystanders through to police arrest, cautioning, charging and case disposal practices are illustrated at Appendix 7 and was examined as follows. A total of 446 domestic related crimes were recorded by the Streatham police during the period of data collection. Major crimes, which generally speaking involved more serious injury or intent, totalled 81 (18%). The total number of beat crimes, which were usually those involving less serious injury, totalled 365 (82%). There was a general increase in reported incidents over the eight month period - see Table 1. In the lowest month there were 48 reports and the highest 65. Although the general trend was upwards there were monthly fluctuations up and down. Perhaps the period was too short to illustrate a trend of increased reporting by members of the public. However, an analysis over a much longer period showed a significant increase in the number of domestic incidents which were reported to police at the Streatham police division. In 1988 the figure stood at just over 300 whilst in 1990 the figure rose to over 600. I accepted that there could well be a number of reasons for this, e.g. increased media attention to the crime, however, it was encouraging to have speculated that the new policy

might have re-assured victims to come forward and report these crimes although the victim interviews did not fully support this.

A total of 204 suspects were arrested during this period producing an arrest rate of 46% (expressed as a proportion of total crime cases) - see Appendix 7. Therefore in 54% of cases an arrest, at the time the research was completed, had not been made by the police. There were various reasons for this and included (a) where the case was "no crime" because the victim refused to substantiate the original allegation and (b) the assailant did not live at the venue of the crime and had disappeared, but was circulated on the police computer as "wanted by police". Such a person remained on the wanted files for a considerable time.

Of those arrested, 105 (52%) were charged, 66 (32%) were deferred for two months under the local policy, 9 (5%) were bailed for further enquiries to be made, in 20 cases (10%) the outcome was recorded as "no further action" and in the remaining 4 cases (2%) two offenders were arrested elsewhere and two were offenders, who had been arrested in Streatham but had committed offences elsewhere and, were transferred to another station to be dealt with. These figures are shown at Table 1. The figures illustrate a gradual increase in the number of offenders arrested, the number who were charged and the number processed by way of a deferred decision.

A closer examination of the incidents initially recorded in the crime book which were finally classified as "no crime" revealed the number of be 149 (representing 33% of total crimes reported). Thirty-three of these were major crimes and 116 were beat crimes. Table two provides a breakdown of the reasons for classifying these records as "no crime". The police recorded several reasons for

classifying cases in this way. Thirteen per cent of the crimes occurred on another division and were thus transferred to another station for the investigation to continue. Many of those crimes may well have received a crime classification at the transferred station. In the majority of cases (56%) the victim was unwilling to proceed further with the case. This was a very significant figure as it represented the difficulty which faced the police in processing these cases. In each case there was probably some reason why the case was not considered for the deferred decision procedure e.g. the injury was not minor, the offender did not admit the offence or the offender had a previous conviction for assaulting his partner. This figure may well have been greater because it did not include those cases in which the victim noted withdrawal after the research period. The real concern I had about this high number of cases was that in most of the incidents an assault actually happened, yet, for whatever reason the victim was unwilling to proceed so the offender had absolutely no sanction imposed on him. As experience and research has shown, these offenders may well continue with their violent behaviour which will escalate in frequency and severity and the woman victims will be even more at risk. An analysis of the reasons why these victims did not wish to proceed was beyond this research, but, I do believe that one of the roles of police was to create a climate which encouraged victims to continue with a prosecution. I saw the Streatham scheme as providing an important first step in that direction.

In 24% of the cases the police considered that there was insufficient evidence to substantiate an allegation and the police concluded that there was not a reasonable prospect of a conviction so the case was not brought

before a court. The remaining 7% of cases were reported in the crime book and classified as "record only".

Out of a total of 204 arrests, 66 (32%) of the cases fell within the criteria required for the Streatham scheme. These cases were deferred for a two month period and the offender released on bail. After this period, 44 (67%) adult cautions were administered, 4 (6%) offenders were charged, in 7 (11%) cases no further action was taken and in the remaining 11 (17%) of cases the offender failed to turn up to answer to his bail - see Figure 2. In this latter category the police officers in the domestic violence office continued to make enquiries in an endeavour to trace the offender and make alternative arrangements to administer the caution. The 4 offenders who were charged had committed further violence during the deferment period so the police considered it was inappropriate to administer an adult caution.

A police charge was preferred in 105 cases, representing 52% of the total arrests. These suspects represented 23% of all the allegations of crime. Seventy-nine (76%) suspects were remanded in custody pending a court appearance in accordance with the provisions contained in the Police and Criminal Evidence Act. Twenty-six (24%) offenders were bailed to appear before the court. These figures represented a vigorous prosecution policy as well as a commitment to protect the victim by detaining the majority of offenders in custody.

CONTROL SAMPLES

In order to evaluate the Streatham police performance, as a result of implementing the policy, it was considered necessary to compare the results with an alternative method of dealing with this type of crime. This was

achieved by comparing the total reported crimes, arrest, charging and "no criming" rates with two control samples. A two month sample, within the research period in 1988/89 was compared with (a) the same period in 1988, on the same division, and (b) the same period in 1989 with another division which did not have a specific local policy nor any designated officers to take on special responsibility for domestic violence. September and October were selected for the two month comparison period. The key findings, which are illustrated at figures 3, 4 and 5 and Tables 11 and 12 were as follows:

Comparison between 1989 and 1990

Total reported crime - more crimes were reported.

In 1989 there were 107 allegations of crime which was an increase of 37 (53%) on 1988. Major (or more serious) crime reporting increased from 10 to 21 (110%) whilst beat (or less serious) crimes increased from 60 to 86 (43%) - see Figure 3. Accepting that there could have been more crime to report, this was very encouraging and tended to suggest that either more people/victims had increased their confidence in the police and were thus reporting more crime or, that officers were reporting more from the scenes of domestic violence.

Arrests from reported crime - more arrests were made.

Arrests increased from 21 (30% of total records) in 1988 to 56 (52% of total records) in 1989. There was a striking increase in arrests for major crime from 1 (10% of total reported crime) to 11 (50% of total reported major crimes). There was also an increase in arrests for beat crimes from 20 (33% of total beat crimes) to 45 (52% of total beat crimes) - see Figure 4. This was a very important finding as it provided proof that officers were

paying heed to the "arrest" message contained in the policy.

No criming - fewer crimes were classified as "no crimes". The number of "no crime" classifications declined from 47 (67% of all crimes recorded) in 1988, to 32 (30% of all crimes recorded) in 1989. In 1988, 25 victims were unwilling to attend court and pursue the prosecution. This was the reason given for "no criming" on the crime record. This figure represented 53% of the total of "no crimes" whilst in 1989 the number was 22 representing 68% of the total of "no crimes" - see Figure 5. It is relevant to note that the "no criming" policy at the Streatham division was not introduced until the latter end of the 1989 research period, therefore its impact was of limited effect. However, to estimate the true value of this "no criming" part of the policy, crime figures for Streatham Division were analysed for September/October 1990. These showed that "no criming" had been reduced to 2% !

Charging rate - more offenders were charged in 1989.

Of those arrested at Streatham in 1988, 13 offenders (18% total records) were charged with criminal offences and brought before the local Magistrates Court. In 1989 of those arrested 29 (27% of total records) were charged and brought before the court. The positive action of arresting more people was reflected in the increased number of offenders who were charged in the research period.

These comparative findings illustrated the positive effect of the new policy when compared to the previous year. The findings suggested that the implementation of the policy resulted in significant increases in reporting, arresting

and charging of domestic crimes whilst fewer allegations were "no crimed".

COMPARISON WITH ANOTHER DIVISION

Comparison was made with the performance of another division (called Division 'A') for September/October 1989. The other division was similar in population mix and size (92,000 compared to 80,000), area ($4\frac{1}{2}$ compared to $3\frac{1}{2}$ square miles), police manpower (272 compared to 265), civilian support staff (40 compared to 50) and the annual financial budgets.

One of the researchers attended the other division and examined the same police records as they had done in the Streatham survey. The key findings were as follows:

Total crimes - more crimes involving domestic violence were reported on Division 'A'.

Division 'A' had 23 (21%) more crimes recorded in the two months period (130 allegations of crime compared to 107). Division 'A' recorded 18 major crimes (14% of total crimes) whilst Streatham recorded 21 (20% of total crimes). Division 'A' recorded 112 beat crimes (86% of total crimes) whilst Streatham recorded 86 beat crime (80% of total crime) - see Figure 3.

Arrests - significantly more arrests were made at Streatham.

Division 'A' arrested 16 (12% of total records) offenders, whilst Streatham arrested 56% (52% of total records). In major crimes Division 'A' arrested 6 (33% of total major crime records) whilst Streatham arrested 11 (50% of total major crime records). There was also a considerable difference in arrest rates for beat crimes. Division 'A' arrested 10 (9% of total beat crimes) whilst Streatham

arrested 45 (52% of total beat crimes) - see Figure 4. This difference was particularly relevant because the Streatham policy addressed police procedure in dealing with minor injury cases which in the main would be put in the category of "beat crimes". I believe, the Streatham policy was a major contributory factor in the difference in arrest rates between the two divisions.

No criming - Streatham had fewer "no crimes".

There were 60 (46% of total crimes recorded) crimes classified as "no crimes" at Division 'A', whilst at Streatham the number was 32 (30% of total crimes recorded). At Division 'A' 31 (50% of total records of "no crime") victims stated that they were unwilling to attend court and pursue a prosecution whilst at Streatham the figure was 22 (68% of the total of "no crimes") - see Figure 5. These latter figures emphasised the difficulty in pursuing a case to prosecution as at both divisions, the majority of victims, stated they were unwilling to support a court appearance.

Charging rate - more offenders were charged at Streatham. Of those arrested, 29 (27% of total records) offenders were charged at Streatham whilst at Division 'A' only 12 (9% of total records) offenders were charged. This comparison showed that the positive approach adopted by the Streatham officers was also reflected in a much higher percentage of offenders being charged and brought before a court.

These four sets of comparative figures indicated a more effective police performance at Streatham than Division 'A'. Although Division 'A' had more crimes reported, Streatham significantly arrested and charged more offenders and less allegations of crime were "cuffed"

PROSECUTING DOMESTIC VIOLENCE

In evaluating the impact of the police deferred decision to caution, this had also to be examined in the wider context of the police response to the prosecution of other offenders. This was examined over an eight month period. It is argued that the success of the deferred decision policy depended also on a police commitment, and continued dedication, to charge in the more serious cases and to ensure that, in accordance with the set policy criteria, the deferred decision was only used in cases of very minor assault.

One hundred and five suspects (24% of the total recorded crimes), were charged during this period. Seventy-nine suspects (75%) were kept in custody whilst the remaining 26 (25%) were bailed to appear at court. The list at Table 8 gives details of the charges which included 5 cases of threats to kill and four cases of grievous bodily harm.

Prosecution outcomes were derived from police result records. These outcomes continued to show that, as indicated earlier, cases were discontinued by the C.P.S., withdrawn by victims, and when prosecuted few offenders received custodial sentences, more typically being dealt with by way of a fine under £100. Details of specific outcomes are contained at Table 8.

"NO CRIMES"

Part of the effectiveness of the policy was measured by the declining use of "no crime" as a method of writing off cases. The use of "no crime" as a final crime outcome continued to be used throughout the months of the study. Following the commencement of the policy evaluation, I

continually made efforts to reduce the "no crime" practice. Notwithstanding the efforts of my senior management team, the "no crime" classification continued to be used and in some cases this caused particular concern and illustrated the divide between policy and practice even at a location where the subject was regarded as high profile. In the early stages of the policy I issued verbal instructions not to use "no crime" as an outcome to the investigation of the crime reports for domestic violence. However, I had depended on the admin support services at the police station to carry out my instructions. Unfortunately, the staff in the support office (called the crime desk) changed every six weeks and the verbal instruction was not always complied with, despite the office being supervised by two sergeants. As I have already mentioned, towards the latter end of the research period, I issued a written station policy which was intended to reduce "no criming" to a minimum. Afterwards I closely monitored the situation and found that the "no criming" rate on the division was reduced to only 2%.

Details of the 149 crime reports which were classified as "no crime" are contained at Table 9. The table illustrates that many quite serious allegations of crime were being cuffed and so never reached the Home Office for inclusion in the tables of official crime statistics. Physical injury was a strong feature in many of these cases. The use of the "no crime" was the result not of a lack of commitment by police to the victim but perhaps the police practice of writing off crimes because the victim made a withdrawal statement. Also, in the past there was an incentive to police officers to cuff crimes. It centred on, in my opinion a misguided belief, that a rise in crime figures reflected police ineffectiveness. This was a point that was articulated by CHATTERTON (1983) and

which I have already made reference to in my Literature Review. A real concern I had was the serious types of crimes which were being committed, reported to police and yet never recorded in official statistics. It was for this reason that I introduced a policy which virtually eliminated the practice of "no criming".

Having discussed some of the statistical analysis surrounding the positive action at Streatham, the next section will concentrate on the specific results from the deferred decision procedure.

CHAPTER 5

The Deferred Decision Procedure

DEFERRED DECISION PROCEDURE

The aim of this section was to concentrate on the effects of the deferred decision procedure by an examination of the details of the crimes, characteristics of the victims and suspects, the re-offending rates of suspects, interviews with offenders, suspects and the police officers and a consideration of the response to a written questionnaire completed by a number of police officers on the Streatham Division.

DETAILS OF CRIMES

Between May and December 1989 the police arrested 66 offenders who had committed assaults, resulting in "minor" injuries against victims and the circumstances fitted the set criteria for deferring the decision to prosecute or caution. Two cases were recorded in the major (serious) crime book, 62 in the beat (less serious) crime book and two cases were found in the custody records without a corresponding crime book entry. The intention of the policy was not to deal with cases which had been entered in the major crime book. This might suggest there was a small percentage (3%) of cases which had slipped through "the net". This net widening was a concern which some feminists had expressed when I was formulating the policy. This occurred despite the two supervisory checks which I had built into the system, i.e. the first in the custody suite by the duty inspector and thereafter by the community inspector when he supervised the case papers and executed the caution.

The two cases which failed to reach the crime books were a result of administrative errors. It happens that sometimes officers will charge, or deal with, a suspect at the station in the custody office and omit to complete a

crime sheet therefore fail to record the crime in the crime book. A monitoring system has now been set up to avoid this type of mistake.

A monthly breakdown of the number of deferred decision is contained at Figure 8. Accepting the odd monthly fluctuation there was a general increase in the number of deferred decisions from 5 in May to 9 in December. Analysis of the figures over a much longer period revealed that the numbers contained in this sample were fairly typical for Streatham Division. Details of the allegations and classifications of the 66 crimes is contained at Table 3. The majority of offences were classified as "actual bodily harm" which meant that most of the offences resulted in some bodily injury to the victim. A more detailed breakdown of the exact injuries is contained at Table 4. Most of the injuries resulted in either reddening to the skin, bruising, minor abrasions and scratches.

CHARACTERISTICS OF VICTIM AND SUSPECTS

A detailed analysis was made of the background of the suspects and victims for the 66 deferred decision cases according to gender, age, residence, relationship, colour and previous convictions.

Sixty-six victims were female and 65 of the suspects male. There was only one female suspect. This suspect was involved in an incident between a mother and a daughter, where the outcome was "no further action". The reason given for no further action was the mother's history of mental illness and alcoholism. The breakdown of gender is illustrated at Figure 6.

The following table illustrates the breakdown of ages of victims and suspects. The highest proportion of victims and suspects were in the age group 20 - 39.

<u>Ages</u>	<u>Victims</u>	<u>Offenders</u>
0-19	4	0
20-29	32	34
30-39	12	13
40-49	2	11
50-59	6	5
60-69	2	1
Unknown	8	2
	66	66

Forty-eight victims and suspects lived together whilst 18 lived apart - see Figure 7.

The relationship between the suspect and victim were as follows - 22 (33%) were husband and wife, 18 (27%) were boyfriend and girlfriend, 17 (25%) were common-law husband and wife, 5 (8%) were ex-boyfriend and girlfriend and 4 (7%) had other relationships. This latter category included one ex-husband and wife, one ex-common-law husband and wife, one mother and daughter and one between "friends".

An analysis of the skin colour of both the of victims and suspects showed that 44 (66%) were between people of the same colour, 17 (26%) were between people of mixed colour. In 5 (8%) cases either the victim or the suspect's colour code was missing from the police records.

A total of 37 (56%) of suspects, had been previously arrested by the police and convicted. Twenty-three (52%)

of the suspects who were given an adult caution had a previous criminal record. Four suspects were charged and 2 had a previous criminal record. Seven cases resulted in no further action being taken against the suspect and of these 4 (57%) had a previous criminal record. Finally in 11 cases, where the suspects failed to answer their bail at the police station, 8 (73%) of this group had a previous criminal record.

As I have mentioned previously, in the 11 cases where the suspect failed to attend to answer his bail, the procedure entailed the case being given back to the domestic violence office to supervise. In most cases they were able to contact the offender and make the necessary arrangements for him to attend the station to receive the caution. An analysis of the station records over a longer period of time showed that the domestic violence officers were successful, in most cases, in persuading those suspects to attend the station.

RE-OFFENDING RATES OF SUSPECTS

As part of the overall evaluation police records were monitored to ascertain the reported re-offending rates through monitoring subsequent arrests. Bearing in mind, and accepting, the criticisms which were made about the short research period in the SHERMAN and BERK Minneapolis Study, I thought it was necessary to examine the re-offending rates over a longer period of time. This inevitably produced a much larger sample size and probably gave a more accurate reflection of the impact of the policy. Police records were analysed between February 1989 and November 1990 - a period of 21 months. I would remind the reader that the figures should not be treated in isolation when evaluating this scheme but, should be considered along with all the other measures such as

victim and offender interviews, particularly in assessing any deterrent impact.

These data were collected from records which had been kept in the domestic violence office. These records contained details of allegations of crimes made to police officers and direct complaints from the victims.

The total number of domestic violence deferred decision cases from February 1989 to November 1990 was 135 - see Table 5. The total number of cautions, which were administered, was 89 (66%) and the total number of offenders who were charged, on their return to the police station, was 9 (7%). The total number of offenders where it was decided to take no further action, on their return to the police station, was 15 (11%) and 24 offenders (18%) failed to answer their bail.

Of the 135 offenders who were bailed, 9 (7%) were reported to police having re-offended during the bail period. In addition, 11 (8%) offenders were reported to police having committed further offences after being cautioned. As can be seen from Table 5, the re-offending rate measured over a 20 month period, was very similar to the 8 month research period. It may thus be concluded statistically, albeit over a limited period of time, that a significant number of offenders (86%) did not come to police attention having re-offended. A small percentage of offenders (7%) committed crimes within a short period of time after arrest and another small percentage (7%) continued to commit crimes after being cautioned.

The question I had to ask myself was whether this was a satisfactory performance or not. The most obvious way would be to look at another control sample, however, I was not aware of any other police station in the country that

had a policy which advocated cautioning for this type of offence. I therefore examined the other method of processing offenders i.e. prosecution, I analysed the re-offending rates of those suspects who were charged and brought before the court. A person would normally be charged if the offence was considered by the custody officer to be more serious than a "minor injury" offence or if the person had been previously cautioned or charged with an assault on the victim. A charge might also be preferred if it was a "minor injury" case in which the victim wished the matter to go before a court or the offender did not admit the offence. Generally speaking the cases that went before the court were of a more serious nature therefore one could not attach too much weight to a direct comparison between the two methods of disposing of cases. Accepting this, I was trying to find a very rough benchmark from which to judge the performance of the cautionary system, albeit I was speculating.

At the Streatham police station in 1989, 103 assailants from 638 incidents were charged and up until January 1991, 23 (22%) had re-offended. In 1990 130 assailants from 581 incidents were charged and 18 (14%), had re-offended again in that year. One would have expected this figure to be lower because the research was completed in January 1991 and some offenders, in the sample, had only just been charged in December. Although more detailed research was needed to examine the data, the statistics tended to suggest that charging offenders was no more of a deterrent than cautioning. The difficulty facing any reader of this research is to decide whether these re-offending rates indicated a success or not. In an ideal world, of course, there should be no re-offending ! I also had to accept a major flaw in making this type of comparison was it depended on the subsequent crimes being reported. I would contend that there was no magical optimum re-offending

level to which I could consequently refer so I did not draw conclusions which were too specific. I thought it was reasonable for me to say this. After being arrested and cautioned a significant proportion of offenders have not re-offended at the time of writing this report.

Up until the new Streatham policy was adopted, most of these offenders who were cautioned would not have been arrested by police. Therefore, no sanction would have been made upon them. They would probably have continued to commit these crimes. I would argue that part of the impact of this policy has probably been to go some way to breaking the cycle of violence and influencing some of this group to change their behaviour.

Finally, again I would remind the reader that these results must be taken in conjunction with what the victims and offenders have said about the policy. It is this part of my research which I will now go on to describe.

THE RESULT OF VICTIM INTERVIEWS

A total of 23 victims were interviewed, representing 35% of the total deferred decision sample (66). Whilst suspects were interviewed at the police station immediately after the outcome of the deferred decision, victims were contacted at a much later stage and were interviewed, by an independent female researcher, at a venue of the victim's choice. The outcomes of these 23 cases were as follows - 20 cases resulted in an adult caution, in 2 cases no further action was taken and in 1 case the offender was charged. Information from the "charge" and the "no further action" interviews can be seen under these specific headings.

All the victims who were interviewed were women. The final interview sample was formulated after a lengthy time consuming process which often involved having to make several attempts to make contact with the victims. The response rate, although no higher, was quite favourable when compared to other victim studies.

The methodology which was employed was that all the victims were offered a choice of interview venue. These included a local tenants association meeting place, a domestic violence office at Streatham Police Station or, alternatively, the person doing the interview offered to visit the victim in her own home. If none of these venues was thought to be satisfactory the victim was asked to suggest an alternative. All the victims were asked a detailed set of questions to ensure uniformity (see Appendix 8). In addition, the interviewees were asked if they wanted to give any further information which they considered to be relevant to the circumstances surrounding the violence. The domestic violence police officers informed the victims beforehand regarding possible contact

from the researcher. This initial police contact was followed up by the researcher telephoning, sending a letter or making a home visit. It was stressed to the victims that the research was confidential and independent, aimed to assess the victim's reactions to the deferred decision procedure, victim satisfaction with police response and the effectiveness of the police intervention.

In formulating this approach strategy I was very aware that contacting the victim could cause problems if the victim and offender were still living together. In addition to the safety and privacy of the victim, I was also mindful of the personal safety of the researcher when visiting some of these homes, some of which were located in "high crime" areas. The domestic violence officers indicated these potentially sensitive cases, and in some instances, advised contacting the victims at their place of work so that the offender had no knowledge of the interview. I was also aware that some of these visits could be dangerous, for both the researcher and the victim, and in those cases a domestic violence officer was located nearby for the duration of the interview. As a precaution, each time the researcher went out to interview, a note of the address which was being visited was left at the police station. However, all the interviews were conducted without any danger or problem. There was only one offender who was actually verbally abusive and in that case it was decided not to speak to the victim (see below for further details). The interview sample was drawn without having to make contact with any victims who it was perceived were living with potential difficult offenders. The decision was taken not to pursue these difficult cases unless it was absolutely necessary. The reason for this was to avoid creating any unnecessary problems and stress for the victims. The experience of

the researcher was that communication was made easier where the victim had a telephone, although it was still often necessary to telephone several times before a contact was made. It was found that most victims were very willing to be interviewed, and as previously mentioned, the victims decided the time and place of the interview.

Fifteen women (65%) were interviewed in their own homes. One interview was conducted with the suspect present. Five (22%) victims were interviewed at the police station but only one of them chose this option. The other four were present with the suspect when he returned to answer his bail. This in itself was highly significant, as victims were not asked to return with the offenders for a final decision. One woman was interviewed in a cafe because she did not want to return to the Streatham area as she had left her previous home to avoid contact with the offender. At the time of the interview she had been homeless for 2 weeks and was just about to move into a new flat. Only one victim who was contacted by telephone refused to be interviewed. However, she did agree to give a brief telephone interview. The final victim was interviewed at a relative's flat where she was staying on a temporary basis. She had left the marital home four months previously apparently, because of her husband's extreme violence and alcoholism.

It was accepted right at the very beginning of this research that contacting domestic violence victims and conducting interviews was going to be exceedingly difficult. Although studies I have read from America have not actually discussed these difficulties, in depth, I will now discuss some of the problems which were encountered at Streatham.

Two victims who agreed to be interviewed, and chose the police station, did not appear. One victim was later contacted by the researcher visiting the home, leaving a letter for the victim with the offender and then following it up with a telephone call. The woman, who said she was depressed, no longer wished to be interviewed. The other victim did not respond, despite the fact the messages were left on her answerable and a letter was sent to her home address.

One victim, who agreed to be interviewed at home, was actually ill when the researcher arrived and therefore the interview could not take place. Again it proved impossible to re-establish contact with this victim. In another two cases neither victim appeared at the agreed venue at interview time and despite the researcher waiting for over an hour, neither victim appeared at the agreed location. In both of these cases the women had forgotten about the appointment and another date was subsequently arranged and the interviews conducted.

Victims who did not have a telephone were contacted by letter. Enclosed with the letter was a reply paid envelope and a form requesting the victim to indicate whether she wished to be interviewed and, if so, to give a suitable date and time. No replies were received from this method of contact so the researcher then visited each home with with aim of arranging a future interview date and time. If there was no one at home another letter, explaining the reason for the visit, was left at the venue. Only one woman contacted the researcher using this method. If no contact was made after the second letter these cases were not pursued further.

At one house, the offender answered the door. He was very rude and abusive to the researcher and stated that the

woman victim was not at home and in any case apparently did not wish to be interviewed. Despite further enquiries, by the officers working in the domestic violence office, no further contact was made with this victim.

In conclusion, contacting the women and conducting the interviews was a very time consuming process, often with limited success, however persistent the interviewer might have been. This affected the total number of the final interview sample as it was considered not practical, or ethical, to pursue the victims who were difficult to contact. To maintain independence, it was decided, the researcher would not seek police help in making contact with the victims.

The procedure for recording what was said in the interviews with victims was that the interviewees were taped and afterwards the interviewer typed the answers to a list of questions which had been previously agreed at the beginning of the research. This was a style which the interviewer felt most comfortable with and was found to be effective by her. An example of a typical typed interview can be found at Appendix 10. At the end of the interviews the researcher prepared a draft synopsis of her findings. It was from these sources that the following results and conclusions were made by me.

Previous violence

Seventeen victims (74%) said that this most recent violent episode was not the first incident. However, the number of previous incidents, and levels of violence, varied.

One respondent said that the violence started on the day they married and had continued on a regular basis ever

since, but she had never reported the facts to police because of fear. Her injuries apparently included the left eye swollen, severe bruising, scratches to the left side of the neck, bruises on the upper left arm, scratches and a graze to the elbow. This was the first time she had reported him to the police. She detailed in interview that he had a record of past violence which included an attack on his step-father with a knife and a previous threat to beat up his nephews.

One victim said that there had been no previous violence but the question was probably misunderstood because the victim was Turkish and did not speak very good English. When interviewed, through an interpreter, her response was checked against her first statement to the police and was found to be incorrect. On the contrary, this victim had been subject to violence on several previous occasions.

Previous contact with the police

Seven respondents (30%) said that they had previous contact with the police for a domestic incident. The following are some of the comments made to the interviewer.

"When I've phoned the police before, they have just come up here - they said what they had to say, and I said what I had to say, and they just left it at that ! He promised he wouldn't do anything else, but when the police had left it was a different story".

"I haven't phoned the police often, I've been too frightened because of what he might do. It has been going on for a long time now and I just got fed up with it. The police seemed to do nothing before if there was no physical injury that they could see, or any argument going on whilst they were there, in which case the police

seemed to be satisfied and just went away again and that was it. I've had bruises and scratches but not on my face and so the marks really didn't show at the time (the victim was dark skinned). The bruises sometimes came up a lot more the next day. I think what stops a lot of people going to the police is that they think they're not going to get any help".

Eleven respondents (48%) said that this was their first police contact.

Who contacted the police

Eleven (48%) victims contacted the police themselves. Three victims asked family members to make contact with the police, three neighbours phoned the police on their own initiative, one suspect phoned because he wanted his wife arrested, one current boyfriend because the victim had been abducted by her ex-boyfriend and had been assaulted. In a further case police were at the scene and witnessed the incident themselves.

Why this time

Respondents were asked whether there was anything particular about this incident which resulted in them contacting police. There was a range of answers to the question. Twelve (52%) victims said that they wanted the situation to stop either because they were frightened, had been injured or did not know what else to do. The following answers were typical responses.

"I thought he was going to kill me so I didn't have any choice, I was frightened".

"I told him I was going to phone the police and he went on and on. I

don't think he believed me and he thought I would do what I usually do - not say anything about it, but he was quite surprised when they came".

"I was coming to the decision that I'd had enough, I phoned the police because I wanted him to know that I was serious I hoped they would talk to him".

One victim who had been assaulted before said that she would not normally have phoned the police but she was worried about the effect on her grandchildren who were at that present time staying with her. One further victim said that she'd seen a television programme about the police changes in domestic violence and so decided to telephone and seek help.

Police response time

The average response time, estimated by victims, was between 10 and 15 minutes and some victims said that this seemed a long while at the time. In one case the response time was 2½ hours and, by the time the police had arrived, the suspect had left. In this case the offender was not arrested until several weeks later when he returned from holiday. The police had explained to the victim that the delay was a result of a wrong address being recorded at the time the victim made the report.

Police officers at the scene

All the victims reported that no less than 2 officers arrived, in some cases several police vehicles arrived on the scene of the crime. One of the main reasons for this was the local police operated a system which, in part, relied on police vehicles which were manned most of the time by two officers. Since it was these response

vehicles which answered most calls it was not surprising that victims perceived at least two officers attending each call. Police women were in the minority who attended the scenes of violence. This concerned only one victim who stated that she would have preferred to have been dealt with by a woman officer. The majority of victims were satisfied with the initial police response to their call for assistance.

Did the victim think it was right to arrest

Fifteen victims (75%) said it was right to arrest, even though two of the victims were also taken to the police station with the suspect. Four (17%) victims said that it was not right to arrest. They said that they only wanted the police to talk to the offender. Interestingly, two of these four victims returned to the station with the suspect at the end of the deferred decision procedure. Some of the responses are indicated below.

"No, but I was so upset I didn't know what to think".

"It was all right them helping me and stopping it. When they said they were going to take him away, I was hysterical at the thought of my other half being detained in a police cell".

"When they arrived I explained to the officers what had happened. I didn't really want them to come into my house as I thought phoning them was enough. The officers said they just wanted to come in and have a quiet word with him and they would go. They in fact came into the house and interviewed him and to my surprise they said they were going to arrest him. I was then very angry and

reminded the policeman that he said he would only have a quiet word. One of the officers was young and arrogant".

Relationship of the suspect with the victim after arrest

During the post arrest period two suspects returned to their home unexpectedly. Others made little contact with the victim. These situations are now considered here.

The force and divisional policy clearly stated that victims had to be informed of the impending release of offenders. In two cases, where victims resided with offenders, particular difficulty was experienced on the release of the offender as the victim was not expecting his return. Sadly, it was another example of the difference between policy and practice. It is relevant to note the feelings of the victim in these cases.

"I was very surprised to hear a key in the door at 6am that morning. As you can imagine I was very frightened. I looked outside and there was a car so I assumed that the police had brought him to get some of his things. I couldn't believe it when he came into the house and said that he had been released after a telling off. What were the police thinking of ? They know nothing about him, he could easily have come back and really beaten me up this time. The police didn't even phone to let me know what they had done. I was on my own in the flat with two young children to protect. I didn't expect this after the initial positive response".

"When they took him away he was gone for a few hours. He didn't have his keys with him and the next thing I knew he was banging on the door to be

let in, but I didn't open the door. They didn't let me know he would be coming back. I was really upset, and if he had still been mad he could have kicked the door down and then I would have been really hurt. He went away that night and didn't come back for about two weeks, when we made it up".

Fortunately, in neither case did the offender assault the victim, however, these examples showed the importance of the police informing the victim about the release of the offender and was shown to be of enormous value to the victim.

Understanding of the new policy

Three victims were unclear about the new police policy. Several women said that they were given three options to choose from, i.e. charging, no further action or caution. Whilst some women had seen the television programmes about the changes in domestic violence policy and so knew that something was different, they had little understanding of the new approach to domestic violence and no real understanding of the deferred decision policy nor the use of the adult caution.

Return for the caution

Although the victims were not specifically requested to return to the station with the suspect for the purpose of the caution, several decided to do so. Five (21%) victims accompanied the suspect on his return date to answer his bail. One victim explained that she returned because the domestic violence officers had been trying to contact her and four other women returned because they were concerned about the outcome of the deferral upon the assailant.

Contact by the Domestic Violence Office

Eighteen victims (78%) were contacted by the domestic violence office after the incident took place. One victim came to the station, at the time of the caution, in response to the letters and messages and one victim made contact with the office after a second incident took place. The level of contact varied, but almost all of the victims said that they found this contact helpful and supportive. The following comments were typical of those that were made to the interviewer.

"It was nice to know there was someone I could phone if there was any more trouble".

"She explained to me what was going to happen and gave me options".

The effect of the policy on their relationship

All respondents were asked whether the prospect of a formal caution, or prosecution if the re-offending occurred, affected their relationship. Seven (30%) victims said that their relationship had actually improved. An example of this type of response is as follows:

"Yes I think it has been better, during the two months he was very good, I think it frightened him in that it was considered a crime and also because he was kept in custody. He's been drunk since but not as bad as he has never raised his hand to me since".

In a further 7 (30%) cases relationships had ended as a result. Only 2 (8%) said things seemed the same and 1 respondent said that things had worsened. She said:

"It has made it much worse, he doesn't take it out on the children, but maybe his feelings towards me have changed. He didn't think our relationship could continue because of what had happened, neither did I, it came out of the blue. It was the involvement with the police that was the problem, that he was arrested and would have a record for a few years. He's still upset about that. It was the first time that anything had happened".

Would you have gone to court and given evidence if the police had decided to prosecute

Notwithstanding the following comments made by victims, it was certainly the case that had the victims expressed their wish, at the time of the arrest, the offender would have been charged.

Twelve (52%) victims said they would not go to court and give evidence to support a prosecution. The majority said that they just wanted the violence to end and hoped that the arrest and caution would be sufficient. All felt quite strongly about this point. Interestingly, one of the twelve, at a later date, charged the offender after their was a repetition of the violence. One victim was undecided and did not know what she would have done had the case gone to court. Only 6 (26%) victims said they would go to court and surprisingly, at the time of the interview (subsequent to the caution being given) 13% stated that they would have preferred, with hindsight, that the offender had been charged. The following was

part of a statement made by one of the respondents in this latter category.

"Yes, that's what I wanted them to do. It would have meant more to him. I wouldn't have had to pay the £20 to have my phone number changed to stop him ringing me. I had to get legal aid to get an injunction to stop him, his friends and his family coming round. I had to leave my work and work somewhere else to stop them from harassing me. I've had to change and he hasn't had to do anything. Its a big game to them, but if he had been pulled up in court and had received something for it, even if it was only a bind over for a year, then it would have meant something and it would have given me some more security. My life has completely changed, his hasn't".

Would the victim call the police again

Seventeen (74%) victims said they would call the police again. Two said they would not. One victim was very definite about this and angry that her husband had been arrested, yet the same victim phoned the police again for advice during the deferral period. A further three respondents were undecided.

Could the police have been more helpful

Most respondents were satisfied with the police response and assistance. Two victims strongly expressed the view that they would have liked to have had been informed when the suspect was released. One victim would have preferred better treatment at a police station. Her comments were as follows:

"They shouldn't have left me in that room, I was in pain, not just physically but mentally and I didn't just want to be left hanging about. I just wanted to get home. I was examined by the doctor, it was about twenty minutes before he came, he put some cream on my face and gave me two aspirins. I then had to go back into this box room and make a statement. I was in real pain, my dress was half ripped and I had no shoes on. It was very degrading. They left me alone in there a lot, there was nothing to look at, its just one square room. The big room where my ex-boyfriend was kept was better. It was bigger and there was other people around".

The room referred to was probably one of the two interview rooms where all the victim statements were taken at Streatham Police Station. The rooms are sparsely furnished and there are no windows. As will be seen in the next section, the researcher who interviewed the male offenders also found the rooms "unwelcoming".

I would suggest that these victim interviews tended to support the policy adopted by me at Streatham. To round off this section I will highlight those parts which provide evidence for that opinion.

Seventy-four per cent of victims stated that they had been assaulted previously. This did not entirely support JAFFE's findings but it did mean that in the majority of cases to which police were called the victim had been previously assaulted. My argument was that the police officers should not, therefore, look for who was morally to blame (as CHATTERTON found) for the incident but deal with it legally and exercise their power of arrest because in 74% of the cases the offender had struck out at the victim on previous occasions.

In fact, 75% thought it was right to arrest the assailant and this was the victim's view some while after the event. Most interviews had taken place within six months of the crime.

Seventy-five per cent of the victims had confidence in the scheme and stated they would telephone the Police again. This was most significant. Whilst one can debate the deterrent value of this policy, there was a loud and clear message from most of the victims stating that arrest was a service they wanted from the Police. Most of the victims seemed to support the role of the domestic violence office and the help that was given to them by the dedicated domestic violence officers. Seventy-eight per cent of the victims admitted receiving some form of contact from this office. Interestingly 50% of victims would not have gone to court to support a prosecution. If the Police had charged the offenders in these cases, the Crown Prosecution Service would not have continued with the case because of the legal difficulty in getting witnesses to give evidence. A witness can be compelled to attend court under Section 80 of the Police and Criminal Evidence Act 1984 but cannot be compelled to give evidence. The result would be that nothing would have happened to the assailant. This policy provided a sanction, citable for three years against the offender and might have been the first, and vital, step to preventing further violence.

Domestic violence is not an easy matter for the Police, or any agency, to deal with as it often involved complex social and personal issues between two people. This fact was borne out by the 21% of victims who attended the Police Station, two months after the assault, with the offender. This indicated a caring and compassionate emotion which would have probably been quite different from the feelings expressed by them at the time of the offender's arrest! Thirty per cent of the victims stated that the caution process actually improved their

relationship so it left me asking the question what was the point of pursuing these type of cases through a court? My view was that it added strength to the use of the caution.

Similar supporting evidence was found in the offender interviews which I will discuss in the next section.

THE OFFENDERS - DETAILS AND RESPONSES

This part of the report analysed the responses of the assailants who had been cautioned. The interviews took place at Streatham Police Station on Thursday evenings between 7 and 10pm over a ten month period between July 1989 and May 1990. The respondents, 47 in total, were interviewed by an independent male researcher who was attached to the University of Buckingham. The assailants were interviewed immediately after being cautioned. After the caution was completed, the cautioning officer informed the assailant of the research that was being completed and was then invited him to assist by way of interview. Perhaps it is not surprising but none refused ! Ninety-eight per cent of the assailants admitted their actions and accepted the caution.

The figure of 47 was arrived at from the suspects who turned up for the caution. There was some Thursday evenings when no interviews took place because the interviewer was not available. Those who re-offended in the two month period were not interviewed because they would have been charged and taken to court. Those who failed to turn up for a caution were also not interviewed. It is open to debate but I doubt if these limitations affected the results of the interviews. The aim after all, of the interviews, was to seek the views of offenders who had been through the whole system from arrest to caution.

The interview technique

Initially, the interviews were held in an "interview room" adjacent to the station office and custody suite. The interviewer found the room unwelcoming and was often busy and occasionally "chaotic". The interviewer opined that

the area and room were not conducive to good communications by way of an informal "chat". As a result of this rather difficult start I changed the venue for the caution and the interview. I utilised two offices in the senior management suite. The interviewer found that the change of location assisted in having a more relaxed and informal interview with the assailants.

Another problem arose from the policy of only administering the cautions on Thursday evenings. Whilst the domestic office had made repeated requests to the custody sergeants to "stagger" the times of the bail return, unfortunately, this was not always done. As a result on some Thursday evenings there was up to six men arriving at the same time to be cautioned. As a result, on some occasions, the interviews were conducted in the knowledge that a post caution queue of men were forming and the participants would be anxious to leave. In hindsight, the interview procedure could have been more effective had the organisation of the timetable been more structured and more time allocated to each interview. This would have enabled more confidence to be built up between the interviewer and interviewees and no doubt would have helped to develop a better discussion.

One issue which was beyond any forward planning was the language difficulties of seven of the respondents. The interviewer, found on occasions, that the replies were difficult to understand and hence posed problems of validity. In addition, six offenders also arrived apparently the worse for drink, smelling strongly of alcohol and at times stared morosely. Therefore, in 28% of the cases, there was difficulty for the interviewer in trying to carry out a coherent and meaningful interview.

There was an interview schedule drawn up for the interviewer and this is shown at Appendix 8. However, the combination of the interviewers style and his experience after the first few interviews resulted in the interviews taking place in an informal and unstructured way, questions were not asked in a chronological order but rather whenever the subject seemed relevant. The approach to the interviews was that the interviewer was given background knowledge of the offence and the offenders, from the police case papers, prior to the interview. From this the interviewer was able to ascertain whether the interviewee was lying or reluctant to tell the truth.

The interviews varied in length from the shortest at three minutes, where communication was virtually impossible, to the longest at approximately 45 minutes. The interviewer found that whilst a few assailants were reluctant to talk, most were only too willing to assist, setting their behaviour in the wider context of their life story. I would have to admit that the validity of the assailants responses, especially in the light of the fact they were interviewed immediately after a caution, could be doubted by some critics. I would argue that the interviews were only part of the evidence to prove or disprove the success of this scheme and should be viewed in the context of the findings of the other qualitative and quantitative research.

An example of a typical interview is to be found at Appendix 11.

The offenders - facts and figures

In total, 47 men were cautioned and later interviewed for the study. Their racial and national identity were classified as follows:

<u>Race Code</u>	<u>Number</u>	<u>% Of Respondents</u>
IC1 (White Skinned European type)	24	(52%)
IC2 (Dark skinned European type)	2	(4%)
IC3 (Negroid type)	17	(36%)
IC4 (Indian or Pakistani)	1	(2%)
IC6 (Arabic/Egyptian type)	3	(6%)

Regarding age, offenders varied from the youngest at 20 to the oldest in his mid fifties. It is to be noted that 81% of the offenders were aged 38 and below. In my opinion this would mean that, unless the cycle of violence was broken, 81% of offenders would have more than 20 years in which to continue to assault their partners. I base this on the fact that there were few assailants above the age of 58. I would contend that in order to prevent years of wife battering it was vital that the cycle of violence was broken at the earliest stage.

<u>Age</u>	<u>Number</u>	<u>% Of Respondents</u>
20 - 23	6	13%
24 - 28	16	34%
29 - 33	7	15%
34 - 38	9	19%
39 - 43	3	6%
44 - 48	3	6%
49 - 53	2	4%
54 - 58	1	2%

The structure of the relationship with the victim was equally varied.

	<u>Number</u>	<u>% Of Respondents</u>
Married	16	13%
*Common Law	10	21%
Co-habiting	17	36%
Boyfriend/Girlfriend	1	2%
Ex-boyfriend	3	6%

*Based on the length of co-habiting. Less than three years was classified as co-habiting.

The length of the relationships showed a frequency for assaults in relatively "new" partnerships:

	<u>Number</u>	<u>% Of Respondents</u>
Less than two years	10	21%
3 years - 5 years	9	19%
6 years - 10 years	7	15%
11 years - 15 years	5	11%
16 years - 20 years	1	2%
*Not known	17	36%

*This rather high figure was attributable in part to a reluctance to remember how long they had known the victim and on other occasions a problem of precision in that, for example, the relationship in some cases was in the second or third stage with years of separation between or, in a few cases, was renewed after years of absence forced by migration.

Of the 47 assailants arrested, approximately 50% admitted that they had previous convictions, although these were not always for offences of violence. Out of the 24 assailants, 9 admitted that they had had several custodial sentences but only three (6%) were for violent offences and out of the 47 only 3 had previous convictions for domestic violence.

Offenders were represented in a wide spectrum of occupations:

	<u>Number</u>	<u>% Of Respondents</u>
Skilled Manual	3	6%
Semi-skilled Manual	2	4%
Unskilled/decorator	11	23%
White Collar	2	4%
Service industries	6	13%
Self-employed	10	21%
Student (full time)	3	6%
Professional	5	11%

Details of the incidents

Forty-three (91%) of the assaults took place in the home. Of the other four, three occurred in the street and one at a place of work. The incidents were variously brought to the attention of police as follows:

	<u>Number</u>	<u>% Of Respondents</u>
Telephone call from victim	23	49%
Telephone call from neighbour/ witness	15	32%
Telephone call from family witness	3	6%
Victim called in person to station	5	11%
Victim flags down passing police car	1	2%

Incidents occurred predominantly in the evening/night, but close to a quarter occurred in the morning or afternoon:

	<u>Number</u>	<u>% Of Respondents</u>
Morning	3	6%
Afternoon	12 - 5	8
Early Evening	6 - 9	12
Late Night	9 - 12	17
Early Hours	5	11%
Not Known	2	4%

The offender's accounts and their perceived reasons for their arguments and subsequent assault provoked the following replies. None was particularly surprising:

	<u>Number</u>	<u>% Of Respondents</u>
Affair/jealousy	6	13%
Drink by either victim/offender	14	30%
Hysteria/depression/medication	7	15%
Housing conditions	3	6%
Unemployment/money worries	7	15%
Personality change/In-Laws	3	6%
Level of communication/ constant arguments	7	15%

The ensuing argument and assault produced the following injuries which were described in the police files:

	<u>Number</u>	<u>% Of Respondents</u>
Soreness/bruising/swelling	20	42%
Reddening/grazing	12	25%
Slight bleeding/cuts/scratches	7	15%
Fright/distress/hysteria/shock	5	11%
No injuries	3	6%

Of the 47 victims, 2 required hospital treatment, one required stitches to a wound.

As a result of these incidents men were arrested and a crime report entry completed for the following offences:

	<u>Number</u>	<u>% Of Respondents</u>
Sec. 47	6	13%
A.B.H.	33	70%
Common Assault	7	15%
Sec. 25	1	2%

In 28 (59%) of the cases children were present at the time the assault took place.

In 12 (25%) cases the assailants admitted the police had been called to the address on a previous occasion to deal with a domestic dispute.

The interviewer found it difficult to assess the precise nature and frequency of previous assaults/arguments. Thirty-two (68%) offenders admitted they had committed

assaults against the victim on a previous occasion. Another illustration of the considerable under reporting of this crime was found in a comparison with the number of assailants who had a criminal record for such an offence. Only 3 (6%) had a criminal conviction for such an offence!

Details of detention and release

With the exception of five persons, 42 (89%) assailants were arrested at the scene of the crime. These five suspects stated that they had attended the police station "voluntarily" after being requested to do so either by letter or telephone by one of the domestic violence officers. Almost all the other respondents remembered the speed of the police response; for the majority it was less than 10 minutes, for a few it was around 15 minutes and only one thought it took around half an hour but he admitted being drunk at the time. These times could only be estimates as the interviews took place at least two months after the crime took place.

The number of police officers who attended the incident varied considerably in that in 14 cases the offender was met by two officers, in 7 instances three officers were in attendance, in 8 cases four officers arrived at the scene, in 8 cases six officers attended and finally the last 2 cases the assailants seemed to recall that eight officers attended ! Of the remaining three arrests, two of these incidents were stumbled across by the police and details of one arrest were not known. Only one altercation required a forced entry from the police, but five men arrested necessitated restraint in the form of handcuffing.

The actual arrest certainly shocked many, and for those who had never had the police at their door, the arrest was

an acute embarrassment. The following was one response:

"I was in the back of the car, I thought everybody was looking at me and asking what's going on".

For others the seriousness of their violent acts was realised upon arrest:

"It was a mystery to me at first. I never thought I'd done enough to warrant it" (his wife had received bruising and a reddening to the face in a household with a long history of domestic violence).

"Arrest made me realise her fright, realised that fear is more dangerous than assault".

Arrest brought for others a realisation of the deterioration of their relationship:

"By the time the marriage has got into the hands of the police its the end of it".

"See, you make a home and when she phones the police its no longer your home.... they were right to do it but.... for me to be dragged out of my own home in front of my own kids was a bit revolting".

However, even the significance of arrest and detention could not permeate a self justifying belief for some that their actions were not "wrong":

"When arrested I was worried. I thought there was something wrong with me - there isn't".

Forty-one (82%) persons detained were placed in a cell. Five of the remaining six who were not placed in a cell were those who had called to the station as requested and were then interviewed immediately, the other was interviewed then released.

The length of detention varied considerably albeit the figures should be approached with slight caution as the responses were dependent on the self report and recollection of the interviewees. In addition many of whom admitted being quite drunk when arrested.

For those arrested, the subsequent detention in a cell followed by the process of being photographed and fingerprinted, proved a stunning experience. Only one person detained claimed that such a procedure had no effect on him. For the rest, regardless of whether they had at any time been in police custody (which meant 24 of the 47), and those 9 who had served prison sentences, arrest and detention was the last thing they expected. The following responses were typical:

"I didn't feel too good about that. I felt like a criminal".

"It was like them telling me to eat, drink, go for a shit, then go to bed.... its like being back in prison. In fact being locked up was rather like a refresher course".

"It was horrible. I had flu and I coughed all night and the food they brought me was horrible. I can't believe they put people in there, it was freezing cold and there was shit over the blanket.... in fact you'd think I was a bleedin' bank robber".

"I never thought I'd see the inside of a cell, it was terrible".

For some, conditions were hardly ideal, for others the detention time allowed them to reflect on the situation which had resulted on them being there:

"Its a sad thought, you sit there and think, the two of us we love each other and it comes down to me getting locked up for four hours".

"I cried.... I didn't think it would end up like this".

Thirty-nine (83%) of the suspects were photographed and fingerprinted. The absence of this procedure for the remaining eight cases was probably due to the fact that five of them were "voluntary" callers and, in the three final cases, resulted from a possible oversight by the police or the loss of memory by those who were being interviewed. Just as was the case with being placed in a cell, the identity procedure shocked many who thought that such things were meant only for criminals, i.e. not them !

Eighty-nine per cent of those interviewed stated that they understood the deferred decision procedure. Five (11%) claimed that the full detailed implications had not been fully explained to them. How much of this was due to their own ignorance or their state whilst under arrest was not known. In general, the vast majority understood what they were entering into when they were released from the police station.

On release 35 (74%) went home, 2 found that their partners had left them. Only one, however, was instructed by the police not to return to the scene of the arrest,

apparently being threatened that if he did so he would be arrested again. Only 7 went to other addresses after being released.

The effect: happy ever after ?

For some the assault and arrest proved very significant because their partner left them. This occurred in 8 cases although 2 were already separated at the time of the incident. For the remainder the preceding weeks and months had produced various results which included an openness to talk over the problems, a silence which lasted for days and a refusal to mention the incident, disappointment from one victim whom the assailant considered had wanted him charged and a tension over who was at fault.

The question about who was to blame was one which many could not answer and provided a dilemma, perhaps a reluctance to acknowledge their guilt. Those who could reply said the following:

	<u>Number</u>	<u>% Of Respondents</u>
Both of us	12	25%
Her	11	23%
Me	3	6%
Police	1	2%
'Him' (in the case of affairs)	1	2%
Relatives	2	4%
Unable to say	17	36%

The assailants stated that their partners, for the most part, were satisfied with both the arrest and the deferred decision procedure. After all their consent was required for a caution to proceed. Only two of the men thought that the deferred decision procedure would, two months later, start arguments all over again. Some, perhaps making idle boasts, spoke of the regret their spouses had

in calling the police initially, one claimed that whilst he was being cautioned:

"She's at home right now crying. She thinks I'm going to prison".

In contrast, another spoke of his wife being annoyed that he was not going to prison. As a result she had taken out an injunction against him.

It could be argued that the crucial test of the whole policy was whether it had altered the behaviour of the offender. The interview process relied on the presumed honesty of the subject's replies supported, where possible, by the information gained subsequently by both the officers who worked in the domestic violence office and from the interviews of the women victims. Statistically, the question whether arrest and caution altered behaviour brought the following replies:

<u>Outcome after arrest/caution</u>	<u>Number</u>	<u>% Of Respondents</u>
Stay together "happy and sorted"	14	13%
Stay together "trying to get along"	3	6%
Incident not spoken about	2	4%
Partners want the other out	2	4%
Filing for divorce	4	9%
Split-up	1	2%
Made woman too powerful	8	17%
Made man alter behaviour	13	28%

One couple had cancelled their intended marriage whilst two had made appointments with marriage guidance counsellors. Two families, one of whom had their children on the "at risk" register of the local social services, were later visited by a social worker.

The caution - the points for and against

The caution was understood by all excepting 11%. In three of these cases the difficulty may well have been attributed to alcohol, one to a language problem and one to total pig-headedness and an inability to listen to the interviewer.

Whether it was a "good idea" produced a very mixed response, 3 (6%) were indifferent, 12 (25%) considered it simply a "bad thing" due to the length of time and power it gave to the woman, the rest, 69%, thought the caution was "okay" and a good thing, although a few of this group held reservations about the length of time the caution would be on record and again, the power that it gave to the women.

Finally, perhaps the most important part of the whole pilot scheme and study was the attitude of the offenders. The replies that were given to the interviewer, although very varied, could be analysed in terms of complaints which were classified in terms of (i) dissatisfaction, (ii) unfairness, and on the opposite side of the coin (iii) a positive thing which encouraged attitude changes in both men and partners, and the issue of spousal violence on a wider spectrum. It was, of course, very difficult to measure accurately the attitude of those being interviewed, because as I said earlier it depended on the honesty of the offenders who may well have been influenced, to some extent, by being interviewed at the police station immediately after the adult caution. However, accepting these limitations, the following is a selection of the responses which were given and went some way to helping me assess the attitude of the offenders.

"If it's going to stop violence, fine, but if it's going to ruin people's lives, giving women the chance to shout, and the guy spends a day in prison then they'll have to look carefully that the woman's not at fault".

"They didn't take my word. It's me who's got to prove it against myself. They just supported the woman".

"The loyalty side of things affects me. You have a row over a silly thing and you're 'nicked'. That will always give the woman the stronger hand; it won't help domestics".

The frequency of such responses showed a significant fear in the minds of the men who were interviewed. However, none gave any evidence that the victims had responded in that way in the previous two months. Although beyond the scope of this research, it would be most interesting to speak to these interviewees at a much later date, to find out if those fears were founded.

A positive thing

For various reasons many considered the scheme to be a good thing. Arrest and detention had made them alter their behaviour in that discussions and arguments were more reasonable, or at least did not escalate into violence:

"I still shout and scream but I think more about what can happen to me when I've done nothing physical".

"I didn't want to get that carried away and it's given me a good kick up the backside".

Dissatisfaction

"I was not given adequate time to explain my side and, having never before been arrested, you should have a chance to repudiate things and not be left alone to be charged (meant cautioned). Its completely against democracy and freedom".

"I wouldn't have minded going to court because I'd have pleaded not guilty and won".

One combined a complaint of the length of the two month deferred decision procedure. This was his perception of the insignificance of his act:

"I think that a record for three years for something so minor is a bit long. How long would they caution a real criminal".

"If its for three years it might as well be thirty".

Unfairness

What many thought unfair was how the policy favoured the woman, both at the scene of the incident and at any future date:

"I've learned to keep my cool but I reckon its made her worse, she knows how much I hate getting locked up. She can play on it, and say things knowing I can't do anything. It's given her more power".

"She knows she can have a row, run down here, and I get banged up for 6 hours or maybe longer".

"It's like a trap. When we have an argument she can phone the police and tell them I'm beating her and they'll believe her".

"We've talked about it, we haven't resolved the issue but we have re-structured our ways of discussion".

"It's definitely changed me. I give way in an argument".

"It's a deterrent. During the bail period I found myself in a situation where, if it wasn't for that I would have repeated it. You then think twice, take a deep breath and walk out of the door".

For another, the shock of arrest in front of his family produced a change of social habits:

"I've packed in drinking. Haven't been to the pub since".

Yet others would do anything to avoid a police cell, a court room or an envisaged prison sentence.

"It's better than going to court. It stops it before it starts"

"I'll suffer being beaten and humiliated by her rather than be thrown into jail".

For some, it was feared that in spite of any policy or evaluation their behaviour will, somehow, never either be rational or reasonable, such was one respondent:

"I'm one of those people who don't give a damn what happens to me, the only person I respect is God, everyone else comes after. If tomorrow she hits me I'll hit her again and face the consequences after".

Others though were perceptive. They saw the enormity of the issue:

"If people can be helped before it comes to court then it must be good. But what you're fighting against is human nature and environment and just about everything else that constitutes life. The main reason is called the Battle of the Sexes".

In concluding this section on interviews with offenders I think a number of important issues came out of these interviews. Let me highlight those I considered to be the most important.

The research on offenders showed that 50% had been convicted previously for some type of offence so had experience of being dealt with at the police station. They were from a wide spectrum of occupations and racial backgrounds, most were under 40, living with the victim and 65% of their relationships were under 10 years old. Most of the assaults occurred in the evening over jealousy, drink or money worries and often children were present.

Sixty-eight per cent admitted previously assaulting the victim. These results were similar to what the victims themselves had said and gave support for JAFFE's research which stated that a victim can be assaulted up to 36 times before she calls the police.

The arrest shocked many as did the experience (which applied to 80% of offenders) of being placed in a cell and having their fingerprints and photographs taken.

Nearly 70% thought the caution was a good thing but a small number considered it gave the woman too much power.

Nearly 90% understood the procedure and stated it had altered their behaviour.

Interestingly, 74% said they went home after they were released from the police station and 30% stated that the knock on effect of the arrest and caution procedure was that their relationship was happy and sorted out. I would have to add a caveat to this that many of these offenders had a rosy view of their relationship and only 6% of those interviewed were prepared to blame themselves for the violence.

It was not easy to deduce from the offender interviews alone whether the procedure had a lasting impact or influence on their behaviour. One can perhaps be cynical about the responses given to the interviewer, nevertheless, the replies are only part of the overall assessment and therefore should be given due weight. The whole aim of the research was to investigate the evidence available to support or modify my local police procedure. Up to this part of the thesis I have considered arrest, charge and re-offending rates and sought the views of offenders and victims. I would contend that most of the findings are positive and favour the scheme.

However, it was also important to consider the views of the operators of the policy. It was my belief that if the policy was to secure a long term place in the general police procedures then it had to be accepted by those who were tasked with actually reporting and investigating these crimes. Therefore, the next stage was to assess the reaction of the police officers and this was tackled by way of interview, completion of a questionnaire and an assessment of the effect of the policy on their personal safety.

THE POLICE OFFICER'S PERSPECTIVE

One of the key factors to effective police policy is the successful translation of that policy into policing practice. In the past police management has been criticised for being remote and removed from the ground floor. It is police managers who draft and issue policy yet it is the working police officer who puts the policy into practice. Changing the response of the police officers could only be achieved by altering the policy, monitoring its implementation in practice and evaluating the results. It is therefore important that the policy makers, the trainers and the operational officers work together. To what extent changes in police practice reflect the changes in the police attitude to the problem is, however, a matter for speculation. Research seems to indicate that over a period of time, a change of policy with adequate and effective training and monitoring of performance can have an impact on the performance, (URSEL 1990, SHERMAN 1992).

In this process effective communication of the policy matters was vital to winning the support of the working police officer and was central to, amongst others, Sir Peter IMBERT's Plus Programme, the essence of which was to have a police force which worked together to improve the quality of service. In the context of the Streatham policy, this service was towards the victims of domestic violence.

Domestic violence policy and policing have historically been subject to the general policy translation problems and these have already been discussed by EDWARDS (1989) and BOURLET (1990).

The aims and objectives of this part of the research was to discover, inter alia:

- i. The police officer's views on domestic violence in general.
- ii. Whether the Streatham policy was understood by the police officers.
- iii. Whether, and how the policy was communicated to the officers.
- iv. Whether the policy was being implemented by the officers in practice.
- v. Whether the policy facilitated or hindered the police in their role.
- vi. How effective the policy was considered to be by the operational officers.

Of the 272 serving police officers at Streatham Division, a small sample of officers was selected for in depth interviews. Systematic random sampling of officers was used to achieve this end, provided that the officers satisfied a selection criteria of four months service on the division prior to April 1989 when the policy was implemented. It was considered necessary for the officers to have some appreciation of the way in which such incidents were handled prior to the start of the police initiative. Fifty-three police officers were interviewed by Dr. Susan EDWARDS and the researcher Gary ARMSTRONG. All ranks and specialisms were represented including the community liaison inspector, domestic violence support officers, detective inspectors, relief inspectors, sergeants and police constables.

For the same reasons of objectivity it was felt essential that I took no part in this process. This was particularly relevant because of the hierarchical organisation of the police. The intention of the interviews was to find out what the officers personally thought of this scheme and not provide answers which the

"senior management" wanted to hear ! As far as possible the comments contained in this section could not be attributable to any one individual. However, this was obviously difficult in some cases because, for instance, there was only one community inspector. Interviews varied in length from 40 minutes to 1 hour 20 minutes. Before the start of the interviews I agreed, with the interviewers, a master interview schedule which was adapted and modified to suit the particular circumstances of the officer who was being interviewed. Therefore sergeants were asked questions relating to both arrest and custody issues, reliefs were asked questions about arrest issues, whilst inspectors and senior management were questioned about all of these aspects. The master schedule is illustrated at Appendix 9.

The interviewers prepared a draft synopsis of their interview findings and it was from this that I prepared the conclusions. This section is divided into five parts i.e. the inspector, the domestic violence officer, sergeants, relief officers and C.I.D. officers. Each part contains details of what the interviewees said to the interviewers.

The Inspector

Eighty percent of the cautions were conducted by one inspector. This was a deliberate policy by me in an effort to ensure that the cautions were of a similar nature and standard. The other 20% of cautions were conducted by myself. As a Divisional Community Liaison Inspector he was both directly responsible for the domestic violence office and was very experienced in cautioning, albeit mainly juveniles.

He informed the interviewer that he considered he was chosen to do the cautions because of his involvement with the domestic violence office and "it needed someone fairly dedicated to the issue". In addition, he had seen the policy develop at first hand, having worked in the same office as the domestic violence office and being one of the parties, whom I had consulted at the formulation stage of the policy. The inspector stated that there was no set procedure or directive as to what constituted a caution, so he took a pragmatic approach that depended on a number of factors. Whilst firm in stressing to the suspects that the police organisation was seeking a change in the behaviour of the assailant and that violence would not be tolerated, the primary endeavour of the early part of the caution was to illicit an admission of guilt from the accused. This provided a double check on the crucial part of the procedure, i.e. that the offender had admitted committing the assault. The inspector's interpretation of the deferred decision period was:

"In part to see if they are capable of taking on board the initial event. The caution is to show there is another check to the issue. I use the analogy of the endorsement on a driving licence, it is like saying you have got three points this time, the next time its disqualification".

The nature of the caution was decided after the inspector ascertained the current perceptions of the offender about his arrest:

"If they have taken on board what they have done I don't see any reason for going over the top. If they have not grasped the issue I will spend a considerable amount of time explaining what will happen if they continue in the same way".

The actual procedure for formal adult caution (always on Thursday evenings between 7pm and 9pm) lasted between 3 and 40 minutes. Some cautions were conducted in a chatty, convivial manner, others were more stern. The inspector's approach was often dependent on the information about the incident which was contained in the domestic violence file under the heading "Local Information". The file was given to the inspector shortly before the caution took place. Generally speaking the only other source of background information open to the inspector was if he had been the operational duty officer, at the station, on the day of the arrest or happened to have been in the custody office when the suspect was brought to the station.

After conducting over 30 such cautions the inspector believed that many of the men had seen the "error of their ways" and did understand the procedure. Further, he considered the policy advantageous for both the victim and the offender. For the former, because the policy was relieving the victim of the inevitable pressures from both a court appearance, friends and family of the suspect. For the offender, the effect of the arrest, time detained in a cell and being dealt with in a firm manner between 2 - 10 hours in a custody suite, surprised them and probably had as much of a deterrent effect as a court case:

"It has made them think twice, they cannot say to us anymore but I only hit the wife".

The other advantages which the inspector saw were the good community relations it gave the police and the time that it saved the Crown Prosecution Service and the courts.

The Domestic Violence Office

The domestic violence office consisted of two experienced women police officers (with a police service of 7½ years and 12 years respectively) who worked in their own office and where they could be contacted directly by phone. They worked from Monday to Friday on a two shift system covering the hours of 9am to 8pm. Initially, in August 1988, one officer was appointed to the office dealing with community relations but had the specific responsibility of both domestic violence and child protection. She said that the idea of a separate domestic violence office arose in December 1988 and began as an experiment the following April. In August of that year the Streatham scheme was piloted, and the following month another woman officer was appointed on a three month attachment. However, the workload of the office doubled and ten months later the temporary attachment was still there. The office duties were divided between work at the police station and home visits. Tasks in the former will be analysed first.

The office had an important training role in the introduction of the policy. This took the form of giving talks to groups of officers when they came on duty (called parades) and longer and more detailed presentations on relief training days. Subsequently, they became a consistent reference point to the officers of various ranks, both uniform and plain clothes, who variously needed information or else the clarification of police procedures. Interestingly sometimes they had longer individual discussions with some officers who, seeing the subject as topical in policing policy, realised the issue could arise at selection boards for promotion or specialist posts.

Initially both the officers perceived hostility from their colleagues; on one level this was attributed to a cynicism arising from the traditional attitudes to the problem e.g. "it's not worth bothering with, it's grief". They stated that operational officers viewed the dealing with domestic violence as grief because in so many of the disputes the officers themselves ended up getting the blame for everything in that they were blamed if they took no action, they sometimes were blamed by the victim for arresting the offender and, of course, they were blamed by the offender if he was arrested. On another it was the lighthearted comments made about their job, "always in plain clothes driving around in cars". Whilst the formal discussions helped to inform the officers of the policy, one of the officers thought the main way of "winning hearts" was through the office making themselves available in the canteen for a "chat" whereby they could promote the scheme informally and advise with regard to its implementation.

Whilst dealing with their colleagues was one aspect of their work, their main function was to attend to the victim of the domestic violence. Each morning saw up to four new cases of violence (Mondays produced sometimes double that number). Their job was then to collate the necessary crime sheets from the crime desk and try and establish contact with the victim. This latter duty was mainly done by telephone. However, if the woman was considered to be "high risk" a home visit would be undertaken immediately. At other times the office would, in their words, "hold back" to allow the arresting officer to make investigations first. In the meantime they could establish over the telephone from the victim exactly what had happened, explain the deferred decision procedure and inform the victim of any bail conditions which had been set by a court on the offender's release.

The officers would also discuss any arrangements that were necessary to meet the victim either at home or at the police station. From this the officer could take the issue up with the detective officers in charge of the case and suggest whether charging or the deferred decision and caution was more appropriate. When a caution was the outcome of the deferred procedure, one of the functions of the office was in the words of one of the officers to "facilitate the procedure" on the suspect's return to the station. This task extended from ensuring that the necessary papers of the caution file were in order during the week which preceded the caution and being present, on the caution evening, to help with the smooth running of the procedure. Whilst this usually included escorting the men from the station reception area to the office where the caution was to take place, the unexpected occasionally arose when for instance the children or the assailant's partner accompanied the offender. This invariably meant that the children and/or partner had to be entertained during the time of the caution. This extra contact with partners afforded the domestic violence officers another opportunity to talk over both the cautioning procedure, the current state of the relationship and to check if there had been any further violence.

The officers thought an essential aspect of the cautionary process was the informal discussion between them and the cautioning officer shortly before the caution was to be administered. This gave the domestic violence officer the opportunity to convey any additional, up to date, information on the incident. These extra details were usually contained on a form which was attached to the caution file. This form usually contained information on the offender, the history of the couple and an opinion on the likelihood of

a re-occurrence. It was their opinion that these informal exchanges, based on the officer's acquired knowledge and perceptions, helped convey to the cautioning officer the seriousness or otherwise of the case. The significance of this informal briefing was that the domestic violence officers thought they could influence the approach which the inspector was going to adopt in the caution interview. Put simply they could ask the inspector not to go too easy on the person and even suggest that a severe talking to was warranted ! "A bad offender or one with previous history, needs a severe word". It was also possible for the offender to be charged when he returned to the station. This often rested on what the domestic violence officer had found out during the two month period e.g. if the suspect had re-offended or the victim wished the matter to go before a court.

This type of information was not easily elucidated on the telephone and that was why the officers favoured doing home visits. These were usually arranged in the absence of the male offender, although the officers stated that this was not always possible. At times, the man would be present and, whilst this inhibited some women, others talked relatively openly even in these circumstances. Despite the man's presence, and this caused the domestic violence officers some annoyance at times, some home visits were, as one officer explained, done deliberately when the man was at home "to show a continuing police interest". The officers stated that whilst they suffered occasional impoliteness, neither of them had ever been assaulted when making such a visit.

The visits were conducted in plain clothes and on average took about half an hour. Any home visits which were considered to be "risky" because of the possible presence

of a violent man, had to be treated slightly differently. A back-up police officer in a police vehicle would accompany the officers to the address or an appropriate message was left with the station communications room that the visit was taking place. The visits were intended to establish the history and frequency of violence, where the woman saw the relationship going, to explain the local Streatham policy, give advice and contact points for housing, social services, victim support and to give details of where to contact "sympathetic" solicitors. The officers also confirmed the victim's continuing consent to have the offender cautioned.

An additional service provided by the officers was to phone the victim after the caution had been administered to ensure that "matters were okay". Afterwards many victims returned their phone calls to express their appreciation.

Whilst acknowledging that many of the women victims they saw were in families with problems variously of low income, unemployment, and poor housing, the officers were often faced with middle class women victims. It was the officer's experience that many women from this group often would phone, or even walk into the office and discuss matters but often without leaving a name. Invariably, once they became aware of their options and the law they would leave, rarely to return.

One year after the implementation of the scheme, the domestic violence office noticed amongst their colleagues "not a revolutionary, but a definite change in attitude especially amongst the youngsters". In part they thought this may have been due to a tactic that the office employed. They were aware that most domestic incidents

were dealt with by fairly inexperienced officers so the office made the point of giving these officers "feedback" on their arrest.

"We can pat him on the back and tell them they've done a good job. I thank them. Unfortunately in a police force, officers very rarely get feedback about arrests and incidents which they've reported".

Whilst making progress to an extent, the officers recognised that at times the entrenched attitudes of some of their male colleagues was a matter still to be overcome.

"The problem is they don't see the victim, hear her, or see the house. Men too often think what would push them to assault, they never get over the problem of 'what would I have done'. They don't always think its a diabolical crime".

Despite this the officers thought that the cautioning policy was a success:

"The victims like it, it gives them a chance to recognise that it has happened and we're involved without them having to go to court. Our court system doesn't favour victims".

However, they stressed that the caution should only be administered strictly in cases of minor assault where a re-occurrence was most unlikely and where attending court would not help the situation. Their main worry was if cautioning offenders should become the norm instead of prosecution or that the narrow definition for the caution could be expanded to act as an alternative to charging. This was a fear that had been expressed by some feminists when I was seeking advice on formulating my policy.

Both officers were cautious about the extent of their role and the future of the policy. The office, they stressed, needed to be maintained with a minimum of two officers who could monitor cases over a longer period of time. One of their criticisms was that the procedure meanwhile needed tightening in the area of supervision particularly "up to detective sergeant and detective inspector". They considered that a lot of allegations of crime contained in crime sheets "gather cobwebs in the screening process" with the result that the office had frequently to "chase them up". Also, they thought that the success of the scheme was bound up with the views of the particular senior officers who were in charge at that time. They feared that a change of senior personnel could mean a change of policy emphasis.

I think this was a real fear and one of the criticisms of a local policy. It is relevant to note that at the time of completing the final draft of this thesis, this cautioning procedure became area wide policy. This meant that eight divisions in South London had adopted the cautioning practice. The area policy included a system of monitoring and evaluation with monthly statistical returns to ensure that performance was related to policy. The effect of this is that when I eventually relinquish command of Streatham Division the policy and practice will continue.

Finally, the officers stated that the way they go about their job brought them certain worries, not only in content but, as it were, in style. They expanded on the former by saying that after a caution unless there was another offence they could only assume that everything was all right with the victim so their concern was the long term support that was available to victims of this type of crime. On a personal basis they were not certain of

always doing or saying the right thing to victims. The officers had the feeling of being alone in dealing with an issue which was commonly referred to as a problem of society. At the same time both realised the police had an immediate role until some greater, wider solution was forthcoming, as one explained:

"If a woman is frightened enough to leave the home and come to a police station or phone us, there's a reason for it and a role for us".

Since the date of the interviews, a closer liaison has developed with victim support and the women's refuge, however, if the victim had not received support from these other agencies then, practically speaking, the police may well have been the only "professional body" to help the victim. In a later section I have given my own views on the growth of domestic violence offices, as a means of providing a service and support to victims, and point out the inherent dangers for the police service of such increased specialisation.

Sergeants - in the role of custody officer

The custody officer, who was invariably a sergeant, was in charge of the custody area of a police station. He dealt with and supervised the reception of prisoners and had responsibility for the processing of those arrested under the provision contained in the Police and Criminal Evidence Act 1984. Streatham Police Station had a recently refurbished custody area which was too small for the volume of prisoners. The result was that sometimes the custody area was closed down and the prisoners had to be transferred to other police stations. Often the custody officer role was performed by two sergeants. In my opinion a custody officer exerted considerable

influence on the discretion of police officers on whether or not to arrest people for what was perceived in the police culture as "minor crimes". Younger officers would be reluctant to bring in prisoners if they received a negative response from the supervising sergeant in the custody suite. It was therefore, imperative, that the custody officers accepted the concepts and the practice of my new local policy.

The interviewers found that most custody officers supported the arrest form of the deferred decision policy. Arrests were executed in accordance with a variety of powers which included common law assault, common law breach of the peace and section 25 of the Police and Criminal Evidence Act 1984. Many custody officers however, opposed the "bailed to return" part of the policy, claiming that their over-riding concern was with the legality of this procedure. Many expressed their concern by feeling torn between the requirements of the Police and Criminal Evidence Act, on the one hand, and the Divisional Instruction on the other. Some custody officers went further, maintaining that the policy was usurping the power of the courts.

I consider this fear was quite a natural reaction from some of the sergeants. At the time the interviews took place the policy was really still in its infancy, many sergeants disliked change and were somewhat rigid in their application of the law. To be fair to many of them my policy relied on an interpretation of the powers of police contained in the Police and Criminal Evidence Act. My view was confirmed by legal opinion. However, it was only an opinion and was open to interpretation by the courts. I have to add that since these interviews most of the ambiguity was cleared up by further training and at the time of writing this final draft, most, but still

not all, sergeants accepted the validity of the local procedure.

By contrast, many custody officers had no difficulty with the legality of the instant caution and would have preferred implementing this option rather than the process of deferring the decision and bailing the suspect to return to the station two months later. As I discussed earlier, I think the instant cautions may well be a viable alternative to deferring the decision. It was my personal choice to stay with the local policy.

This section is divided up into a number of parts that considered the sergeant's views on different aspects of the policy i.e. general response to domestic violence, attitude to the arrest policy, individual discretion, custody, the process of decision making and finally deferred decisions.

General response to domestic violence

Of the 12 sergeants (40% of the total number of uniform sergeants interviewed), all experienced considerable difficulty in dealing with domestic violence incidents, reflecting the same problems as those found by EDWARDS (1986) and BOURLET (1990). Of all the calls for police assistance, domestic violence was considered by them to be the most unpredictable. This element of uncertainty was expressed by all officers, typical of a response was "you don't know what it is". That said, the interviewers considered that the verbalised responses given by the sergeants to domestic incidents had certainly changed very significantly from those views that had been articulated to the interviewers in earlier studies in London and in Kent (EDWARDS 1986). The interviewers considered that from the nature of the responses, the

officers appeared to have a heightened awareness and genuinely appeared to be more sympathetic to such calls, and more eager to get on and do a good job. A small proportion of officers, however, described the old well worn stereotypes. Some officers said "it's aggravation", "it's grief", "99% rubbish", "it's not what police work should be but we've got to sort them out", "domestics are problematic". Moreover, one or two officers continued to express their feeling that the police were intervening in a private domain and interfering and influencing the course of a marriage, e.g. "you're interfering in a person's personal marital life", "by our actions you're ruining a marriage". Officers still felt ambivalent about their precise role in "domestics". Only one officer indicated at the outset that he would arrest.

It was precisely these negative, ambivalent views that the policy was meant to address. I would not have expected officers to change their approach overnight, but I would have looked for a change over a period of time and for most of these officers to re-consider their stance in view of the success of this scheme. This group of sergeants would have had at least 6 years, and many over 10 years, police experience so that the negative police culture views would well be established in them and not easily broken.

The police response was affected, to some extent, by who had made the call for assistance. Some sergeants opined that where women, as victims, had called the police the assumptions was that the situation was not too serious. One sergeant expressed the view as, "if she phoned she's not being slapped". Perceptions of seriousness changed when, for example, as one officer expressed it, "if the line goes dead or screams are heard or a serious disturbance and assault are taking place", then the

police were particularly alerted and prepared to view the call more seriously.

All officers insisted on entering the house, believing that even if the woman said all was well it was of vital importance for a police officer to check out the safety of the woman and children. Experience had shown one officer the wisdom of such thoroughness, "in one case I was trying to get in and he was standing there with a carving knife behind his back".

Once at the scene, officers were eager quickly to gain control of the situation. Interviews by police officers were usually conducted with both parties together rather than separately. This was despite the Metropolitan Police Order of 1987 which advised separate interviews. A combination of practicality and economics dictated this course of action. Sometimes this was because only one officer was in attendance but, the main reason given was that it was thought necessary, for evidential reasons, that an allegation of assault should be made in the presence of the aggressor. At some point however, most officers spoke with the victim separately in another room or even in the police car. The sergeants stated that the attendance time spent at the domestic violence calls varied enormously from between 10 minutes to several hours, more typically the time taken was about 30 minutes. Officers who attended domestic disputes invariably asked the woman what had happened, what she wanted to do and whether it had happened before. Alcohol was seen as a contributory factor in most of the cases.

In some cases where the victim had left the scene, police tried to find out where she had gone and, under these circumstances, would be extremely concerned for her safety.

In cases where the offender had left the scene before the police arrived, then officers asked the victim where the offender might have gone to and dependent upon the seriousness of the allegation/injuries complained of, the officers would make every endeavour to arrest the offender. The over-riding concern was that the offender might return and assault the victim again.

Attitude to the positive arrest policy

All officers said that they would arrest in cases of common assault upwards although the meaning of what behaviour constituted common assault varied considerably. This was defined most comfortably and certainly by minor acts of physical assault including slapping and punching. Assaults of a lesser nature, including allegations without any physical evidence and more minor incidents of slapping, formerly dealt with by officers doing nothing and leaving the scene, caused greater difficulty. In all allegations most officers required some evidence of assault i.e. a bruise, slight redness, finger marks on the face etc.

Furthermore, the sergeants were reluctant to arrest in cases of minor allegations and minor incidents of physical assault when the crimes were not supported by any other aggravating factors. Allegations of slapping for example, in the absence of a warring atmosphere, distress, indication of damage to the property and a tearful victim and/or children etc., would be less likely to result in the officer exercising his power of arrest. This was so even though the divisional policy indicated that officers should seriously consider the arrest option. As one officer expressed it, "if it is calm and there is no assault, then there is nothing to be gained from arresting".

A very small number of officers said that they would arrest, even where allegations were not corroborated by physical evidence, but where there was a warring atmosphere and/or the victim was obviously upset, fearful etc. Sergeants also made comment that where all, or a combination, of these factors was present, even in the absence of an allegation of common assault, they may well have decided to arrest a suspect in order to prevent an escalation, criminal damage or assault using their common law powers of arrest for breach of the peace. This was in accordance with the local policy.

The interviewers found that the officer's personal attitudes towards the police role still continued to weigh heavily on the approach of the arresting officer notwithstanding the existence of evidence or an allegation of physical assault. But some moral factors including the sanctity of marriage, the state of the home, the kind of woman the victim was, the perception of provocation etc., were far less frequently referred to, in justification or explanation of non-action, as compared to earlier studies (EDWARDS 1989). The response of this officer was therefore untypical, although it indicated that prejudices still persisted and influenced the police decision to arrest:

"We had one Irish fellow living with a black girl, she's got a baby by someone else, and now she's expecting his baby. She wanted to go out at night clubbing. He objected. The house was a tip, I wiped my feet as I walked out, that's how bad it was. It's quite obvious she doesn't want to know. He whacked her and we didn't arrest. She was making his life hell. There was nothing to be gained by arresting him".

Overall a mixed response characterised officer's reactions to the arrest part of the policy. Officers said that the arrest was effective, as a deterrent, only to those who had no previous contact with the police. One officer said:

"The reaction of people who had been nicked before and have police to their door regular, is not a big deal. The person with no previous, and educated, reacts with laughter. One man couldn't believe that he had been nicked. He was looking for Jeremy Beadle, saying, 'it's a wind up'".

Some officers expressed concern that the policy was infringing upon their discretion to arrest. A typical response was encapsulated by one officer:

"We are taking away the power of discretion from younger officers (it won't work with the older ones). They get there and are more alert to violence in the home. But straight away they are looking for arrest and that's a bad thing".

Notwithstanding these several reservations, officers overwhelmingly supported the purpose of the policy. One officer explained:

"The big stick. It defuses the situation immediately and is a clear indication that the offender's behaviour is unacceptable. It gives credence to the wife, she thinks something is being done. She has a few hours relief and it reverses the roles. She now has power over him and not vice versa".

There was one common thread which was to be found running through all the responses from the sergeants and that was

that they required physical assault to have taken place before exercising their power of arrest.

Policy and individual discretion

Some officers had difficulty with reconciling the demands of the policy with the desire to exercise their own discretion. Whilst the precise level of violence required by officers to effect and arrest was a bruise, some conceded that the policy implied that a shove was of itself sufficient. This caused officers some concern. There was some resistance as one officer said, "I wouldn't want to bring him in for that". However, this difficulty was lessened where, for instance, other additional aggravating circumstances were featured i.e. if the woman was in a state of fear or shock or terror. Only one mentioned the divisional policy in this instance. Only one officer said he always arrested.

Not all officers stated they would use their powers of arrest under Section 25, in fact, 50% said they did not. Those who did, saw that the purpose of this section lay in protecting children and the mentally ill. Some officers stated that they would use Section 25 in a domestic violence context, where, for example, the victim had not been assaulted but was "mentally frightened or in fear" or where children were present and in some distress.

By contrast some officers saw there to be no use of Section 25 as such situations, as described above, were already covered by the powers of arrest under common law covering the response to a breach of the peace. One officer responded "I wouldn't use it without the presence of a kid.... otherwise there's breach of the peace or actual bodily harm". I touched on this subject in my section on the law as it concerned the Streatham Policy.

The advice given by the Metropolitan Police Solicitors Department was that officers should use statutory powers if an offence had been committed and not resort to common law powers for breach of the peace. This was a matter I addressed at training sessions which were organised after these interviews were conducted.

Some concern was expressed by sergeants over the way the policy was enforced by senior officers. Some cited instances, in the early part of the policy, when one senior officer read a crime sheet three days after the incident, then ordered the officer to arrest the offender based on the "vulnerable person" part of Section 25. The constable, who was instructed to carry out the arrest, was a young probationer who had only been at the police station for four weeks and he was not even at the scene of the crime when it was reported to the police. The sergeant opined that this was not a lawful order, "you cannot ultimately order a man to arrest, it shows the policy was all up in the air". I do not know the circumstances of this specific incident but it may well have related to a strategy which was adopted at the very beginning of this policy. It was this; in order to develop the confidence of the young probationer constables, they were allocated some of the crimes involving minor injury where, for a number of reasons (usually the suspect was not at the scene when police originally dealt with the violence) the assailant had not been arrested. The intention was to create a positive approach to domestic violence. I believed this strategy worked in practice. I based this judgement on their reaction and performance. However, what this did illustrate, was the power of anecdotal evidence to shape officer's attitudes and perceptions.

Another officer expressed a similar opinion and measure of worry:

"Often the victim wants the violence to stop but doesn't want the offender arrested. But now we arrest and this presents a dilemma for the young officer who is quite cautious. If you get an allegation and swift the guy away, this appears to be the only way you can avoid criticism of senior officers.

I think if the policy had requested officers to discard their discretion the opinion of this sergeant would be absolutely legitimate. However, the policy still allowed officers to use their discretion. This was a point that was emphasised in the training sessions. But this opinion was a good example of how important it was for the maker of new policy to ensure that its meaning and spirit was properly interpreted by those that had to operate it.

Attitude to custody

Sergeants, in their role as custody officers, all agreed on the procedures for accepting an arrested person into custody. Officers stated that the normal practice was that they asked arresting officers for the evidence, found out why the suspect was arrested and processed the prisoner under the requirements of the Police and Criminal Evidence Act. This included obtaining evidence by questioning, informing the suspect of his rights, searching the arrested person and asking him to sign the custody record.

Some officers were critical that arrests were made that they believed were not actually warranted. All officers said that, in general, the options open to the police were to charge, defer the decision, instant caution and no

further action. But once, an arrested person for domestic violence was brought to the station custody officers were presented with what they saw as a "fait accompli". They felt that they had no option but to proceed by way of charging or deferring, since the other option of no further action was not (given the new policy) politically open to them.

On the matter of charging one sergeant said:

"I make a decision to charge after collecting all the evidence, which includes interview with the suspect, with the victim and obtaining a doctors report".

Officers said that they may well have made up their mind in the initial stages but their main imperative was to "get the best evidence".

In most cases where a decision to charge had been taken, sergeants agreed that they would not grant an offender bail. The main reason given was to prevent further offences, "I don't bail in a domestic, I can't put the conditions a court can". The officer was alluding to the fact that unlike a court of law a custody officer cannot bail a person from a police station and impose any legal and binding conditions. Another officer replied:

"The only one is where he would go home where the victim is, and unless you can bail him to go somewhere else he might stay in custody until the morning. It's not the way to go about things, but it tends to go that way. Every policeman defends his own back before anything else".

Whether or not protecting of the victim was the truly paramount consideration of whether the officer was

"defending his own back" from criticism was never made exactly clear to the interviewers. However, the practice of remanding charged men in custody demonstrated a considerable change in the procedure since the earlier work in 1984 and 1988 (EDWARDS 1989) and I believe that it showed a much more positive approach by police particularly from the point of view of giving a better service to the victims of crime. Decisions, by custody officers, were made in consultation and discussion with the officer in the case or, if the case was particularly complex, the duty inspector would be involved, and in very violent cases C.I.D. involvement would follow. As one sergeant said:

"It's only with the grievous ones that I'll have a chat with him. And if it's that bad I'll N.F.A. (no further action) it. But you can be called upon to explain yourself as to why you did not comply with the station policy. If I thought that was likely to happen I would consult".

This was an interesting reaction from a sergeant. Again, as an implementation strategy, in the early days of the policy, I asked sergeants to report to me the reasons why they had made certain decisions which seemed to me to be in conflict with the purpose of the divisional policy. I found this practice very worthwhile because it gave me the opportunity of discussing further with them the reasons for the policy.

Officers expressed discomfort about the implication in the policy regarding the detention of the person and the policy directive that offenders should be bailed to return after two months. Officers thought the detention of offenders was warranted under the Police and Criminal Evidence Act only to preserve evidence, or obtain evidence

by further enquiries, and pointed out that bailing offenders to return to the station, could be done only if further enquiries were still to be made. They considered that in most of these cases further enquiries were not actually being made in connection with an offence but into the background. Since the man had not been charged, most officers felt uneasy about the legality of what they were actually being required to do. Again, this was an issue which was discussed at length in subsequent training sessions.

Deferred decision

Overall there was only limited support for the two month deferment policy. One particular officer was vehemently opposed, whilst other officers expressed difficulty with what they perceived to be the legality of the policy. Some officers, on the other hand, felt that they might "do their legs in" and be "left carrying the can", and on the other, that they would get "squibs in their tray" and be "called to answer to senior management" if they did not comply with the requirements of the policy. One officer queried:

"It all depends on interpretation. It's delicate, possibly going against P.A.C.E. But you won't get a test case because no solicitor will say why didn't you charge my client. The only thing might be after two months they decide to charge. In five years the superintendent could be retired in the Seychelles when I am on a charge of unlawful detention in the High Court. They will never say (senior management) that police were making social enquiries, but they use that as a breathing space, everybody accepts it as a convenient method of keeping them in".

Two other officers noted:

"P.A.C.E. stated you shouldn't bail to return for a caution. We are not making further enquiries. If you have the evidence to charge you should. All cautions should be done at the time".

"One day we will get a bloke with a few friends in the right places and he will sue the job to high hell".

Custody officers also expressed some disquiet with the perceived pressures to arrest placed on reporting officers.

"P.C's on the relief, in general, feel that they are under pressure to arrest even if it doesn't seem to come up to standard. They find it difficult to justify why they didn't make an arrest".

Sergeants were also particularly concerned about the management of suspects on their return to the station at the end of two months. One sergeant described the situation as:

"When suspects return they should be re-arrested, there should be new evidence but we don't do it. You should book him in".

This argument centred around the procedure of custody officers completing a full custody record when a suspect

returned to the station in answer to his bail. In a normal case the offender would be accompanied to the custody suite, detained, a custody record made out and then he would be informed of the result of the further enquiries by police.

In the deferred decision cases where the offender was to be charged on his return to the police station this procedure applied and a custody record was made out in the normal way. However, if the person was to be cautioned the arrangement was that he was met at the front enquiry counter by a member of the domestic violence team, informed that he was to be cautioned and agreed to the arrangement that it was done in the chief superintendent's office. A record of the caution was made by the cautioning officer and a signature was given by the offender on a police form. I felt it was bureaucratic to make out an additional record by way of a custody sheet in these circumstances. Initially, some sergeants took issue with me on that policy, however, after I had explained to all the sergeants, at the three monthly sergeant's meeting, my reasons for my policy, and that I had written the policy down, the procedure was accepted by the majority.

In conclusion, sergeants working as custody officers, supported the general aims of the local policy but expressed reservations regarding the legality of specific aspects. A minority still retained negative attitudes to the police dealing with domestic violence.

The response of the relief officer

Relief officers were asked questions specifically related to their response to the arrest part of the policy as this involved them directly. The arrest component of the policy did not meet with their unanimous support. Officers were clearly divided, and like custody officers, many felt that their discretion has been removed. Officers found particular difficulty, and were reluctant to exercise their power of arrest, in those cases at the lower end of the scale least clearly defined i.e. cases involving mental shock, common assault or reddening of the skin. Officers who had no difficulty with the policy felt that they were dealing with domestic violence more effectively, efficiently and professionally. But there was no doubt that even some of these officers dispensed with any such dilemma by simply not arresting in some minor cases thereby effectively retaining the right to exercise their discretion.

Perceptions held by arresting officers regarding the matter of domestic violence were, again, similar to those of custody officers. The following responses illustrate the range of view:

"Grief, oh no, not a domestic".

"You know it is not going to go anywhere".

"Oh no, not another domestic".

"It's grief. Usually tempers are heated. It is a complicated story and it's deep rooted".

"They tie you down and there is never a satisfactory ending".

"You are imposing on the family".

Like custody officers, when called to a domestic, arresting officers responded more quickly when they had additional or specific information. For example where a female was screaming or where a call was abandoned, where there was mention of weapons or of a disturbance in the background then the response was quicker.

Officers saw their first role at "domestics" as:

"A splitting and calming action".

Whilst officers stated that they tried to interview the victim and suspects separately, as per Metropolitan Police policy, there was also an evidential need for the allegation to be made in the assailant's presence:

"Women tend to be victims so you are sympathetic with them, but whilst you try to do that you can't show too much bias until you find out what has been going on".

"My modus operandi is to stay between the two and keep them away from the kitchen where there are possible weapons".

Again decisions to arrest were mediated by the degree of injury and presence of aggravating factors:

"If it is clear cut and she has a cut to her face and he says 'she deserved it', then you arrest".

"Look at the body language, get both stories, look for the reaction when the other one is talking. So if she is saying that she has had enough and insults his manhood, he gets aggravated and jumps straight in.

Now you are constantly trying to keep to the questions concerned with the immediate problem otherwise you are opening old wounds".

Notwithstanding the emphasis on arrest, the interviewers found that the contrition of the offender appeared to be one of the more significantly salient factors influencing the police officers decision not to arrest:

"Where it is a minor assault, reddening or a slap, this would only happen where there would not be a repetition and where they are apologising".

However, officers still blamed victims for their part in the incident and this, also influenced decisions not to arrest. As one officer said:

"On one occasion I did not arrest because the victim and the offender had had a good fight. She had no signs on her. He had bite and scratch marks down his arm. They had been married for 30 years, they apologised for calling us, and I left them".

"I spoke to the eldest child who was of a responsible age, she acknowledged that it had not happened before. I thought there was no mileage in arresting and humiliating one of the parents. It was reported for a further visit and all was well".

Notwithstanding the policy, and the factors cited above, the prosecutability of the cases still influenced some of the officers in the decisions they took at the onset. As one of the officers remarked:

"We went out on relief with a message to arrest. But nobody had an idea about what was going on".

I found this comment fascinating because I had attended each relief training day to explain the policy and the reason for its implementation on the division. I did exactly the same thing with the C.I.D., inspectors and sergeant's meetings. There was an important lesson here for all policy makers. The division comprised of nearly 300 personnel and it was obvious that some officers had not heard my lecture. With hindsight I should have made sure that I had spoken to everybody and arranged for additional presentations to be given to those who had missed my sessions. Alternatively I could have made a training video recording which could have been shown to all officers. As a direct result of these findings, immediate further training sessions were conducted at the police station.

The officers stated that the relationship between the management and the ground floor was seen as being of the utmost importance:

"You can't do enough for a good guvnor".

Fifty per cent of the officers interviewed supported the policy and these responses gave an indication of the range of attitudes that were articulated to the interviewers:

"Officers don't like the policy but if you don't follow it you get squibs in your tray".

"I have got my own discretion, it's down to me".

"To a certain extent the court influences what I do".

For some of the officers the role of the court was not over-riding although the wishes of the victim in the matter were supreme:

"Not bothered whether the court is an outcome, if it's minor and she refused to assist, I would not arrest if the victim did not want me to".

Whilst most of the officers understood the policy many felt it could have been better communicated. Some officers understood the policy in this way:

"If you go, someone's got to be arrested".

"Common assault doesn't exist because she is vulnerable and it is arrest under Section 25".

"Basically we recognise a lot of difficulties in getting witnesses. In many cases there is technically 'no crime' because there is no allegation. Now we have a policy which says we must arrest in the vast majority of cases".

Officers explained that the policy was communicated by the sergeant and the inspector, officers were also referred to a memorandum, after the implementation talks were given by officers from the domestic violence office. Most expressed the opinion that senior management should have presented the policy personally to the relief parades:

"No-one gave us a chat, no-one sat down and talked to us".

"Makes you deal with it without discretion. There's no humming and harring, you arrest, because you get criticised if you don't".

"You have to write a 728 (police report form) as to why you didn't arrest. It is easier to arrest and let the domestic violence team get on with it".

Where officers were asked whether it saved police time, the response was very mixed. Some said that it involved less time at the scene whilst others recognised that it involved more paperwork at the police station.

As to whether the effect of the arrest was salutatory on the offender and of itself had a deterrent impact, responses again were very mixed. As one officer expressed:

"It does for people who are bothered but many people in this area are not, its a place where, to many, an arrest is water off a duck's back".

A small minority of the officers expressed the worry that it may have deterred women from reporting:

"The bloke doesn't like it and the women don't like it seeing a bloke forced out of the house".

The officer's reactions to the arrest rung of the policy was mixed. Whilst officers favoured the new positive police profile, they were uncertain about whether arrest was the solution:

"I don't agree with the policy here. Of course if it was breaching the peace then I would arrest for that. If it was A.B.H. then I would arrest

for that too. Only in matters of common assault, am I wary, each situation should be treated on its own merits. Dragging the husband out of the house is not what they (women) want".

"Our policy is to arrest, that is way off".

For some officers arrest was not always necessary:

"Now you nick for injuries. Even if it was a push or even if she doesn't want to (doesn't agree) - it's not always necessary".

"The policy here is, if you don't arrest you get criticised. You feel you have to arrest at the scene. You're under pressure. I am never happy with domestics. There's always more going on than we are told about".

There was, then, a division between those who religiously applied the policy, not because of a belief in arrest, but a concern with discipline:

"A.B.H., a cut, bruising, every situation is different there is the official line but I don't see it".

There were, however, certain problems with policy at the lower end where the evidence of physical assault was not clear. Clearly other circumstances played a reduced role in implementing the policy. Officers were unhappy about arresting for arguments and for shock and fear. This was a similar response to the custody officers. However, where a person was vulnerable, nearly half of the arresting officers said that they would arrest, although most felt that the Section 25 power of arrest was to be

used mostly in connection with protecting children and the mentally ill:

"She did not have any injuries. But she was very fearful of him. He was a dominant man and I thought she was vulnerable and I brought him in".

Some officers commented that they would exercise their power of arrest in the same way as a breach of the peace. As a general rule officers tended to prefer arresting offenders to prevent a further breach of the peace.

In conclusion the evidence gleaned by the interviewers suggested that relief officers at Streatham found difficulty, in the first few months of the policy, in arresting assailants if they abided strictly to divisional policy. They felt that it interfered with their discretion given to them under the law. However, it is to be noted that their attitude to domestic violence had changed since the introduction of the policy. At the time of writing up this report policy recommending arrest had been introduced "throughout London" for domestic violence (Best Practice Guidelines 1990).

The policy was never aimed at encouraging a universal mandatory arrest for these crimes. Indeed, a great strength of the policing of this country is the individual discretion a constable has under the law. I think it was right that when officers dealt with some domestics, especially if the case concerned a very minor injury, it was sufficient to leave it to his or her discretion. This meant that on some occasions no arrest was made by the police. I think an important message in this policy was that constables were made aware of the positive effect that arrest and caution can have on the victims and the offenders. The impression that I was left with, from the

interviews, was that many officers were expressing opinions which were based on their own experiences, policing or otherwise. It was interesting to note that none of them passed views or drew any conclusion from the academic research findings which they had been exposed to during the initial training sessions. The result was that in the next series of talks, which followed on from these interviews on the division, greater emphasis was placed on the previous academic research, but more importantly, on the findings of this study e.g. 75% of victims expressed satisfaction with the arrest procedure, 75% had been assaulted on a previous occasion before calling police.

I must add that having just finished the 1991 series of relief training sessions, I was very encouraged by the very positive attitudes being shown to the policy among officers. I was confident that it was not just my subjective view, as the increased percentage of arrest figures also confirmed, or supported, my opinion that the officers believed in the arrest policy and were putting it into practice. However, that was 2½ years after I introduced the policy and highlighted that 'negative culture' views were not changed quickly.

Criminal Investigation Department officers

The Criminal Investigation Department were a group of officers who were in charge of all criminal investigations at the police station. In a busy division, such as Streatham, the workloads were high as was the staff turn-round. This policy imposed on them more investigative work so I saw their co-operation and support as being an essential "cog" if the system was to work in practice. I was fortunate in having two successive chief inspectors, in charge of that department, as well as two detective inspectors who gave me full support from the inception of

the policy. However, not all officers under their command were easily persuaded that our new policy was the way forward for these crimes !

A small sample of C.I.D. officers were interviewed from an interview schedule which focussed on matters relating to the deferred decision policy as well as matters which were pertinent to the prosecuting of domestic violence cases. In all, 5 officers (16% of the total C.I.D. manpower) were interviewed by Susan EDWARDS and Gary ARMSTRONG.

C.I.D. officers at Streatham were familiar with the issues and had practical experience of the difficulties which have been raised already in this section.

All supported the enhanced profile brought to domestic violence through the new policy and its focus on arrest and prosecution. With one exception officers supported the deferred decision policy, largely because they felt frustrated that so few cases went to court and had a successful outcome. As mentioned elsewhere in this report, practical police work has been faced with the dilemma of what to do with cases which were withdrawn by the victim or else discontinued by the Crown Prosecution Service. The deferred decision, with this arrest function, presented an opportunity for the officers to do much more for the victim and provided them with some control over the outcome. There was, however, one officer who was not supportive of the policy and was of the view that the way to proceed with such cases was to prosecute:

"Domestic violence is often half our workload. Only on this division we push it. The victim gets a raw deal. If someone's assaulted on the street then we charge, why should a woman victim of domestic violence wait thirty days. At the end of the day this lets her down. We should charge

and not defer the decision".

One over-riding feature which emerged during the interviews with the C.I.D. officers, as indeed with all the other officers, was the very significant change witnessed by the interviewers, in the way in which domestic violence was being openly discussed. Officers regarded these cases seriously and negative stereotypes about individuals, families, social classes and racial groups were far less evident than in earlier, similar interviews with the Metropolitan and Kent Police officers (EDWARDS 1986). The attitudinal responses of officers indicated to the interviewers that there had been a real change in the officer's own perceptions of the importance of domestic violence in the overall profile of police work. This attitude was perhaps encapsulated by one of the officers who stated:

"Domestic violence, at the end of the day, is an assault; you must investigate it".

Whilst accepting this sample is small, I wondered if this positive response was a result of two very long training sessions I had with the C.I.D. office right at the very beginning of the policy. Most C.I.D. officers heard me speak about the policy and the reason for its adoption on the division. As I have said the policy was also very strongly supported from the beginning by the supervising C.I.D. officers.

The arrest component of the policy was widely accepted. The officers reflected the enhanced service given to the victims and this positive approach was also supported in a rigorous prosecution climate where over half of those arrested were charged. This figure constituted a quarter of all cases which were classified as a crime. These

figures must also be set in the context of earlier studies which showed that only 16% of crime cases resulted in charges and only 26% of crime cases resulted in arrest (EDWARDS 1988). It is argued that the enhanced prosecution profile showed that the deferred decision policy was not being used as an alternative to prosecution. This was vital to the success of the policy and contradicted those opinions of criticism which feared that such a policy would divert cases away from prosecution. The consequence of the deferred decision policy was that it involved detectives at the point where the arrested person was brought into the custody area. The C.I.D. officer had responsibility for the taking of statements, collecting of evidence, general investigation of the case and presentation of the evidence to the custody sergeant for a decision as to outcome. The interviewers concluded that the procedure was broadly welcomed as another option to the officers when dealing with these cases:

"It gives the couple the opportunity to sort things out. It provides essential breathing space".

"The deferred decision procedure is a good thing, it's a cooling off period, and it is already being expanded to other areas".

The officers did express some concern over the decision to bring the victim to the station at the same time as the suspect. This was not part of the divisional policy but was practice which was adopted by some officers in an effort to ensure that the police officers obtained a statement from the victim at the time of the offence. Some felt uneasy about this because it gave the wrong impression that police officers were virtually arresting the victim.

I could understand this fear however, I did not stop the practice which had the advantage, as some officers saw it, of obtaining a statement there and then. Some officers felt that a delay in taking a statement afforded the victim the opportunity of having second thoughts about the matter and this often resulted in the victim refusing to make a statement.

The major concern for all the C.I.D. officers was the victim who "fades away". Here the problem of the reluctant or fearful victim was seen as the case of the victim who simply gets lost in the system:

"If we lose her.... we lose the job".

"This work needs a lot of commitment. It is difficult to keep hold of the victim".

"Victim reluctance is normal, there is always a fear he will be put away. I tell them the truth, that it's up to the C.P.S.".

One officer explained that the reason why some victims dropped their case was largely because of the delay factor which gave the culprit time to "work on" (persuade) the victim to not pursue the case through to prosecution.

The C.I.D. officers in the main thought that the process of deferring a decision to prosecute would only influence those men who had not previously been through the criminal justice system:

"But if people had been before the courts, to prison, or involved with the police, then the effect would be so much reduced".

One officer likened the process to the verbal admonishment of a child:

"It comes as a shock to the nice guy, but to others, it's not Damocles".

Another officer felt that the impact of the deferment was extremely variable and depended upon the background and circumstances of the offender at the time of the alleged violence:

"Most of the people that we deal with are the pathetic type, drunks, I've never had a professional man to deal with. On certain offenders the policy can have an impact, on others it has no impact at all".

All officers said that the arrest approach was a good policy especially if it stopped the wife being beaten up. The general feeling was that the domestic violence unit was crucial to the implementation of the policy, to heightening the profile of the subject and also from the point of view of giving good service to the victim. The caution was viewed by some officers, as a "negotiating tool". One officer used the expression, "offenders play ball". It was presumed that the interviewee was referring to a practice which had been developed by some officers. This could best be described as a discussion with the offender to the effect that if the suspect admitted the offence an adult caution could be very seriously considered if the case was one involving minor injury.

There could be inherent dangers in allowing this "plea bargaining" type of approach and this was one of the reasons for imposing a supervisory check, by an inspector, into the system both at the custody and caution stage.

One officer had reservations about deferring the caution:

"I would like it dealt with there and then".

The officer was referring to the option of giving the offender an adult caution at the police station soon after arrest. One C.I.D. officer spoke of the frustration and the delay time that it took to hear these cases at court and also the practice of the Crown Prosecution Service to go ahead with a prosecution on a lesser charge and to which the offender would plead guilty. The officer thought that the reasons for this lay in the remoteness of the Crown Prosecution Service decision makers:

"The C.P.S. are detached, they haven't seen the victim so they are less committed. They often want to get a hearing cheaper and quicker. At Crown Court you are talking about a six to nine month wait for a hearing, and during that time he could re-offend or the victim could lose interest and you could lose it. So there are some hidden benefits in reducing it (from a Section 47 assault to a Section 39 assault) and getting it over with and a conviction in a Magistrates Court".

Another criticism which was voiced by a number of officers was the fact that the new policy was considered to involve a lot of paperwork. This in turn required more resources and as one detective said:

"It's like trying to get a five star service out of three star resources".

The emerging positive response by the C.I.D. officers was most encouraging as it was some of this group which had

held some very cynical views at the very beginning of the policy.

Having assessed the verbal responses from the officers who were interviewed the next section will look at what the officers wrote in a questionnaire which was given out to all police personnel at the station.

RESPONSE TO THE WRITTEN QUESTIONNAIRE

All the officers were asked to complete a one page questionnaire. The Department of Management Services of the Metropolitan Police was approached for this specific purpose. The D.M.S. was asked to provide assistance in connection with the survey of the officers. Since the local officers were being required to effect a major change in the traditional response to domestic violence incidents, I considered it important to have data which could be used to assess both the behavioural and attitudinal elements that such change had on the officers.

Doctor Susan EDWARDS, Inspector Don BROADBERY (my community inspector), Alistair McBEATH (D.M.S. representative) and myself met and discussed the subject area which we wanted to analyse and from that a suitably worded questionnaire was devised for distribution to the officers who were implementing the new policy. To safeguard confidentiality, the questionnaires were distributed locally to all officers, however, completed forms were returned direct to the Department of Management Services Branch where the data was inputted into a computer. To retain objectivity the completed questionnaires were analysed by D.M.S. and a report of their findings was submitted to me at Streatham. It was from these findings that the conclusions contained in this section were drawn up by myself.

In the questionnaire, shown at Appendix 4, the questions were grouped around several major issues. The first three questions dealt with the officer's understanding of the new domestic violence policy and how well it had been explained to them. Other questions dealt with the possible attitude change or the conflict associated with the new policy. A couple of questions centred on the

potential obstacles through the effective implementation of the policy. The remaining questions dealt with the perceptions of domestic violence in a forcewide context. The findings and conclusions from the questionnaire were intended to be considered alongside the findings from the in depth interviews discussed in the previous section.

I will now discuss some of the findings of the computer analysis.

A total of 200 questionnaires were sent out to the Streatham officers below the rank of chief inspector. The 118 returns represented a response rate of 59%. Appendix 5 shows the respondent profile with respect of the following variables; age, sex, marital status, rank, length of service and job description.

The data describing the Streatham officer's degree of understanding of the new policy are shown in Figure 11. The pattern shown was encouraging. Over half had a significant degree of understanding of the policy (complete understanding 14% and considerable understanding 39%). Only 6% claimed to have "no understanding" while the remainder, and the largest single group (41%), were those with "some understanding" of the policy. The degree of understanding interacted similarly with the age and length of service of the respondents. Thus, it was the younger, less experienced officers, who were more likely to fall within the "no understanding" and "some understanding" groups. The older and more experienced officers were less likely to give either of these two responses. Such an interaction suggested that I should have considered ways to increase the effectiveness in communicating the new domestic violence policy to the younger and less experienced officers, some of whom had joined the division after the policy was started. Thus

they did not receive some of the initial training sessions. This has since been addressed by the divisional training unit who now discuss the local policy with all new recruits. The great majority of respondents (81%) claimed that they fully understood the reason for the introduction of the new policy; while a negative response of 19% indicated there was room for improvement. The data concerning how well Streatham senior management team were thought to have explained the policy to their officers was not so encouraging and re-affirmed what was being spoken about in the interviews. Concerning how well the policy had been put across to them, Figure 11 shows that the majority of officers (58%) held a negative opinion. This percentage came from the 15% who fell into the "not at all well" group and the 43% from the "not well" group. The aim of this question was to assess the impact of the training sessions. This disappointing result seems to be at conflict with the findings in the last paragraph where 81% stated that they fully understood the reasons for the introduction of the policy. This might have indicated that the sessions were successful. Nevertheless, this was quite a salutary lesson for me and highlights the importance of effective communication to the implementation of any policy. The senior management team had thought the policy had been well presented. I had spoken at many officer training days and this was emphasised by training lectures, on the early turn reliefs, at 7am on consecutive Fridays by the officers of the domestic violence office. As a result of this criticism a better system of communication was tried in the later series of presentations e.g. use of flow charts, diagrams and flip charts.

The findings from the question implicated forcewide perceptions on domestic violence were quite encouraging when viewed as a measure of the potential receptivity to

the Streatham initiative. Ninety-three per cent of respondents considered that not enough attention had been directed in the past at the area of domestic violence. This figure should be assessed against the information shown in Figure 11 which details the respondent's views on the forcewide status of the area of domestic violence. It can be seen that 45% considered that domestic violence had a very low, or low status within the police service. Taking the results of these two questions together it would appear then, that the officers would be likely to be receptive to future initiatives which placed domestic violence higher in the scale of policing priorities. I would suggest that the Streatham initiative could have a major impact: exactly two-thirds (66%) of the respondents considered that the new domestic violence policy represented a more effective method of dealing with this type of crime.

Concerning attitude change, two-thirds (66%) claimed that the new domestic violence policy had not altered their attitudes in the subject; one-third (33%) did report some change. In this latter group, the majority referred their attitude change to a new belief in having a positive way of dealing with domestic violence and one that was backed by senior management. One respondent described it as

"A belief in a positive way of dealing with a previously no win situation".

There was a solid grouping of officers who reported that they had an increased sympathy for alleged victims and also a better awareness of the negative consequences of such behaviour. Also on a positive note was the significant number of officers who claimed that they had a

considerably heightened awareness of the scale of domestic violence as a major problem in society.

There was little evidence which suggested that officers had experienced any difficulty in resolving their own views, on domestic violence, with the new divisional policy. Only 3.5% reported having "considerable difficulty" in this respect; the figure for those in the "quite some difficulty" group was only 9.6%. For the remainder, 29.6% reported "a little difficulty" with a final 57.4% reporting "no difficulty". The figures suggested that any potential personal attitude conflict was clearly not an obstacle to the successful implementation of the policy.

Decisions made by officers regarding what constituted a case of "minor" assault had obvious ramifications for the successful implementation of the policy. The great majority of officers (86%) claimed to have no difficulty in this respect. Of those officers who did claim to have difficulty (14%) few took the opportunity to make any comment on how this influenced their implementation of the scheme. A couple of officers reported that they were more likely to be influenced by the attitude of the suspect. One officer claimed a conflict in definition for "minor" assault between the Metropolitan Police and the Crown Prosecution solicitors. One substantial and rich source of information about officer's views came from the replies to the question which asked them what they thought was the least effective part of the policy. A total of 66 officers (56%) took the opportunity to express an opinion and some of their replies suggested that there were one or two areas of confusion and needed to be resolved. These views are classified into major issues, where several officers expressed the same concerns, and minor issues which amount to unsupported individual opinions.

Major issues

It was clear that a substantial number of officers were either unsure or unhappy about arresting domestic violence suspects merely on the basis of a violent behaviour classification. This concern was seen to emanate from the new policy and was typified by the following comments:

"Arrests for common assault are unjustified".

"The policy promotes unlawful arrests and contradicts the Police and Criminal Evidence Act".

"Should one arrest for A.B.H. ? It is difficult to get convictions".

These views represented a conflict on the legal - procedural content of the policy and no doubt reflected on the deficiency in the early months of the new procedure.

One concern, raised by a total of 12 officers, was the fact that the new policy was not seen to increase the chances of successful prosecution. There was frustration, and an expectancy, that many alleged victims would still withdraw allegations. The question was raised several times as to whether it was wise to arrest an offender when the victim might well offer no support. Withdrawal of allegations was seen, by several officers, to promote what was perceived to be a lack of co-operation by the Crown Prosecution Service in prosecuting cases of domestic violence. The views above perhaps reflected an excessive pre-occupation with prosecution of offenders but I would suggest that lowered offending rates should probably be the more realistic goal for the police service.

A group of 9 officers felt the new policy curtailed their freedom and professionalism when dealing with these crimes. The policy was described as being inflexible and the perceived need to arrest in all cases was seen to remove the officer's discretionary powers. The final identified body of shared opinion raised the valid point that the policy may inadvertently serve to promote further offending once the bail period had expired. There was concern that the offender would simply return home and re-offend after the bail period. The questions raised here represented the laudable concern on behalf of the participating officers. However, it would have to be a matter of further empirical research to find out whether or not their fears were justified.

Minor issues

Several additional concerns were raised by officers; these are listed below by representative statements:

- a. The policy provides no long term help for victims (1)
- b. There is lack of co-operation with the Crown Prosecution Service (1)
- c. The procedure of extended bail breaches the law (1)
- d. Arresting every offender is impracticable (1)
- e. The police are now acting as judge and jury (2)
- f. The policy requires too much manpower to service (2)
- g. The caution is insufficient. The police should charge first time (2)
- h. The C.I.D. are dealing with paperwork and prisoners (2)
- i. There is a lack of co-operation from neighbouring stations in as much as they are not operating the

same policy (2)

- j. The cooling off period of two months is too long
(3)

At the end of the questionnaire, the space which was provided for further comment, proved quite a popular option with the respondents; in fact 43 officers made such contributions. The range of comment was quite broad and often echoed and the major and minor issues which I have just described. However, there was a group of 14 officers who expressed almost identical comment concerning the legality of the policy. It was felt that the criteria for the arrest contravened the Police and Criminal Evidence Act. This confirmed what the officers were saying when they were interviewed. Concern was expressed that the policy could be challenged in a court and that the officer involved may face disciplinary action. The other issues raised in this final section of the questionnaire are as follows:

- a. The policy may promote unfounded allegations (1)
b. Bail may promote repetition of the offence (1)
c. Arrest may, in some cases, exacerbate the situation (1)
d. There is a need for more press coverage so as to encourage more of these victims to report the crimes to police (1)
e. There was a need for more women's refuges and counselling facilities (2)
f. There should be dedicated domestic violence officers/teams (3)
g. More training was required about the new policy (3)

I felt the most important points to emerge from the questionnaire were:

- (a) The importance of monitoring the effect of training. The perception of the management team was quite different from that of the operational officers, the majority of whom understood the policy, and reasons for its introduction, but thought it could have been put across in a better way.
- (b) Although many previous researchers had found a negative attitude in officers there was in fact a positive outlook by those officers who were involved at Streatham Police Station. The majority (93%) of the officers thought that in the past insufficient attention had been paid to domestic violence.
- (c) Sixty-six per cent of the officers thought that the new policy was a more effective way of dealing with domestic violence and there was little evidence that the policy conflicted seriously with their personal attitudes.

Overall these results were very encouraging and I would argue that they represented the change which can be achieved by a policy maker giving positive direction. True, mistakes were probably made in the early stages with regard to the training and the education about the policy but, I felt confident that, generally speaking, the policy had been well received by the operators and had the potential to be expanded beyond the bounds of the Streatham Police Station.

Interestingly the possibility of more police officers being injured as a direct results of enforcing the policy was not raised in any of the interviews or in the questionnaire results. However, this issue arose some while after the interviews had finished. It is this issue that I will deal with in the next section.

C H A P T E R 6

Assaults on Police

ASSAULTS ON POLICE

In the Literature Review it was demonstrated that a common fear among police officers was the perceived high level of violence directed at them when dealing with domestic disputes. This was a contributory factor in increasing the police officer's negative attitudes when responding to such incidents. The perception amongst officers at Streatham was no different. At one of the relief training days, after the scheme had been operating for about a year, some officers expressed the view that the early intervention and arrest policy had resulted in a greater number of officers being injured by offenders who had become aggressive towards the officers when they realised they were being arrested. There was no statistical information available to endorse or refute this assumption. Their fear was based on rumour and anecdote, not fact. It was therefore important to research the facts quickly because this type of rumour could well have fuelled antagonism against the policy.

To prove or disprove the perception I decided to measure the assault rate of officers whilst dealing with domestic violence for the year immediately following the implementation of the policy and make comparison with the number of assaults in the preceding year. The figures were not easily retrievable because, although injuries on duty were recorded locally, the circumstances leading up to the injury were not always shown on the records. Therefore, the injury on duty forms were checked against crime books, incident report books, occurrence books and the records kept in the domestic violence and community unit offices. The analysis revealed that in 1988, from 294 reported domestic dispute incidents, four police officers were injured in four incidents. That is in 1988, 1 in 74 police calls to deal with a domestic dispute

resulted in an officer being injured - see Table 6 for further details.

In 1989 the reported incidents doubled to 636. Twelve officers were injured in six separate incidents. That is in 1989, 1 in 106 incidents resulted in a police officer being injured - see Table 7 for further details.

However, a closer examination of these incidents revealed that, although there were more officers injured from twice the number of incidents, none was hurt as a result of enforcing the new policy.

It can be concluded that there was no evidence to suggest there was any increased danger to officers when employing the strategy of early intervention and arrest. The reason for this may be that, as my research findings indicated, the minimum number of officers who attended domestic assaults was 2, which may have acted as a deterrent to any would be offender. It perhaps also indicated that the handling of these situations was diplomatic, sensitive and helpful as voiced in the victim and offender interviews.

In addition it was noted that all assaults on the police happened at night, at the scene of the dispute and that officers were invariably in uniform.

CHAPTER 7

Publicity About The Project

PUBLICITY ABOUT THE PROJECT

A number of articles about the "deferred decision" procedure appeared in some of the national newspapers and magazines. A cross-section of these is to be found at Appendix 12. Most commentators who described the project, were supportive of the efforts which had been made by the police to improve their response to this issue, with the exception of HORLEY who represented the views of some feminists and had reservations about the use of the adult caution in the domestic violence field. Her view, was that all offenders should have been charged by the police, prosecuted by the Crown Prosecution Service and convicted by a criminal court.

I have also featured Streatham's "famous" caution case against Jeff HARRIS for assaulting his fiancée Dawn GRIFFITHS. It made the headlines in many of the national newspapers. The reason for this was that just previously their baby had been snatched from St. Thomas' Hospital but found safe and well 16 days later. The kidnap case featured in the national media for all the time that the child was missing.

A number of the features, which highlighted the significance of the local procedure, are worth illustrating from the case. Their relationship was beyond "the household" but still attracted the special procedure because I had expanded the definition of the word "domestic".

The injury was minor and the result of a flare up between the couple. Despite this he was arrested, kept in a cell and interviewed by a C.I.D. officer. This was not the first time she had been assaulted by him.

The next day the couple were back living together apparently as friends. She denied that she ever had been assaulted. If, in the absence of this policy, he has been arrested and charged on the basis of her statement at the time then no doubt the case would have been withdrawn at court so no sanction would have been put on HARRIS.

My scheme resulted in HARRIS being given an adult caution. If he re-offended the caution could have been cited in court for up to three years by way of the antecedent history if he was found guilty. At the time of writing this report he has not been reported as having re-offended so the caution may well have had the desired effect of stopping him continuing on the cycle of violence.

Dawn GRIFFITHS was given help and advice by the domestic violence office and was made more aware of the potentially dangerous situation she found herself in with her boyfriend.

CHAPTER 8

A Case Study

A CASE STUDY OF THE DEFERRED DECISION PROCEDURE

This section illustrates a fairly typical example of a domestic violence case which was processed by way of the new divisional policy. The case was taken at random from the deferred decision cases. Both the man and the woman were subsequently interviewed by the members of the research team.

Background of offender and victim

A couple, aged 28 and 25, lived together as co-habitees. They owned their own house which was being paid for by monthly mortgage repayments. The couple had two children. She was a manageress and he was a salesman. He had a number of previous convictions which included theft, deception and robbery. There had been no reported cases of assault against the victim by the offender. He had served a custodial sentence in borstal and in prison.

Circumstances of the assault

Whilst the couple were out shopping with their children, an argument developed between them in a supermarket and he stormed off taking the car keys with him. A short while later he saw her walking with the children along the street. He stopped the car, got out and approached her on foot. The argument continued and he struck her on the cheek. The assault was classified by the police as "actual bodily harm".

Injuries

She was examined at the police station by a doctor who pronounced she had a bruise on her left cheek and right elbow.

The custody record

At the police station the custody officer recorded that injuries were minor, the man admitted the offence, his co-habitee did not want him charged and agreed the matter should be deferred. A full witness statement was taken from her and he was interviewed by a C.I.D. officer. He stated that he slapped her around the face with the back of his hand. He denied any previous violence against her although he agreed that the police had been called to the address sometime previously but had taken no action. He concluded the interview by stating "I'm just a bit upset about the whole thing now. It easily could have been sorted out without all these problems. If this is the way she wants to sort it out, let her sort it out".

Deferment period

During the two month deferment period, a letter was sent on the day following the offence from the domestic violence office. The domestic violence officer made five attempts to contact her however, she did not return any of the calls. There have been no more reported cases of further violence.

Caution date

On the caution date the suspect and the victim both appeared at the police station. She was spoken to by the domestic violence officer, prior to him appearing before

the uniform inspector. She told the officer that she was happy for him to be cautioned and that there had not been any further violence since the date of the offence. However she did mention that she had been previously assaulted by him and as a safeguard the domestic violence officer made sure she had the domestic violence office telephone number. After admitting the offence he was cautioned by the inspector.

Interviews

Both of them were interviewed and the researcher's reports are to be found in Appendix 9 and 10.

She said she had called the police before but they had taken no action when they arrived. She stated she had been frightened to call the police in the past but, she found the police had taken her seriously on this occasion. At the time she wanted the suspect arrested because "he will continue to think he can do whatever he wants to do". She thought he was shocked and angry at being arrested. She believed mistakenly he had not been arrested before. She found it useful to be given the telephone number of the domestic violence office and opined his behaviour had changed as a result of the deferred decision procedure. She said she would have gone to court at the time of the offence but probably not afterwards since they had remained co-habiting. She told the interviewer she would call the police again and calling the police showed him she was serious about dealing with the assault and it had made him more understanding and reasonable. She thought the arrest had a much greater effect on the offender than the caution. She felt it helped that the police decided on the course of action so she could not be blamed.

At interview he admitted that he had been violent before with the victim and that police had been called twice in the past. Since he had been arrested by the police previously he did not find the arrest any "big deal". He 60% blamed himself for the arrest and he thought that the arrest had affected him in that it made him think more about his actions. Generally he thought it a good thing:

"I mean, who wants to see their mum with lumps and cracked bones or even dropping down dead. I don't want to look on and know that I caused it or contributed to it".

Afterwards

Since then there has been one reported dispute between them in the fifteen months since the offence. The circumstances of that incident was they had attended a Christmas company function when they started to argue and she stormed out. She caught a mini-cab and went straight to the Streatham Police Station and reported the matter. There was no allegation or evidence of any criminal offence. She was contacted again fifteen months after the assault, she stated there had not been any further violence but she still feared being assaulted by him. Apparently after the caution the couple continued to argue, however, she stated that the difference was that they could talk "sensibly" about their relationship, which was nearing an end. He was looking for alternative accommodation and she treated him as a flat mate and he "comes and goes" as he pleased. She expressed great appreciation at being contacted again by the domestic violence office.

In my next section I will consider the developing role that these domestic violence offices have had throughout London.

CHAPTER 9

The Domestic Violence Office

DOMESTIC VIOLENCE OFFICES

As part of an overall strategy of providing a better and more consistent service for the victims of domestic violence, the police in London have developed a system of domestic violence offices, manned by police officers and situated at most police station. The aim of this section is to consider the emerging role of these domestic violence offices by examining briefly the functions of my office at Streatham.

At the beginning of my project I decided to create a specialised post of one officer to give greater support to the victims of domestic violence and to ensure that my policy was accepted, understood and practiced by the operational officers. I felt the investment of this resource was very worthwhile until the policy was well established. I did not envisage the office becoming a permanent fixture so I deliberately avoided labelling it as a "unit". My reason for this was straightforward. It was my experience of the police culture that when a specialist "unit" was set up to deal with a difficult policing issue the officers identified that the particular problem was no longer their's but belonged to the unit. The subject became "marginalised" so that operational officers would not give the same emphasis to it. I will explain this further. The main aim of my project was to persuade officers to arrest suspects for domestic violence. In other words, the police role lay with officers who were called to the scene of the assault to act and deal with the incident as a crime and therefore arrest the suspect. I was fearful that if a "unit" was formed, officers would be discouraged from taking this action because they saw that responsibility lying fairly and squarely on the shoulders of the unit. This would particularly be the case with incidents involving minor

injury. It was exactly this type of assault that I was anxious to see the police role change to the practice of early intervention and arrest and so break the cycle of violence.

At the time I formed this office there was only one other in London, at Tottenham, where some very good pioneering work had been done. In 1991 there was over 50 such units. This meant that over 70% the police stations in London had one of these units. However, there was some large areas of London where there was no domestic violence units. I would argue that this indicated a lack of consistency in the approach by the police, no doubt due in part to the lack of commitment by some of the local senior managers. The Commissioner, in his 1989 annual report, wrote about standardising police station approaches to domestic violence. However, it was not made compulsory so local managers developed their own response along different lines and viewed the policing priorities in different ways. For example, Streatham was bounded by five divisions, each with its own individual approach. This led to tremendous frustrations especially for the victims. An anecdote will illustrate the position. Early in 1991 a woman alleged to an off duty Streatham sergeant that she had been badly beaten up by her common-law husband at her home address which was on a neighbouring police station area. He had also apparently threatened to kill her. The sergeant, who wished to give the best possible service to the victim, referred her to the Streatham domestic violence office. The victim was examined by a doctor, a full statement was taken from her and the crime case papers were forwarded to the neighbouring station. The victim was given a promise that her common-law husband would eventually be arrested. The case papers were taken over by hand and the C.I.D. of the neighbouring station continued the investigation into the crime. Two weeks

later the woman saw the sergeant again and stated, contrary to her husband being arrested, the C.I.D. officers attended her home address and after listening to both sides of the story blamed her for staying out all night with a girlfriend. The officers blamed her for the ensuing argument when the husband turned round and beat her up. The officers apparently said she had got what she had deserved ! She was by now very upset, confused and frightened about any further assault.

This was an example of two neighbouring police stations operating in completely different ways yet each had operated the same central policy which had been issued from Scotland Yard. Even with the development of the domestic violence offices there were still many varying approaches, e.g. another neighbouring station of Streatham employed a C.I.D. officer attached to the domestic violence office for the purpose of arresting offenders and preparing case papers. Some "units" worked within the framework of arresting and charging all offenders whilst others worked with little else other than the central policy which had been issued by the Metropolitan Police in 1987.

Such a diverse number of approaches made a mockery of the statistical information produced each year by the Metropolitan Police. I will explain this further. In the 1991 annual report of the Metropolitan Police, it stated:

"There was a rise of 10% in reported incidents in 1990, compared with 1989. The number of arrests per hundred offences in 1990 was 68 for offences of domestic violence compared to 46 per hundred for other types of violence against the person offences".

From these statistics it appeared the Metropolitan Police had a seemingly impressive arrest figure especially when it was compared against the arrest for other types of violence. These figures were collated from individual police stations and relied on the proper submission of crime reports. However there was no standard policy for the completion of crime reports and these figures were completely distorted. This is simply illustrated by comparing two hypothetical stations each with different policies. At each station 500 victims reported 500 crimes in a year. Station 'A' had no policy on the recording of crime whilst Station 'B' had a policy, similar to Streatham, of eliminating the "no criming" element which I have already discussed in the Literature Review. The result would be as follows:

Station 'A'

500 allegations of crime made - 150 offenders arrested.
 However, 60% of crimes were "no crimed".
 Therefore 300 crimes were "no crimed" and did not reach official statistics.
 Therefore only 200 crimes were classified or submitted to the central statistical department.

Arrest rate equals total arrests divided by total classified crimes multiplied by 100.

This equals $\frac{150}{200} \times 100 = 75\%$

Station 'B'

500 allegations of crime made - 150 offenders arrested.
 0% of crimes were "no crimed".

Therefore 500 crimes were classified or submitted to the statistical department.

Arrest rate equals $\frac{150}{500} \times 100 = 30\%$

It was my experience, from the Streatham figures, that an arrest ratio of 75% for offences of domestic violence was very difficult to achieve. This figure had been arrived at through an inconsistent approach to the domestic violence statistics.

Having highlighted the effect of these inconsistencies I will now look at the developing role of the units and I will do this by considering the work that had been done in the Streatham Unit. As already mentioned, between 1988 and 1989, as a result of the local policy, the number of cases reported to the unit doubled from 300 to 600 and remained at that figure during 1990. Because of this extra workload I increased the office staff from one to two. Both were women police officers but there was no special reason for this, the position was advertised and the persons selected were selected as being the best for the job. In fact, out of over 50 units across London, 16 employed male officers.

The functions which the officers carry out had expanded in the first two years of their operation. Their development was probably very typical of other units. In my experience when specialist units are set up they find additional functions which are seen as being necessary to improve their efficiency and effectiveness. No wanting to be too cynical, but rather practical, the next stage of such specialisation is that "units" try to make themselves indispensable! I am not suggesting that this was necessarily the case with domestic violence units but the natural development of my office made me suggest that the

police ought to carefully analyse their expansion. The five main functions of the office were as follows:

Supporting victims

One of their main roles was to make contact with the victims immediately after the crime and ensuring that he/she had been given the local domestic advice booklet. This contact could be as short as a telephone chat or as lengthy as a home visit or even a visit to the police station for an interview by the domestic violence team. Subjects covered in such contacts were often quite wide ranging but the strength of the local unit was that it gained experience of other local organisations and agencies to whom the person could be referred. These other local organisations included sympathetic and experienced solicitors dealing with domestic disputes, local housing officers, social services departments, the organisation Relate, Victim Support, Alcoholics Anonymous and local self help groups for both men and women. Although it was never intended domestic violence officers often went beyond just supporting the victims, into the difficult area of advising and counselling them, especially on their personal relationships. This was not something they were trained to do and often had to rely on their own experience.

In many cases help and advice was given to women victims with the criminal prosecution system. This could be as simple as explaining court procedures, linking up with the C.I.D. officer in charge of the case or, as often happens, actually attending court with the victim. Attending court could be a daunting and frightening experience especially for the victims of a domestic assault who can find themselves in the witness box facing the offender who is a co-habitee or husband. Experience showed that it could be

of great help to have such support especially in the court room. There were some difficulties in doing this especially when it raised the expectation level of the victim. In one case a domestic violence officer was sitting in the part of the court which the public did not have access to, and the victim was about to give evidence. The defence barrister suddenly stood up and addressed the judge. He objected to the presence of the domestic violence officer whom he claimed was having an unfair influence on the witness/victim. After a "voir dire", the judge decided that the officer should leave the court area whilst the victim gave her evidence. The result was devastating to the victim. She collapsed when she suddenly realised that she was on her own in the witness box and unfortunately the case was lost. I very much doubt if the defence would have objected if it was someone, other than a police officer, i.e. victim support volunteer. I therefore asked the question if this type of service was really widening the role of the domestic violence officer or was this really a role for another agency? Currently there is an experiment, in seven Crown Courts, where victim support volunteers are employed to help and assist witnesses.

Another important aspect of the officer's work was the formation of a local women's self help group for domestic violence. The domestic violence officers were the catalyst and the scheme was well received and popular with victims. However, the group needed servicing and resources. At the time of writing this report the leadership and administration emanated from the domestic violence office.

Training

Secondly, training in all the aspects of the police handling of domestic violence was seen as a very necessary role. As was stated by the officers in their response to the written questionnaire, it was vitally important to educate and communicate with the officers on the changes of policy. Various approaches were adopted by the domestic violence office. These included being available for the "one to one chats" with officers, visiting the police station canteen for informal discussions and the domestic violence officers also fully involved themselves in all the station training days.

In the police service personnel were rarely posted to a police station for more than 3 to 5 years so there was a considerable change in staff. As part of an induction course to the police station all new officers went a visit to the domestic violence office where they were informed of the procedure that was adopted. I saw training as probably their most important role to ensure the policy was understood and adopted by all officers.

The location of the office was very important if it was to be effective and it was for this reason that it was situated in a position on the ground floor of the divisional station. It was close to the police canteen and was readily accessible to all the operational officers. The fact that the office was in a prominent position I thought emphasised the importance which senior management attached to the subject.

Cautioning

Thirdly, the domestic violence officer's work also developed in the role of cautioning. Originally their work was confined to making home address and background enquiries on the victim/offender and organising the regular caution evenings. Experience showed that some domestic violence offenders did not appear on the return date to answer their bail. The domestic violence officers in these cases made further enquiries about the whereabouts of the suspects who failed to appear. As can be seen from Table 5 approximately 18% fell into this category. In the first few months of the scheme the police took no further action on these suspects, mainly for two reasons. Firstly the offender had usually moved address and there was no power of arrest and secondly it was not thought cost effective to pursue those cases because it was believed that the initial arrest probably acted as a sufficient deterrent. The domestic violence officers changed that practice so that most of the men who did not appear were found and given new dates for the caution. The result was that most attended to receive their caution.

Liaison with the other agencies

Much of the domestic violence officer's work was spent in liaison with the other agencies which were involved with domestic violence. This took the form of attending meetings, giving presentations to outside bodies and even receiving outside groups who visited the police station. Such meetings proved invaluable from the point of view of liaison, cross-flow of ideas and sharing experiences with other people in the same field. This has resulted in the domestic violence office being able to give a more

informed service, advice, guidance and help to the victims.

Administration

Generally speaking successful specialist groups expand their service and take on more work. This often has the knock-on effect of increasing their administration. The Streatham domestic violence office was no different. Detailed records were kept on every contact with the victim and the police response which was completed on each case. It was vital that police actions were properly recorded, accounted and the information was available afterwards. I well remember the "Tyra HENRY" public enquiry in the 1980's at Lambeth Town Hall. This concerned a case of domestic violence by the parents of a young child who subsequently died. The Juvenile Bureau police record of the liaison with the family was very thorough and well documented especially in the contact with the other agencies. As a result the police were in a position to rebut the spurious allegations made by the barristers acting on behalf of the other agencies. I could well imagine a similar situation could arise with a domestic violence incident, e.g. the recent murder at the Stoke Newington Police Station where the police apparently allowed a man and a woman to confer in private in a domestic violence office. In the absence of the police and the social worker the man attacked the woman with the result that she died. I therefore viewed detailed record keeping as imperative to the success of the domestic violence office.

The officers also kept an up to date "sensitive addresses" index which contained locations where previous domestic violence incidents had occurred. This index was available to operational officers so that they could be forewarned

and given the basic background information on any potential violence with regard to the premises and/or the people before attending the scene of a call for police assistance.

These areas of work which I have described illustrated that the role of the domestic violence office expanded. At Streatham I deliberately allowed the unit to develop in the hope that it encouraged other agencies in this field and because it provided a better service for the victims in the short term. In the long term I anticipated that such development would help me to identify its true role in the policing philosophy of the station. One issue which particularly troubled me was that the police had taken the lead in giving the full support to the victims in this field. The police were intent in improving the service given to the victims of this and other crimes, but, I feared this could be counter-productive. I believed that as long as the police maintained this high profile there was a danger that the other agencies may well allow the police to continue to do this and avoid having to commit their own resources.

At the beginning of this thesis I wrote about the development of the "co-ordinated approach" and "crisis intervention" schemes which operated in America. The police were only one of many agencies which were helping victims. I believed that the only way forward, and to provide the best available service to victims, was for the government and the local authorities to commit real resources to this area by creating similar local co-ordinated schemes. The police role would then be to refer the victims to other professional bodies after having given them the support at the scene of, and immediately after, the crime.

After writing this report it was my aim to assess the developments within my office and to rationalise the role of the police. I have reservations on three major issues:

- (a) The role of the police should be limited to the arrest, the support of the victim at the time of the crime and then referral of both victims and offenders onto the other agencies for counselling and longer term support.
- (b) The police urgently need to evaluate the growth of these domestic violence units and decide centrally the parameters and their common purpose.
- (c) It may be better, once a common arrest policy is achieved in practice throughout London, that domestic violence units should be phased out and their present function taken over by better qualified personnel from the other agencies, e.g. government funded, locally based victim support schemes.

Moving on from domestic violence "units", another area which support can be given to victims is to help offenders understand more about why they commit violent acts and what can be done to stop it. One option is to create a 'self help group' for men. It is this aspect of my scheme that I will describe in the next section.

CHAPTER 10

The Self Help Group for Men

THE SELF HELP GROUP FOR MEN

A controversial area when considering society's response to domestic violence is the provision of self help groups which aim to help violent men who assault their wives/women friends. Some programmes report a success rate, e.g. the Bolton Scheme in this country boasts a success rate of 60%, however, it is difficult mainly because of the poor reporting rate of such crimes, to predict the long term success of some of these schemes.

After the Streatham cautioning project had been started I considered the other strategies which could be undertaken to reinforce the impact that the arrest and the caution process was having and also what could be done to heighten the awareness of offenders to the problem. I decided to encourage the formation of a voluntary self help group for men. Before embarking on such a local diversion scheme I assessed some of the experiences of some of the self help groups for me in the U.S.A. and the research which had been carried out there. Before describing our work in this area, I will give a brief over-view of some of these findings.

I found the research conducted by Albert ROBERTS most interesting as it set out to analyse the approach of a number of different groups. He examined 84 separate projects which were involved in helping batterers. From his findings he identified the following "needs" for any programme which set out to divert batterers away from violence:

1. The need to learn about rational and irrational beliefs.
2. The need to learn anger control techniques.

3. The need to develop good communication skills.
4. The need to learn stress management skills.
5. The need to participate in support groups utilising shared experiences and peer support to help overcome violent behaviour.

The aim of most of the programme was to strive to help men gain self control over their own behaviour. ROBERTS found that 33% of the groups used a combined counselling approach, including individual, group and when considered appropriate couples counselling. He found another 33% only used group counselling as a preferred option. Twenty-five percent used only individuals or couples. The remainder tried formal education programmes with offenders by exploring the causes and possible solutions for battering after which men were encouraged to join one of the counselling options already described. Another researcher, Ann GANLEY a psychologist, ran the first residential treatment programme and it identified the following techniques as being necessary in an effective treatment programme for men:

- (a) A clear treatment goal had to be agreed between the offender and the counsellor. This gave both parties a plan for the change and a system was then arranged to measure the progress.
- (b) The client had to accept the responsibility for his own behaviour.
- (c) The use of confrontation as a means of showing the client the reality of violent behaviour (she had found that many men minimised or denied their abusive behaviour).

- (d) Psych-educational approaches which accepted the concept that battering was a learnt behaviour and that the behaviour could be changed through an educational programme. The emphasis on the education was manifested by the use of various teaching aids such as blackboards, videos, role playing and also by the use of specific terminology to create an educational atmosphere. Meetings for example were called "classes" and the participants were given "homework".
- (e) She found that men progressed quicker working in groups and after 6 years experience in this type of work concluded that the advantages of working in groups were that there was an opportunity to decrease his isolation and dependency on his partner, opportunity to enhance his inter-personal skills and also the opportunity to learn from peer role models as well as to serve as a positive role model for others.

GANLEY recommended that each therapy type group should comprise of 8 to 10 clients with two leaders.

I have chosen one of the diversion programmes to describe how they worked in practice. The programme I chose was the abusive men exploring new directions (AMEND) which was started in Denver in 1978 the programme was divided into four phases:

- (a) Phase one consisted of the initial meeting and discussion with the client. This usually afforded the man the opportunity of venting his feelings of frustration and anger. It also allowed the interviewer to ascertain if the problem could easily be identified so that the person could be

dealt with by perhaps another agency i.e. alcohol may be the main problem in which case the person needed specialist treatment as opposed to just attending the self-help group.

- (b) Phase two where a person was given details of a structured educational programme which lasted for 4 - 6 weeks and covered areas such as the cycle of violence, anger control, communication, self image, male image and the understanding of the role of women.
- (c) Phase three which normally came after the educational programme above. The men joined a support group which dealt with the problems and this phase could be long term and was therefore open ended.
- (d) Phase four was when the man felt that he had completed his own change of behaviour and could thus go back into his environment without having to attend the support sessions.

AMEND found the biggest problem was the high fall out rate of men attending the sessions. They found that 75% of clients left after one or two sessions. The main reason for this was that once a wife or partner returned home the motivation for attending the group apparently disappeared and the person dropped out of attending the session. AMEND had the policy of not accepting court mandated clients as they believed that men should attend sessions only because they themselves wanted to change and not be seen to be attending because of a court order. Other facilities which AMEND offered included a community outreach programme, a re-group where partners joined in and a 24 hour hotline operated in conjunction with another

agency. AMEND therefore offered men a wide variety of educational programmes.

In the 1980's self help groups also developed in this country. One of the schemes, which received much publicity, was the "Bolton Move" in Greater Manchester. Greater Manchester had a women's aid refuge for a considerable time. The two groups joined forces and worked together in the hope of finding ways to work out programmes for couples who had previously had an intractable domestic strife. The men's group was started by an ex-batterer who boasted of having 40 - 50 men actually attending regular group meetings. The strategy adopted by this group was similar to AMEND in that a batterer had to go through a number of sessions with the helpers. These sessions included getting the offender to admit the violence, re-enacting the violence using another member of the group, the offenders took the position of the victim and finally an examination of the roots of anger and what it involved.

The "Bolton Move", and other such schemes in this country, have had a mixed reception from women who have been involved in helping victims. As an example HORLEY writing in the Independent on 11th February 1989, was critical of these groups in as much as she felt the emphasis should be placed on arresting offenders and not counselling them. She saw a danger in over-enthusiasm for these groups when they had not proved themselves to be worthwhile in the long term. She thought any help for men was a luxury which society could not afford especially when set alongside the difficulty which women's refuges had in raising finance. SMITH (1989) was also sceptical of the worth of these projects. She thought the real test was if the schemes actually changed behaviour in preventing a re-occurrence of domestic violence and not whether or not

participants completed the programme having proved their self-esteem or were less depressive or whatever measure was used to evaluate the success or otherwise. She pointed out the danger of such schemes which might help abusers to express their violence in other, socially more acceptable ways, e.g. psychological and verbal hurt and increased economic hardship.

SMITH was not entirely critical because, as she pointed out, sufficient long term evaluation needed to be undertaken to support or refute the work completed by DUTTON in 1987. DUTTON found that over a 2½ year period a greater decrease of recidivism was experienced by a group who had treatment which was appended to the arrest, e.g. 40% of those who did not partake in a treatment programme were re-arrested but only 4% of those treated were re-arrested.

Perhaps the most objective view came from Gaye GARRARD who worked in a women's refuge which helped the Bolton Move in their joint initiative in Greater Manchester. She thought that she and her colleagues could only offer temporary respite and catered for women in the refuge but could not bring any lasting change to the men. She believed that working alongside the Bolton Move was the first real chance of ending the cycle of violence in men.

I contrasted the efforts made by these voluntary self help groups with the opinion of the DOBASHS who worked for the Institute for the Study of Violence at the University of Stirling. They believed that men would not attend these groups voluntarily and felt the only way forward was to create re-education programmes which were conditional to sentences imposed by the criminal justice system. It was their opinion that if men failed to attend these programmes they should be returned to the court. They

thought, like the AMEND programme, that violent behaviour was something that men can unlearn.

Whilst I accepted these different views I was keen to try and help offenders to recognise their behaviour patterns and, perhaps, through a small self help begin to encourage a change. I did not have any access to additional resources, or indeed experts, who were academically qualified to run a professional therapy group similar to the Men's Centre in North London, but I was fortunate in having the help of Campbell Paget who was the local police divisional chaplain. He had much experience in life, having served in the Army and was very knowledgeable about the local area since he was attached to a local church. He was an excellent communicator, had great strength and a compassionate approach to people's problems. He also had a consuming interest in the project, having been present at my initial meeting with the "experts" and was anxious to help.

He was willing to run a self help group using some of his congregation. We had several meetings to discuss the process and agreed that neither the police nor the church should be seen to have any influence on the group, that a suitable mutual meeting place had to be found in the community and that it had to be available on a regular evening basis for at least once a week. Our difficulty was in deciding which was the most effective way of inducing men to attend the group. There seemed to be two main options. The first was to make it conditional to the deferred caution process so an agreement would be made with the offender at the police station, after the arrest process, and before the person was released on bail. He could, for example, have been asked to sign a form undertaking to attend the group in the intervening two months. Although this idea would not be backed by any

law, there could be a moral inducement for the offender to attend i.e. attendance could be regarded as a suitable recommendation for him to receive a caution. It was generally felt that men would attend in these circumstances but perhaps for the wrong reasons, i.e. to get a caution as opposed to wanting to genuinely improve their behaviour. The second option was to make it totally voluntary for the offender and not to be connected with, or influential upon, the caution. This latter process was favoured as it was felt that offenders who were also volunteers would be easier to work with and so would potentially be more productive in a group environment.

A local community hall was arranged and five volunteers agreed to help. An invitation letter was carefully drafted and produced on plain paper with a map showing the recipients the location of the hall. I issued policy which stated that a copy of the letter, signed by Campbell Paget, had to be given to each offender at the police station and the custody records was marked up accordingly. This was re-enforced by the domestic violence office staff who sent out an additional copy to the offender within a few days of his release. The letter was given to each arrested offender whether he was charged, bailed under the caution scheme or even if no further police action was taken.

The process was experimental and initially unstructured. It was intended to be developed dependant on the response of the offenders who attended the self help group. It was hoped that volunteers and offenders would be able to talk through their experiences and explore the remedies and options for combatting future violence. The question might have arisen that some offenders, who had been charged, might have wanted the fact that they had attended the group mentioned to the court, by way of antecedent

background. This was thought to be a good thing and was to be encouraged although it would be dependant on the views and reactions of the offender. The attendance of the offender at the self help group was to be confidential, and that fact was not intended to be released to the court, or the police domestic violence office, unless the person specifically wanted this done.

The broad aim therefore was to try out the scheme, conduct periodic reviews of its progress and tailor the procedure to make it more effective.

In the first week only one person appeared at the hall. He was not an offender who had been processed through the Streatham scheme, but had been referred to the group by a neighbouring police station. The volunteers were somewhat disappointed at this response. They thought they had seen some potential clients walking near the meeting place and it was perceived that the map which had been given to the offenders had not clearly identified the location of the hall. The map was thus changed so that there was no doubt about its whereabouts.

The support group volunteers met on Tuesday evenings for six weeks. However, no further offenders attended and the group was, therefore, stopped. I endeavoured to find out the reasons for its failure because the fault did not lie with the co-ordinator or the volunteers as they had attended each Tuesday evening. I carried out a small research project which included speaking to eight offenders, four of whom had been charged with offences and four who had been cautioned, the co-ordinator of the project, the domestic violence officer, with the purpose of finding out their perceptions and feelings about the failure of the scheme.

Inspector BROADBERY, the community liaison officer, who conducted most of the cautions thought that the suspects always rationalised their guilt away by blaming everybody and everything but themselves. This fact was also found in the interview with offenders as only 6% blamed themselves for the violence. Of all the people he had cautioned, only one person, to his knowledge had sought counselling. That offender was a young, intelligent, articulate man who had recognised he had a problem. Inspector BROADBERY was asked if he thought it should be made a condition of the caution, but, he strongly disagreed with this suggestion because he felt that an element of coercion would only result in the offenders paying lip service to the group. He thought that the offenders considered that the caution was a short, sharp treatment and once cautioned many wanted to put the matter behind them, this would also be part of the process of the men not wanting to recognise that there was a problem.

The two domestic violence officers confirmed that each offender in the six week period was sent an additional copy of the letter. This acted as a reminder and a follow up after the arrest had taken place. The officers also disagreed with making the attendance at the self help group a condition of the caution. They felt that unless they were volunteers, offenders would disrupt the group. They also thought that an important promoting point of any self help group was the fact that the co-ordinator had professional qualifications. They had an interesting insight into the apathy displayed by some of the offenders when they themselves formed a successful self help group for women victims. Some of the women enquired if their husbands/boyfriends could also attend and asked the officers to phone and invite some of the offenders. The officers made several phone calls but all of those that they spoke to refused to attend. The officers provided

some answers as to why they thought the men would not volunteer to attend. In their opinion if men sought help from outside the household they would probably feel that they had lost a sense of power or control over their own and their partner's lives. To have any chance of success, the officers considered that the group had to be totally void of any connection with the police and that it ought to have been based in a more central location. Robert HART was also spoken to. He ran a local "Everyman Centre" whose aim was a self help run the scheme, as he put it, "a service by men, for men who wanted to stop being violent". Their services were advertised, and contact with clients was made initially by telephone with the theme "for a confidential chat or appointment call us". The bulk of people who called or attended the centre came from agencies other than the police. He recognised the difficulty that any group might have if they were seen to be connected in any way whatsoever with the police. He considered that offenders would see it as punishment if they had been cautioned and also had to go to the group. Offenders would view it as a reminder of constant punishment.

Campbell Paget when interviewed stated that he was enthusiastic about setting up the group because as he saw it male offenders had nowhere to go for help. He said the initial aims of the group were (a) to overcome the problems of seeking help, (b) provide a forum for men to start to talk with other men and to start to recognise and discuss the problem and (c) it was hoped that once a man realised the implications of his behaviour that it may have been appropriate to refer the person onto another agency for professional help or counselling. He had visited the "Bolton" self help group and gave five reasons as to why men probably did not attend our local scheme. He felt that there were men that did not want to go, did

not think they had a problem, and certainly did not recognise that they had a problem, could not be bothered, it was perceived as being connected with the police and they did not view the group as being of any use to them.

The one person who did attend, in fact attended most of the sessions in a very positive way. He was given good support and at the end was talking freely about his domestic problems. He was also receiving help from his doctor and was enthusiastic about the assistance he had received from the group. Campbell, with hindsight, felt the scheme needed a helpline which was manned 24 hours a day by volunteers and run in a similar way to the Samaritans. He also thought that the unit should have been advertised outside the police, e.g. with social services or in the press and so attract other men rather than just trying to appeal to offenders who had been dealt with by the police.

Finally, the eight offenders, four who had been cautioned and four who had been charged, were interviewed by me on the telephone. They were asked if they had received the letter and seven replied in the affirmative but one was not sure. Only four of them apparently received a letter at the police station. This indicated that some of the custody sergeants had apparently not given out the letter according to the instructions contained in my divisional policy. The four sergeants were interviewed and the following reasons were given by them for not carrying out the policy. One sergeant had just joined the division and was unaware of the procedure, one worked in the custody office regularly but did not know the divisional policy whilst the other two, according to the appropriate custody records, had in fact given out the letters.

The offenders were asked if they had read the letter and understood the contents. All stated that they remembered reading the letter, understanding the contents and vaguely recalled where the meetings took place.

Three offenders perceived the self help group was connected with the police whilst the others had not apparently thought about that and were not aware it could have been so connected.

The replies were various as to the reasons why they had not attended any of the meetings. One person said he was already receiving help from another agency. The other agency apparently was Relate and said that as a result he he did not think it was necessary for him to attend the Streatham self help group. Interestingly, the other six all said they did not attend the group because they no longer considered they had a problem. They stated the dispute with their partners had been sorted out and there was not need, as they saw it, to seek any further help. One suspect said he did not go because he felt that it was not a professional agency so he did not think any more about it. One person said it was the first time he had assaulted his wife and he had spoken to her about it. He felt ashamed of what he had done and did not want to discuss it outside the family environment.

Of the four people who had been cautioned under the deferred decision scheme, three admitted they had committed previous violence against their partner. One person said it was the first time he had committed such an assault. All four stated they had committed no further violence since being cautioned.

Accepting the restrictions which were naturally imposed by a police officer interviewing an interviewee on the

telephone, it appeared the self help group, to which offenders were referred, stood little chance of success. Perhaps the biggest hurdle to overcome in organising any such scheme for men is to persuade the offender that he has a problem. Second would then be to persuade the offender to seek help to stop the repeat violence. My research has shown that only 6% of offenders acknowledged that they were to blame for their violence. Invariably they blamed something else, e.g. drink, unemployment or somebody else, e.g. their partner.

This part of the Streatham experiment failed. It relied on the offender's volunteering to seek assistance and that concept appeared to have little chance of success. It seemed that police run treatment programmes stand out contradictory messages to offenders. On the one hand it may appear to be a place where an offender can seek help, however, on the other hand, it can be viewed as on-going police supervision and punishment. I was therefore left to conclude that society can either let these voluntary groups, e.g. the Bolton Move, flourish outside any connection with the police or the judiciary, or, as DOBASH and others have suggested, devise a court mandated scheme where by it would become compulsory, or conditional, to a person to attend such a self help group. No doubt such schemes would be organised by people who were professionally qualified in counselling and helping offenders to recognise and make good their problems. I believe that the police role would be to support such self help groups by making appropriate referrals. As an example, in the light of this experience, the Streatham policy was limited to informing offenders of the local advertising campaign run by the Brixton "Everyman Centre".

Having now discussed the various aspects of the Streatham project, my final chapter before making a summary and

recommendations, is to mention briefly the response and results of another police force outside London. This other force also believed the police role was to arrest offenders who committed this type of crime.

C H A P T E R 11

**Another Police Approach to
Domestic Violence**

ANOTHER POLICE APPROACH TO DOMESTIC VIOLENCE

I feel a most difficult hurdle of any police policy maker is to ensure that his or her policy is actually put into practice by the operator. In the police force the operator is usually the constable on the beat. However, as already discussed, several major obstacles have to be overcome before the police culture will accept and practice any policy change. Some of these obstacles are worth repeating. They include negative attitude of the officer, a natural resistance to change, acceptance of the policy by the police culture and, probably most important of all, the existence of police discretion which is given to constables under our law. In this thesis the Streatham policy has been examined against the performance of another period and another division within London. The purpose of this section is to consider the effect of a different approach by another police force.

I chose West Yorkshire, mainly because this was the county where HANMER and SAUNDERS did their research in 1987. I was curious to look closely at the local force reaction to the research findings, to examine subsequent force procedures and any measurement of the results of police performance, particularly when compared to the results of the Streatham scheme.

Research Findings

The researchers questioned officers of all ranks in the eight sub-divisions of the West Yorkshire Constabulary. The officers were asked for their views in relation to the policing and inter alia to violence against women in the home.

Officers believed that more incidents were being reported because more women felt they were receiving more sensitive treatment from the police. Some officers thought that the actual amount and severity of violence against women was on the increase. Most officers said they had received little official training and felt they were being training, and thus gaining experience, by actually doing the job. Most officers appeared to regard marital violence, or a dispute between men and women who had a close personal relationship, as an argument that "has gone over the top". Most officers told the interviewers if the law was to be involved then it was almost certainly seen as a civil rather than a criminal offence. The majority of officers felt the onus was on the woman to deal with the situation by leaving her husband and finding accommodation elsewhere or alternatively using her common sense to avoid a repetition or to do something for herself. A typical response was "the action was their's". Many officers felt the police were being required to intervene in situations that were outside the realm of policing and more in the sphere of social work. In fact, some appeared to resent the social work component of policing and officers in urban areas in particular wanted to be free of this obligation as soon as possible. One detective constable summed up a frequently expressed view:

"It is better not to arrest as there would be eight hours of paperwork, and too much of a policeman's job is spent on paperwork !"

After interviewing members and officers of the County Council, the police, the victims and the offenders, HANMER and SAUNDERS in their report made eighteen recommendations about the future role of police in dealing with domestic violence cases. The following is a summary of some of

their recommendations. The police should take violence against women more seriously, regardless of the relationship between the man and the woman. Emphasis needs to be placed on better training of the police at all levels about violence against women. Specialist units of women officers should take responsibility for responding to violence against women. Such units should be named so that agency personnel can develop a more appropriate liaison. Police officers should ensure that the decision to enforce the criminal law was not left with women victims. Every incident of alleged violence against women should be investigated in a standard way wherever it occurs. The police should monitor all assaults on police. Violent crime against women should become a major priority for policing and the allocation of resources.

The Police Response

Up until 1989 there had been no force policy specifically aimed at dealing with domestic violence. Following the recommendations made by Lord Justice Butler-Sloss, the Home Office Circular 52/88 and the D.H.S.S. document "Working Together", local force procedures were reviewed in order to establish effective working practices which were in line with the recommendations contained in both documents. Ad hoc units had been established across the force area to deal with the growing numbers of child abuse cases reported to the police. Those units were supplemented by three specialist women police departments what were initially set up to receive rape victims. The chief constable felt it was an appropriate time rationalise his force's approach to child abuse.

He did this by re-structuring and formally establishing specialist units across the force. The chief constable felt that child abuse, rape and domestic violence were

issues that were the concern and responsibility of all members of his force. He thought there was common links between child abuse and domestic violence and they invariably required some form of inter-agency approach. He thought there was a need for specially selected officers, with the necessary aptitude and skills and with a balanced outlook, to specialise in these areas. Another important credential for his staff was that they had to be able to work closely with other agencies to the benefit of the victim. He believed there was a need for a consistent approach by his force and its dealings with other agencies so as to be in keeping with the government recommendations and the spirit of "working together".

The force rationalised the various ad hoc procedures. Units that had been established to deal with child abuse were re-structured into eight domestic violence and child abuse units across the force. Each territorial division was provided with the necessary facilities to accommodate such a unit. The unit's incorporated experienced members of the three existing women's units and officers who had been specially selected by way of force procedures. A force co-ordinator was appointed to provide a central reference point and to represent force policy to the various agencies and outside bodies. A computerised domestic violence index was developed to enable officers who attended the scene of domestic violence to be aware of the relevant background information and to be alerted to the possibility of violence against the officers. Forty-five officers were selected to form these new eight units and they attended a two week residential course at the force training school. They continued to receive on the job local training with inputs from other agencies. The chief constable issued a policy statement which included the following paragraph:

"Domestic violence is a criminal offence and it is important that the police action is clearly defined, in particular I am concerned that all officers should act to enforce the law when an assault takes place within the domestic environment in exactly the same way that they would act in a cases of attack by a stranger or in respect of any assault outside the home".

It is relevant to note that in the foreword to the force policy document, whilst referring to domestic violence, in 1991 the chief constable stated:

"In all proven cases of violence there shall be a presumption in favour of arrest, charge and prosecution. The use of formal caution as an alternative to prosecution should be regarded as an option only in exceptional circumstances and only then in those less serious cases in which there are significant mitigating factors".

The chief constable stated the police response to such offences had two principal aims. The first was the protection of victims in order to ensure that they, and the children, were not left at a continuing risk. And second, that vigorous investigation to secure evidence, and where such evidence permitted, to arrest and charge the offender. He particularly highlighted the extensive powers which enabled police to arrest and take action in these cases of domestic violence. He ordered that supervisory officers would take an active interest in the investigation of all domestic violence cases and sub-divisional detective chief inspectors were given the specific task of monitoring the quality of all investigations and the presentation of subsequent court

files. He also built in a check to ensure officers were treating domestic violence as crimes and he commanded the heads of stations to examine their station communication logs to ensure that this was done.

Put simply, the force policy changed to arresting and charging offenders. Supervisory officers were instructed to make sure this was done. The approach was similar to Streatham, except it discouraged the use of a caution as a means of processing offenders. Therefore offenders who had committed crimes, whether major or minor, were treated in the same way - charge. This was the police role which many feminists argued was best practice.

Results

In order to achieve quality information on the allegations of domestic violence a force survey was conducted in 1990 on all the incidents which fell within the category of domestic violence. The force had defined domestic violence in broad terms similar to the Streatham definition. It involved:

"Any incident involving an assault, disturbance or potential breach of the peace between parties who could generally be described as married or having a family relationship and included co-habitees or lovers (relationship included separated or divorced)".

In order to collect the information a special form was designed to correlate with a computer programme which had been specially prepared for the survey. The form, which was to be completed by each officer attending a domestic violence scene, was intended to provide a snapshot of the

circumstances surrounding the allegation of crime. The period of analysis was three months - June, July and August 1990. Once completed, the form was passed to the community affairs inspector for the station area and then forwarded to the force co-ordinator for domestic violence and child abuse. In addition all instances of domestic violence were inputted onto the domestic violence index at each police station. On the reverse side of the form there was an opportunity for officers to report on how they had dealt with the incident both at the scene and immediately afterwards. The police action was to subdivide into three key areas, (a) advice to victims, (b) arrest - report and (c) custody.

In the three month period West Yorkshire officers attended 2,700 incidents of violence falling within the set criteria. This represented 29.3% of all the crimes of violence reported in that period. The sample size was much bigger than Streatham but was over a shorter period.

The most vulnerable periods of the day when incidents of domestic violence were likely to occur had a similar pattern to those in the Streatham analysis. Twenty-nine per cent of all incidents reported to police allegedly occurred between 11pm and 2am. Nearly half of all the calls received (46.5%) occurred between the period 9pm to 3am. However, incidents of domestic violence were reported every hour in the 24 hour period !

Of the total calls attended throughout the period of the survey, officers reported that in 48% of occasions alcohol had already been consumed by the assailant. In the Streatham survey 30% of offenders stated that drink was a perceived reason for the initial argument which led to the assault.

The survey showed that in 85% of cases the victim was female. Like Streatham there were few cases of men being beaten by women.

Forty per cent of the women victims were aged between 20 and 30 years. In 36% of the cases the assailant was the husband of the victim, in 25% of cases the offender was a male co-habitee and in 15% of the cases the assailant was identified as the boyfriend of the victim. In Streatham the figures were very similar, 48% of women victims were aged 20 to 30 years, 33% the offender was the husband and 25% the offender was a co-habitee.

The police action was closely scrutinised and it was found that where a police officer decided not to arrest 53% of victims were referred to a solicitor, 9.5% of cases the victim was referred to the social services, but rather disappointingly, only 3.5% of the cases were victims advised to go and seek the advice of the women's aid or the specialist police support that was available at the force domestic violence and child abuse units.

Throughout the three month survey 772 persons were reported for offences. This represented 32% of the sample size. Four hundred and sixty-nine suspects were actually arrested and this represented 17% of the total incidents. By way of comparison in the Streatham analysis it was found that in 1988 there was a 30% arrest rate which rose to 52% in 1990. However, at another division in London, the arrest rate was only 12%. I feel these figures are extremely significant in as much as it showed that however well intentioned the policy of the force was it did not manifest itself in the arrest rates for domestic violence by constables. This was, after all, one of the primary aims of the chief constable, i.e. to arrest and charge offenders. So despite the built in checks by the

supervising officers it appeared that the constables were not abiding by the force instructions. This fact was further highlighted in the conclusion to the report which stated:

"From the information provided by the officers it is clear that effective early intervention in line with force policy and the subject of much comment in the HANMER study, is not being provided in every case and there is room for improvement".

Of those arrested only 188 were charged and detained whilst 108 were admitted to bail.

The analysis of the West Yorkshire approach continued by the force and whilst figures were not available the officer in charge of the research felt that there was a gradual improvement in the arrest rates during the following year.

In conclusion, the Chief Constable of the West Yorkshire Police Force issued an impressive, positive arrest policy which was slow to reflect in any increased arrest figures. I think the Streatham Police Station arrest rate was higher and more successful for three reasons. First the Streatham officers were informed of the reasons, and the previous academic research findings, for promoting an arrest policy. Second a vigorous on-going training policy was adopted at Streatham particularly after research had shown there was a need for an improvement in this area. The third reason was that officers at Streatham were given a positive procedure, with an end product, for dealing with minor injury assault cases e.g. caution, whilst such a process was discouraged in West Yorkshire.

That said, I must be mindful of the different type and size of sample. The true level of success will be in the years which follow the change of policy and it may well be that the West Yorkshire Police Service will achieve a much higher arrest rate in due course. The final part of my work is to look back and make some conclusions and recommendations from the research which I have undertaken. I will cover these in the next two sections.

C H A P T E R 12

Conclusions

SOME RESERVATIONS

Before drawing conclusions from this research, it is relevant to consider some of the reservations I had about the findings. Some of these I have already mentioned, in the main text, but I felt it was pertinent to highlight them at this stage and so add balance and objectivity to some of the more positive results.

a. Victim Interviews

I would have preferred the sample size of victims, who were part of the deferred cautions system, to have been larger. The victims who were interviewed were those whom we were able to contact. They were in a group who were apparently willing to co-operate with the interviewer. Sixty-five per cent of the original sixty-six victims however, did not respond to the considerable efforts made by the researcher to interview them. Whilst it may be pure speculation to guess the reasons for this 'non co-operation' some of these victims may have put a more 'negative' view on Police action.

Some critics may feel that it might have been more productive to have pursued these cases with more vigour rather than respecting their privacy and possibly causing them unnecessary stress by more visits to their home addresses. With hindsight, I would have to be sympathetic with that view, but, time and cost also prevented that course of action.

b. Offenders' Interviews

The fact that the interviews were conducted at the Police Station, immediately after the caution, may have had some influence on how they answered the questions about the effectiveness of the procedure.

Some may have given the interviewer the answers they thought was wanted so they could leave as soon as possible. As an example, 70% said that a caution was a good thing and 90% stated they understood the procedure, so one could believe that the procedure had worked. Yet, in 17% of cases, men said it made the woman too powerful and only 2% said they were to 'blame' for the incidents. This indicated, perhaps, an underlying fear that some of the male offenders had not really taken responsibility for their actions, and the policy and practice had a limited impact on them. The difficulty facing me, was the limit on the amount of researchers' time. Many offenders did not live with the partner or had moved out and it was felt that it was more cost effective to conduct the interviews at the Station, than spend time trying to track them down.

c. **Officers' Interviews and Questionnaires**

Most of the interviews, and answers to the questionnaires, were positive about the policy, however, it must be borne in mind that the officers worked on my Division, it was my policy and I had driven it from the beginning. The Police Service is a rank orientated body and it may be this had some influence on what the officers were saying. I wondered if they were giving the answers I wanted to know rather than what they actually felt. I tried to make the questionnaire independent and anonymous, however, I suspect some of the officers may have viewed this with suspicion!

- d. A more accurate and comprehensive assessment might have resulted if I had taken a longer time between the caution and the interview date. As I have mentioned, in the literature review, research shows that some men act out a 'cycle of violence' and 6

months is probably too short a time to judge any lasting impact of my policy.

- e. SHERMAN 1992 described how the Minneapolis replication studies showed that arrest can have different result for different areas and on different 'folks'. My research was confined to only one part of a London Borough. It would have been interesting to compare results of the same type of Police practice in another area with a different social, economic and race mix; the results may have been different.

So bearing in mind those reservations, I will now draw together the conclusions which I felt resulted from the research.

CONCLUSIONS

One of the most neglected areas in the policing and prosecution of domestic violence incidents was the police handling of the allegations of criminal minor assaults. It was considered that the operational police response to domestic violence in this country needed to take account of the research findings in this field. This study sought to develop some of those findings into practice thereby improving the protection of the victim in these cases. It promoted an early intervention and arrest approach and provided the opportunity of a formal sanction for the offender in the form of a deferred caution.

In the past the police, in the absence of substantial evidence of physical violence with which to arrest, charge and prosecute the offender, had done little to help the victim. This situation proved most unsatisfactory for the victims and also led to frustration, manifesting in negative attitudes, by the police officers. The deferred caution process was regarded as an alternative, not to prosecution, but to the widespread police practice of doing nothing in cases of minor assault. Under this policy officers were advised to arrest in most cases of minor assault as laid down by a set criteria. Thereafter custody officers were required to charge or defer the decision to prosecute or caution. It is contended that the policy, and the consequent police practice, has made a major contribution to the consistent protection of domestic violence victims, improved the profile of this crime amongst serving police officers and significantly improved police recording practice.

A caution can be administered either after arrest at the police station or deferred for two months for further enquiries to be conducted into the case. The

effectiveness of the former has not been measured in this research. It can be concluded, for the following reasons, the use of adult cautions proved to have a valuable place in dealing positively with domestic violence cases which involve a minor injury. However, it must be emphasised that any effective Police response must also include a vigorous prosecution policy for all other cases.

My research which was conducted on re-offending rates tended to suggest that charging an offender was no more of a deterrent than cautioning.

Most victims expressed satisfaction with the procedure and felt their safety was a major consideration. Seventy-four per cent of the victims of minor assault stated they had been assaulted previously by the offender, 75% of the victims thought it was right to arrest the offender and 74% commented that they would call the Police again, yet 52% reiterated that they would not give evidence at court had the Police charged the assailant.

The offenders found the experience of arrest, and the threat of subsequent prosecution or caution, a salutary experience, so much so, that 28% said the process actually made them alter their behaviour. A significant number (85%) did not come to the attention of the Police again during the monitoring period and 68% of them thought the caution was a good idea.

However, the real impact of the process was limited. Many offenders would not accept they had a problem and did not attend the 'self help' group. Only 6% of offenders blamed themselves for the assault and 72% stated it did not alter their behaviour. Seventeen per cent thought the process made women too powerful. Generally the results showed that the policy had different effects on different offenders. It deterred some but not others, however, my main argument for advocating this policy was not based on

any deterrent theory, but that it provided a better and more consistent Police response to victims.

The new procedure gained widespread acceptance by most of the police officers and there was little evidence that the policy conflicted seriously with the officers' personal attitudes. In fact, most officers thought the status of domestic violence deserved to be higher and that there was no apparent obstacle preventing both the rationale and the procedure being widely accepted throughout the Police Force.

The policy reflected the increased confidence shown by the public in the reporting of these crimes. The Police reports of domestic violence doubled after the first year of the project.

When compared to a previous period, and another Police area, the crime figures at Streatham mirrored the positive approach shown by the Police by significant increases in the number of arrests (52% of cases compared to 30% and 18% respectively) in charges, 27% of records compared to 18.5% and 9% respectively whilst there were reductions in 'no criming' practices (30% which was later reduced to 2% compared to 67% and 46% respectively).

Statistical analysis showed that, when Police adopted an early intervention and arrest strategy, there was, despite some police officer's perception, not any increased danger of being injured in the execution of this Police duty.

The role of the domestic violence units has expanded beyond supporting victims. The domestic violence officers have become involved in training, arresting suspects, liaison with other agencies and an increasing amount of administrative work. This thesis has pointed to some of the problems which can ensue from marginalising such work.

Self help groups for men were probably more successful when they were seen to be totally independent from the Police. Their best chance of success would emanate from either a court mandated scheme or a totally independent body with professionally qualified staff.

The procedure, which provided policy to influence practice, was no more costly in resources than any other process and this research, I would suggest, illustrated real benefits for the victim, the offender and the Police.

CHAPTER 13

Recommendations

RECOMMENDATIONS

1. COMMON APPROACH

All police forces should adopt a common approach to these crimes.

2. DEFINITION

The definition of "domestic violence" and thus consequent procedure should be extended to include people who have had a relationship outside marriage.

3. ARREST

The Strategy of early intervention and arrest for all cases of domestic violence should be adopted nationally. This would help to create a consistent approach, provide positive direction to officers and give the best service for the victims.

4. CAUTIONING

The deferred decision procedure, although successful at Streatham, should be regarded as one of several options open to the police in dealing with this crime. When deferred decisions cannot be implemented, adult cautions, within the set criteria of this project, should become policy in all forces.

5. FIRM PROSECUTION POLICY

The police of the deferred decision to caution, or immediate adult caution, should be set alongside firm

prosecution measures in all but the most minor of cases that can be included in the caution programme.

That the police, inform the Crown Prosecution Service at liaison meetings and at court user groups, their reasons for pursuing a vigorous arrest and charge policy requesting that the Crown Prosecution Service, where possible, follow these cases through to a prosecution.

6. RECORDING PRACTICE

- (a) Crimes involving domestic violence should be reported, recorded and classified according to the statement made by the victim or witnesses at the time the allegation was made to the police.
- (b) The police policy and practice should ensure that most of these crimes are recorded as "cleared up".
- (c) There should be a Home Office crime classification category, "assault - domestic" so that levels of reported crime can be monitored.
- (d) A national index of "cautions" be kept at the National Identification Bureau at New Scotland Yard.

7. MANAGING AND SUPERVISING CHANGE

Any change of policy will require the close attention to the methods of communicating adequately its justification. Operational officers will need reassuring about the problems of liability and accountability raised by any new strategy. The policy will require sustained managing so that

practice does not revert back to the older traditional ways.

The Bramshill Police Staff College ought to organise carousel courses to assist supervising officers to adopt and manage these changes.

8. DOMESTIC VIOLENCE UNITS

That their current role needs to be monitored and evaluated so that the parameters of their work can be set.

9. SELF HELP GROUPS

There is a role for these groups but are best left to agencies other than the police.

10. MULTI-AGENCY APPROACH

There is an urgent need for agencies, outside the police service, to work together to provide long term support, advice and guidance to the victims of domestic violence. Efforts to form multi-agency work groups should be encouraged.

11. FURTHER RESEARCH

Further research be undertaken to compare the impact of an instant caution, within the criteria set for this project, with the results from this scheme.

B I B L I O G R A P H Y

BIBLIOGRAPHY

- ADAIR 1982 Action Centres Leadership - John
ADAIR, Gower Publishing 1982
- BANGMAN 1986 "Domestic Violence - Too Late to
Mediate". The Police Chief June
1986.
- BEVAN & LIDSTONE A guide to the Police and
Criminal Evidence Act 1984.
- BITTNER 1987 F.B.I. Law Enforcement Bulletin
1987.
- BLAIR 1985 Investigating Rape - A New
Approach for Police, Ian BLAIR.
The Police Foundation 1985.
- BOREHAM 1988 Cosmopolitan Magazine - January
1988 "Why the Police don't give a
damn for domestic violence".
- BOURLET 1990 Police Intervention in Marital
Violence - Open University Press
1990.
- BRITISH CRIME SURVEY Home Office Research Study 111
1988 (1989)

- BROEMLING 1986 "The Reporter", Ontario Social Development Council Magazine, Spring 1986.
- BROTCHIE 1990 "A wee bit over the top" -article in the New Statesman.
- BUCHAN, EDWARDS 1991 "Adult Cautioning for Domestic Violence" Chief Superintendent BUCHAN, Dr Susan EDWARDS Home Office Science and Technology Group (Police Requirements Support Unit) June 1991.
- BUCHAN EDWARDS 1990 Adult Cautioning for Domestic Violence - Chief Superintendent Ian BUCHAN, Dr Susan EDWARDS. Report for PRSU - Home Office Science and Technology Group 1991.
- BURRIS & JAFFE 1983 "Wife battering a well kept secret" - Canadian Journal of Criminology 1983.
- CHATTERTON, M 1983 "Police Work and Assault Charges" in M. PUNCH - Control in the Police Organisation MIT PRESS.
- DEVONPORT 1988 Police Review article December 1988.

- DOBASH & DOBASH 1979 Violence Against Wives - New York
- The Free Press, 1979.
- DOBASH 1981 Community Response to Violence
Against Wives, Charivari,
Abstract Justice and Patriarchy.
Social Problems Vol 28 No. 5 June
1981. Russell P. DOBASH, R
EMMERSON DOBASH University of
Stirling, 1981.
- DOLAN 1986 Police practices and attitudes
towards domestic violence Journal
of Police Science and
Administration.
- DUNFORD, HUIZINGA
ELLIOTT 1990 The Role of Arrest in Domestic
Assault.
The OMAHA Police Experiment
Franklyn W. DUNFORD, David
HUIZINGA, Delbert S. ELLIOTT,
University of Colorado.
Bouler - Criminology Vol 28 No.
2 1990.
- DUTTON 1977 Domestic dispute intervention by
Police. Family violence,
Proceedings of a symposium on
Family Violence - Vancouver 1977.

- DUTTON 1987 The prediction of recidivism in a population of wife assaulters -paper presented at American Society of Criminology Meeting, Montreal 1987.
- EDWARDS 1990 An evaluation of the impact of the Metropolitan Police Force Order on Domestic Violence - A preliminary report for discussion, 1990.
- EDWARDS 1989 "Compelling the reluctant spouse" - New Law Journal May 1989.
- EDWARDS 1989 Stand by your Man - Police Review May 1989.
- EDWARDS 1989 Policing and prosecuting domestic violence. A paper presented to Danish Police School, April 1989.
- EDWARDS 1989 Policing Domestic Violence, Women, the Law and the State -Sage 1989.

- ELLIS 1987 Policing Wife Abuse: The contribution made by domestic disturbances to deaths and injuries amongst Police Officers - paper presented to American Society of Criminology, November 1987.
- EPP 1988 Government of Canada press release 7th June 1988.
- FARAGHAR 1985 The Police response to violence against women in the home - J. Phal Private Violence and Public Policy - Routledge, 1985.
- FERGUSON 1987 Mandatory arrest for domestic violence - FBI Law Enforcement Bulletin 1987.
- FERRARO 1989 Policing Woman Battering - Kathleen FERRARO, Arizona State University "Social Problems" Vol. 36, 1989.
- GARNER 1989 Omaha Police Division - Domestic Violence Experiment press release September 1989.

- GARNER & CLEMMER 1986 Danger to Police from domestic violence - A new look at the evidence - National Institute of Justice Magazine 1985.
- HALL 1987 News Report January 1988
Cosmopolitan Magazine "Why Police don't give a damn about domestic violence". Malcolm MACALISTER HALL.
- HANMER 1990 Women, Violence and Crime Prevention. A Study of Changes in Police Policy and Practices in West Yorkshire. JALNA HANMER December 1990, University of Bradford.
- HANMER & SAUNDERS 1984 Well Founded Fear: A Community Study of Violence. London, Hutchinson.
- HANMER & SAUNDERS 1989 Women, Violence and Crime Prevention - A report for the West Yorkshire Police Authority, 1989.
- HATTY 1989 Women, Policing and Male Violence - Internation Perspectives. Jalna HANMER, Jill RADFORD and Elizabeth STANKO - Routledge, 1989.

- HIRSCHEL 1991 Charlotte Spouse Assault
Replication Project - Final
Report, J David HIRSCHEL, Ira W
HUTCHISON II, Charles W DEAN,
Joseph J KELLY, Carblyn E
PESACKIS - National Institute for
Justice, 1991.
- HOFF 1990 Battered Women as Survivors. Lee
Ann HOFF, Routledge 1990.
- HOMNANT & KENNEDY 1985 Police Perception of Spouse Abuse
- a comparison of male and female
officers - Journal of Criminal
Justice, 1985.
- HORLEY 1990 A caution against cautioning
-Police Review March 1990.
- HORLEY 1989 "Benchmark" article by Sandra
HORLEY in "The Guardian"
newspaper March 1989.
- HORLEY 1989 A.C.P.O. Annual Conference
"Prospectives from the Refuge"
extract from speech.
- HORLEY 1988 Solicitors Journal November 1988.

- HORLEY 1988 City Limits Magazine - May 1988.
- HORLEY 1985 Fall Out in the Refuges - Sandra HORLEY, 1985.
- HOUGH & MAYHEW 1985 Taking Account of Crime - Key findings from the British Crime Survey - Home Office Research Study No. 85.
- JAFFE 1984 "Crisis Intervention and the London Family Consultant Mode 1984" - Royal Canadian Mounted Police Gazette Vol. 46, 1984.
- JAFFE, FINLAY & WOLFE 1984 Evaluating the impact of Specialised Civilian Family Crisis Unit within a Police Force on the Resolution of Family Conflicts -Journal of Preventative Psychiatry 1984 p.63.
- JAFFE, REITZEL, HASTINGS and AUSTIN 1999 London Family Court Clinic - 'Wife Assault as a Crime' - the perspectives of victims and Police Officers on a charging policy in London, Ontario from 1980 - 1990'. Peter JAFFE, Deborah REITZEL, Elaine HASTINGS, Gary AUSTIN, April 1991.

- JAFFE & BURRIS 1985 "Wife Battering - A Well Kept Secret" - Canadian Journal of Criminology 1985.
- LANGLEY & LEVY 1985 "Wife Battering - The Silent Crisis" - New York E.P. DUTTON.
- LEDOUX and
HAZELWOOD 1987 Practical Aspects of Rape. Investigation - A Multi-disciplinary Approach.
John C. LEDOUX
Robert HAZELWOOD
ELSEVIER Sereio 1987.
- LEVYS & DUTTON 1978 The Social Service Role of Police Domestic Crisis Intervention.
- LONDON STRATEGIC
POLICY UNIT 1983 Police response to domestic violence - Police Monitoring and Research Group Briefing Paper No. 1, 1983.
- MAIDMENT 1977 "Miss 'X' - A fate worse than Death". An examination of the crime of rape from the viewpoint of the victim, and a review of the current feminist thinking on the subject and recent changes in the law.
Inspector Gavin MAIDMENT
Hampshire Constabulary
BRUMSHILL Police College 1977.

- McGIBBON, COOPER and
KELLY 1989 "What Support" - Hammersmith and
Fulham Council Community
-Community Police Committee.
Domestic Violence Project, Final
Report, Alison McGIBBON, Libby
COOPER, Liz KELLY March 1989,
Polytechnic of North London.
- McLINTOCK 1983 Crimes of Violence, London,
McMILLAN, 1983.
- METROPOLITAN POLICE
PRESS RELEASE 1985 Metropolitan Police Press Release
1985.
Police Emphasis on Help for Rape
Victims.
- NEUSTATER 1988 Beaten, battered but not broken
-Sunday Times 17th April 1988.
- OMAHA PRESS RELEASE Omaha Police Division September
1989.
- PAHL 1982 Police Response to Battered Women
- Journal of Social Welfare Law
1982, P. 337 - 343.
- PARNAS 1971 "The Police discretion and
diversion of incidents of
inter-family violence" - Law and
Contemporary Problems, 1971.

- PENCE 1982 The Duluth Domestic Abuse
Intervention Project - Hamline
Law Review 1983, P. 247-275.
- P.S.I. REPORT 1988 Evaluating Police Work, Chapter 8
The Policing of Domestic
Disputes.
- REINER 1985 The Politics of the Police,
Robert REINER - Brighton
Wheatsheaf, 1985.
- ROBERTS 1983 Springer series on Social Work.
Battered Women and their
Families.
Intervention Strategies and
Treatment Programmes.
- ROCK 1986 "A View from the Shadows" -Oxford
University Press, 1986.
- SAMPSON & FARRELL 1990 Victim Support and Crime
Prevention in inner city setting
- Home Office Crime Prevention
Unit Paper 21/90.
- SCARMAN REPORT 1981 Brixton Disorders 10th-12th April
1981, Lord SCARMAN. HMSO 1981.
- SHERMAN 1986 Domestic Violence - National
Institute of Justice Crime File.

- SHERMAN et al 1992 The Variable Effects of Arrest on Criminal Careers: The Milwaukee Domestic Violence Experiment. Lawrence W SHERMAN, Janell SCHMIDT, Dennis P ROBAN, Douglas A SMITH, Patrick R GARTIN, Ellen G COHN, Dean J COLLINS, Anthony R BACICH - The Journal of Criminal Law and Criminology Northwestern University Spring 1992 School of Law Volume 83.
- SHERMAN 1992 Policing Domestic Violence -Experiments and Dilemas -Lawrence W SHERMAN - Free Press, 1992.
- SHERMAN & BERK 1984 "The specific deterrent effect of arrest for domestic assault" -American Sociological Review 1984 Col. 49.
- SMITH 1989 "Domestic Violence - an overview of the literature" - Home Office Research Study 107.
- STEER 1981 "Uncovering crime" The Police Role" - Royal Commission on Criminal Procedure Research Study 7.

- STEWART 1986 "Danger to Police in Domestic Disturbances - A New Look" -National Institute for Justice Magazine 1986.
- STREET 1988 Cosmopolitan Magazine - January 1988 "Why the Police don't give a damn for domestic violence".
- TULONEN 1985 Impact of the Domestic Violence Prevention Act, Seattle City Attorney's Office 1985.
- URSEL 1990 Considering the Impact of the Wife Abuse Movements on the State - The example of Manitoba. Paper presented by Jane URSEL Canadian Association of Sociology and Anthropology - Victoria 1990.
- VICTIM SUPPORT ANNUAL REPORT 1992 National Association of Victim Support Schemes Annual Report 1992.
- WALKER 1981 The Battered Women, New York, Harper and Row, 1981.
- WESTWOOD 1990 "Adult Cautioning" - Policing Magazine 1990.
- WHITEHEAD 1989 20,000 Assaults on Police -Police Review August 1990.

WOMEN'S NATIONAL
COMMISSION REPORT 1986

Women's National Commission,
Violence Against Women, Report of
an Ad Hoc Working Group Cabinet
Office, SW1 1986.

ZOOMER 1989

Women, Policing and Male Violence
- International Perspectives,
Jalna HANMER, Jill RADFORD and
Elizabeth STANKO - Routledge
1989.

A P P E N D I C E S

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HOME OFFICE

Queen Anne's Gate, LONDON, SW1H 9AT

Direct line: 01-213 5229

Switchboard: 01-213 3000

18 February 1985

Our reference: POL/85 1/19/1

Your reference:

The Chief Officer of Police

- c.c. The Clerk to the Justices (with a copy for the Chairman of the Bench)
 The Clerk to the Magistrates' Courts Committee
 Inner London Magistrates
 Provincial Stipendiary Magistrates
 The Circuit Administrator
 The Court Administrator
 The Chief Clerk to the Crown Court
 Chief Probation Officers
 The Clerk to the London Borough Councils (with a copy for the
 Director of Social Services)
 The Chief Executive of the Metropolitan County Councils, Non-
 Metropolitan County Councils and Metropolitan District Councils
 (England and Wales) (with a copy for the Director of Social
 Services)

Dear Sir

HOME OFFICE CIRCULAR 14/1985

THE CAUTIONING OF OFFENDERS

General

1. As chief officers will be aware, the Royal Commission on Criminal Procedure drew attention to disparities in cautioning rates amongst police forces. Since the Royal Commission reported, many forces have revised their policies and instituted cautioning schemes. At the same time the Home Office and the Crime Committee of the Central Conference of Chief Constables have been considering how best to promote more effective and consistent cautioning practices on a national basis. This work has taken as its starting point that there is no rule in law that suspected offenders must be prosecuted. It has long been recognised in the case of juveniles that there may be positive advantages for society as well as for the individual in using prosecution as a last resort. Cautioning provides an important alternative to prosecution in the case of juvenile offending; it also represents a possible course of action in the case of adults.
2. I now attach a copy of guidelines on cautioning. These guidelines are commended by the Home Secretary to all chief officers. They were drawn up by a Working Group of chief officers and officials with the approval of the Crime Committee of Central Conference. They take account of comments received from many individuals and agencies operating in the criminal justice system when they were published in draft together with the report of the Working Group and research conducted by the Home Office Research and Planning Unit. Chief officers had a copy of these papers made available to them.

3. The guidelines fall in two parts. The first part, dealing with the cautioning of juveniles, replaces Home Office Circular 70/1978; the second part, dealing with cautioning of adults, gives fresh guidance and amplifies the principles set out in the Attorney General's guidelines on criteria for prosecution (Home Office Circular 26/1983) in so far as the cautioning of offenders is concerned. The division of the guidelines into two parts arises from the recognition that in general there is in the case of juvenile offenders a much stronger presumption in favour of courses of action which fall short of prosecution unless the seriousness of the offence or other exceptional circumstances dictate otherwise.

Arrangements for decision making

4. The Home Secretary notes with approval that a number of schemes have been adopted in different parts of the country to ensure that decisions on the disposal of offenders are taken justly and effectively and in consultation with other interested agencies. These schemes, which are in the most part concerned with juvenile offenders, though some extend to certain categories of adults, range from multi-agency bureaux which consider all cases at the outset to early cautioning schemes where other agencies are involved only at a later stage.
5. The Home Secretary sees the issue of the present guidelines as a means to encourage the consistent application of policy in cautioning decisions, which will be a complementary process to the existence and growth of such special schemes. However, he wishes chief officers to be aware of his view that the issue of these guidelines should also provide the opportunity for a review of local arrangements, where this has not already been done, to ensure that liaison arrangements with social services departments, the probation service and where appropriate the Education Welfare Service, are such as to encourage the participation of those agencies in decision making. This may be particularly appropriate where there is doubt in the mind of the police as to whether a caution is the right course in an individual case.
6. For example, where local arrangements are for the police generally to make immediate decisions to caution juveniles, the guidelines are intended to provide that in individual cases where an immediate decision cannot be made, there can be consultation before prosecution is determined. The guidelines do not of course prevent consultation in individual cases from taking place from the outset. A review of local consultation arrangements should also take in the question whether other agencies wish to be informed by the police after the issue of cautions in cases in which they have had no previous involvement.

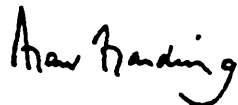
Particular issues

7. The Home Secretary wishes to draw chief officers' attention to the following particular further points.
 - (a) 'Net widening': the guidelines make clear the danger that a formal caution may be used and the juvenile thus brought within the fringes of the criminal justice system when less formal action might have been more appropriate. Whilst in many cases it is recognised that whether or not a juvenile is dealt with formally will depend on the exercise of powers outside the police station (e.g. arrest), it should not follow that simply because a juvenile is brought to the police station formal action (e.g. a caution) is required, as against a decision to take less formal action, or no

further action at all. This is an area which supervisory officers will need to monitor carefully.

- (b) Schemes for cautioning drunkenness offenders: a number of police forces have adopted such schemes. They may apply only to simple drunkenness offences or additionally to less serious cases of aggravated drunkenness; the normal course would be for the offender to be detained until he is sober and then to be cautioned and released. A feature of such schemes is that if an offender is arrested more than three times a month he would normally be prosecuted.
8. Chief officers will no doubt wish to ensure that the contents of these guidelines are promulgated to all those officers who will have day to day responsibility for making decisions in individual cases, and that consideration is given to the training needs which these guidelines may bring about.
 9. Chief officers will know of the introduction of legislation to create a Crown Prosecution Service independent of the police. This service will have as its primary function the conduct of all criminal cases in which the initial decision to proceed has been taken by the police, and the prosecutor having charge of a case will have discretion to drop or alter charges. These functions will be carried out under the superintendance of the Attorney General. The initial discretion on whether to institute criminal proceedings will, however, generally remain with the police. Thus there will continue to be scope for the police to caution rather than prosecute offenders, and accordingly for guidelines such as those attached to the present circular, though their content will be open to discussion in the light of future experience and developments.
 10. H.M. Inspectors of Constabulary will wish in the course of their inspection of forces to pay particular attention to cautioning policy and practice and may require from chief officers information about the effects of changes which are made.
 11. These guidelines are intended to provide a general framework for cautioning in respect of criminal offences, but they are not intended to prejudice the existing system of written warnings in the case of traffic offences.
 12. Any enquiries about this circular should be addressed to Mr. T.F. Oulton (tel: 01-213 4028).

Yours faithfully,



Alan Harding

GUIDELINES ON CAUTIONING

I JUVENILES

General

It is recognised both in theory and in practice that delay in the entry of a young person into the formal criminal justice system may help to prevent his entry into that system altogether. The Secretary of State commends to chief officers the policy that the prosecution of a juvenile is not a step to be taken without the fullest consideration of whether the public interest (and the interests of the juvenile concerned) may be better served by a course of action which falls short of prosecution. Thus chief officers will wish to ensure that their arrangements for dealing with juveniles are such that prosecution does not occur unless it is absolutely necessary. As a general principle in the case of first time juvenile offenders where the offence is not serious, it is unlikely that prosecution will be a justifiable course. Specifically it will not be right to prosecute a juvenile solely to secure access to the welfare powers of the courts.

2. A formal caution may represent one form of entry into the criminal justice system. It will for example be cited should the offender subsequently appear before a juvenile court. It is therefore important that the issue of a caution should be a formal procedure which takes full account of its consequences for the individual concerned and that it should take place only where strict criteria are fully met.

3. It is also important that a formal caution is not issued unless the circumstances of the case are sufficient to justify it. It should be considered whether it is more appropriate to deal with an offender without formal proceedings of any kind, for example by an informal word of advice or warning.

Criteria for a caution

4. Before a caution is issued to a juvenile, the following criteria must be met in full.

(a) The evidence available must comply with the Attorney General's guidelines on criteria for prosecution

ie a conviction should be more likely than an acquittal before a court. Cautioning must not be used as a substitute for a weak prosecution case. If there is insufficient evidence to support a prosecution, it will not be right to use cautioning as an alternative.

(b) The juvenile must admit the offence

It is not sufficient that the juvenile should merely admit all or some of the facts which constitute the offence; he must recognise his guilt. If there is no admission in circumstances where otherwise a caution would have been issued, the proper course may be to take no further action.

(c) The parents or guardian must consent to the caution being issued

In practice parental consent should not be sought until it has been decided that a caution is the correct course. The juvenile and his parents must have explained to them the procedure of cautioning and its significance: that a record will be kept, that the fact of a previous caution may influence the police's decision whether or not to prosecute if the juvenile should offend again, and that the caution may be cited if the juvenile should subsequently be found guilty of an offence by a court.

The decision to cautionImmediate decisions

5. Assuming that the criteria for the issue of a caution can be met, the decision to caution will in the first instance turn on the nature of the offence and the offender's record.

6. It should be possible quickly to arrive at a decision to caution an offender if:

- (a) The offence is not serious. In determining whether an offence is serious, consideration should be given to whether significant harm has been done to a person, substantial damage has been done, or property of substantial value stolen: other factors may be the wilfulness with which harm or damage was done or the degree of suffering caused to another individual;

and

- (b) the offender's record is not serious. Subject to the seriousness of the offence, first time offenders will normally be cautioned. A further caution is also likely to be appropriate for a second or subsequent offence where there has been a reasonable lapse of time since the incident which led to the earlier caution or conviction, or where the offence is trivial or different in character from the earlier offence, or where the earlier offence was trivial. A second or subsequent caution would be precluded only where the offence in question is so serious as to require prosecution.

7. It will normally be appropriate to come to an immediate decision not to caution if the offence is very serious, for example homicide, rape, arson endangering life, serious public disorder.

Further considerations

8. If it has not been possible to decide to caution an offender under the provisions of paragraphs 5 and 6, and unless a decision has been taken under paragraph 7 not to caution the offender, it will be necessary to give further consideration to whether the offender can be cautioned, or whether in the circumstances prosecution would be the right course.

9. Whether or not other agencies have been involved in considering the individual case at an earlier stage, where an immediate decision cannot be made to caution and the decision whether cautioning, prosecution or some

other course of action is right still hangs in the balance, there will generally be advantage in the police seeking to secure the advice and views of other interested agencies on the correct disposal.

10. Particular factors which may need to be taken into account in the more detailed consideration of an individual case, apart from the nature of the offence and the offender's record according to the policy described in 6(a) and 6(b) above, are:

(a) Interests of the aggrieved party

(i) It will generally be appropriate to seek the views of the aggrieved party. Among factors which will need to be taken into account in deciding whether to caution is that cautioning can deprive the victim of a ready means of redress through a compensation order. Although it is not desirable for the police to enter into any form of bargaining between the offender and the aggrieved party, it may be appropriate to take into account whether the offender has made any reparation for the damage done, or has indicated willingness to do so, together with any views expressed by the aggrieved party. There may also be cases in which, although a caution may otherwise be administered, prosecution is required in order to protect the victim from further attention from the offender. The likelihood of the aggrieved party instituting private proceedings should also be borne in mind since it is desirable to avoid the situation where the police decide to caution and the aggrieved party wishes to institute private proceedings. The interests of the victim, although a most important factor which needs to be weighed in deciding whether the public interest points to prosecution or to a caution, cannot be paramount.

(ii) whatever the decision it will always be important to ensure that the victim is treated with courtesy and consideration.

(b) The offender's circumstances

It may be appropriate to take into consideration the offender's previous character and family circumstances in deciding whether a caution would be adequate or prosecution or some other action would be more appropriate.

(c) Groups of offenders

When juveniles commit offences in groups, it can be found that the records and circumstances of the individuals concerned vary. While it is necessary to be mindful of the need for consistency and equity in decisions to caution or prosecute, this should not prevent the consideration of each member of a group of offenders on an individual basis and a disposal related to the individual's particular involvement in the offence and other circumstances.

Manner of issue of a caution

11. It will generally be appropriate for a caution to be administered in formal circumstances at a police station in the presence of the parents or guardian by a police officer in uniform. The officer should normally be of the rank of inspector or above. The parents or guardian should be asked to sign a form confirming their consent to the caution and that it was explained to them that the caution would be kept on record and might be cited if the

juvenile should subsequently be found guilty of an offence by a court. The form should also confirm the date of the caution, the offence for which it was administered and the fact that the juvenile has admitted the offence. The form should be countersigned by a police officer.

12. It is generally desirable that there should be little delay between the time of the offence and the administration of the caution. In cases where the decision to caution can be made quickly, it would be appropriate to administer the caution swiftly; in cases where more detailed consideration is required (eg when other agencies are consulted) every effort should be made to come to a decision as quickly as possible, consistently with the need to reach the right decision.

Records

13. Chief officers will doubtless continue to ensure that local records are kept of the issue of cautions to juveniles, although there will generally be no need to keep records of cautions after the offender has reached the age of 17 or 3 years have elapsed since the last offence for which a caution was issued, whichever is the later. No doubt the arrangements which are made for recording cautions will enable such records to be made available to the prosecuting authorities should the juvenile come to notice again.

Fingerprinting

14. At present there are no formal powers to take the fingerprints of a juvenile who has been cautioned, although the position will change with the implementation of the Police and Criminal Evidence Act 1984, about which separate guidance will be issued in due course. Although fingerprints may be taken with consent, there should generally be no need to seek consent to take fingerprints for the purpose of identifying an offender. It will never be right to make consent to the taking of fingerprints a precondition to the issue of a caution; and it will generally be only necessary to seek consent to fingerprints otherwise where the police are satisfied that this is strictly necessary in the individual case for the prevention and detection of crime.

Citation

15. The practice of citing cautions should a juvenile subsequently appear before a juvenile court should continue. Cautions should be cited in a similar way and at the same time as the juvenile court is apprised by the police of a juvenile's antecedent history. However, care must be taken to present cautions separately so that the distinction between cautions and convictions is clear to the court and there is no confusion between the two. (For example, it is undesirable that cautions and convictions should appear on the same piece of paper, still less run on consecutively one from the other.) In order to avoid the unnecessary attendance of police officers at court, it is hoped that courts will normally accept written notification of a previous caution unless the fact of a caution is challenged. The court will wish to know from the police only the date the caution was administered and the offence for which the juvenile was cautioned. It will not expect to receive any other information about the circumstances of the offence or of the juvenile at that stage.

Social Inquiry Reports

16. The citing of the fact of a police caution does not preclude it from being referred to in any social inquiry report prepared for the juvenile court, when it can be placed in the context of the juvenile's entire circumstances and conduct. Chief officers will have made arrangements that when a previous caution is to be cited by the police in a juvenile court, this information will be notified in advance either to the local authority social services department, or, where arrangements exist for the probation service to provide social inquiry reports, to that service.

GUIDELINES ON CAUTIONING

II ADULTS

General: the decision to prosecute

The Attorney General's guidelines on criteria for prosecution, issued to chief officers in February 1983, endorsed the principle that suspected criminal offences should not automatically be the subject of prosecution. In general, prosecution should only take place where there is sufficient evidence to support a prosecution and the public interest requires it. Where there is sufficient evidence, but the public interest does not require prosecution, a formal caution may well be appropriate. But unlike the case of juveniles, there is no general presumption that cautioning will be the normal course.

Particular categories of offender

2. The Attorney General's guidelines suggest that membership of one of the following categories of offender may in itself indicate that a course other than prosecution is appropriate. Membership of one of these groups is of course no absolute protection against prosecution, which may be required on account of the seriousness of the offence or the greater deterrent effect of prosecution, but it should point to sympathetic consideration of the offender's case.

(a) The elderly or infirm

The older or more infirm the offender, the less likelihood there should be of prosecution. In particular it would not generally be right to prosecute where the court is likely to pay such regard to old age or infirmity as to impose only a nominal penalty. Whether the offender is likely to be fit enough to stand trial should also be taken into account. While a person's age in itself might be some guide to whether prosecution would be in the public interest, it should not generally be necessary to adhere to rigid age barriers when considering prosecution.

(b) Young adults

A criminal conviction early in adult life may have a significant effect on the prospects of the person concerned. It may therefore be appropriate to give particular consideration to a course other than prosecution in respect of comparatively youthful offenders, especially where there is no previous criminal record. This will apply most frequently in the young adult category (17-20 years) but the upper age limit need not be applied rigidly.

(c) Persons 'at risk'

A lesser disposal than prosecution may be appropriate where the offender is suffering some form of mental illness or impairment, especially where the strain of criminal proceedings would lead to a worsening of his condition. This similarly applies where the shock of prosecution might well prove fatal or the individual is suffering severe physical illness. Prosecution may also be inappropriate where the person concerned is showing signs of severe emotional distress.

Other adults

3. Although the use of cautioning may be particularly appropriate for the groups described above, the fact that a person does not fall into one of those categories need not preclude a caution. Particular factors which will weigh in the decision whether prosecution is justified in the public interest will be the seriousness of the offence and the offender's previous record and character.

4. The Attorney General's guidelines indicate that prosecution may not be appropriate where the circumstances of the offence (especially if the offence is triable on indictment) are not particularly serious and the probable penalty on conviction would only be a conditional or absolute discharge; and in sexual offences, when the girl or youth has been a willing party to the offence, account should be taken of his or her age, the relative age of the parties and whether or not there was any element of seduction or corruption. In addition, action other than prosecution may be considered for minor victimless offences or offences where only a small amount of property is involved.

5. The Attorney General's guidelines also indicate that prosecution may not be appropriate if the last offence was committed a considerable time before the probable date of hearing, unless an immediate custodial sentence of significant length is likely. If, however, the defendant has caused the delay or investigations have been complex or protracted, these factors should also be borne in mind.

6. The fact of a previous caution or conviction does not remove the possibility of a course of action other than prosecution in respect of a current offence, especially where the offence in question is trivial or of a different character to the earlier offence, or where the earlier offence was trivial, or where there has been a reasonable lapse of time since the previous decision.

The decision to caution

7. If, in the light of the factors outlined above, prosecution is deemed not to be required in the public interest, it will often be appropriate to take no further action and this course should always be given consideration. However, the nature of the offence and the other public interest factors indicated above may make it more desirable to issue a caution, bearing in mind the caution's deterrent effect and impact on the offender as a formal mark of society's disapproval.

Criteria for a caution

8. Before a caution is issued the following criteria must be met in full:

- (a) The evidence available must comply with the Attorney General's guidelines on criteria for prosecution

ie a conviction should be more likely than an acquittal before a court. Cautioning must not be used as an alternative to a weak prosecution case. If there is insufficient evidence to support a prosecution, it will not be right to use cautioning as an alternative.

- (b) The offender must admit the offence
- (c) The offender must agree to being cautioned

In practice consent to the caution should not be sought until it has been decided that cautioning is the correct course. The significance of the caution must be explained: that a record will be kept of the caution, that the fact of a previous caution may influence the police's decision whether or not to prosecute if the person should offend again, and that it may be cited if the person should subsequently be found guilty of an offence by a court.

9. Where a person does not make a clear admission of the offence (for example intent is denied) a caution will not be appropriate. It should not follow that prosecution will be the inevitable course; in such cases it may be right to take no further action. In some cases it may also be appropriate to consider whether appropriate medical or social help is needed.

The interests of the aggrieved party

10. It will generally be appropriate to seek the views of the aggrieved party. Among factors which will need to be taken into account in deciding whether to caution is that cautioning can deprive the victim of a ready means of redress through a compensation order. Although it is not desirable for the police to enter into any form of bargaining between the offender and the aggrieved party, it may be appropriate to take into account whether the offender has made any reparation for damage done, or has indicated willingness to do so, together with any views expressed by the aggrieved party. There may also be cases in which, although a caution may otherwise be administered, prosecution is required in order to protect the victim from further attention from the offender. The likelihood of the aggrieved party instituting private proceedings should also be borne in mind since it is desirable to avoid the situation where the police decide to caution and the aggrieved party wishes to institute private proceedings. The interests of the victim, although a most important factor which needs to be weighed in deciding whether the public interest points to prosecution or a caution, cannot, however, be paramount.

11. Whatever the decision, it will always be important to ensure that the victim is treated with courtesy and consideration.

Involvement of social services and other agencies

12. Chief officers may wish to consider, in conjunction with social services departments and the probation service, what arrangements for consultation are most appropriate to local circumstances in the case of adult offenders. They may wish to consider if consultation prior to a decision on the disposal of a case should be confined to particular categories of offender, for example the mentally ill or impaired, or to cases where there is reason to believe that the other agencies will have information which will directly affect the decision. It may be appropriate to notify relevant social services after a caution has been issued, for example, in the case of the elderly or those under stress.

Manner of issue of a caution

13. It will be necessary to take account of the individual circumstances of the offender in deciding how a caution is best administered, though in general this should be done in person by a police officer. In the case of the elderly, infirm and those suffering stress, particular consideration should be given to administering the caution in a relatively informal manner, perhaps at the person's home, and it may be appropriate for a friend or relative to be present when the offender is cautioned. With other offenders it may be appropriate for the caution to be administered in formal circumstances at a police station by a police officer in uniform. In this case the officer should normally be of the rank of inspector or above.

14. The offender should be asked to sign a form confirming his consent to the caution and that it was explained to him that the caution would be kept on record and might be cited if the person should subsequently be found guilty of an offence by a court. The form should also confirm the date of the caution, the offence for which it was administered and the fact that the person has admitted the offence and consented to the caution. The form should be countersigned by a police officer.

Records and citation

15. Chief officers will wish to ensure that local records are kept of the issue of cautions to adults, although they may wish to limit the length of time for which the records are kept in the case of offenders with no other police record to 3 years. No doubt the arrangements which are made for recording cautions will enable such records to be made available to the prosecuting authorities should the offender come to notice again during the time for which records are retained.

16. Previous cautions which were issued for offences committed by a person within the 3 years preceding the offence for which he has been prosecuted may be cited in court. Cautions should be cited in a similar way and at the same time as the court is apprised of the offender's antecedent history. However, care must be taken to present cautions separately so that the distinction between cautions and convictions is clear to the court and there is no confusion between the two. (For example, it is undesirable that cautions and convictions should appear on the same piece of paper, still less run on consecutively one from the other.)



HOME OFFICE

Queen Anne's Gate London SW1H 9AT

Direct line: 01-273

Switchboard: 01-273 3000

071-273 3141

ir reference:

ur reference:

The Chief Officer of Police

16 July 1990

cc The Chief Crown Prosecutor
 The Clerk to the Justices (with a copy for the Chairman of the Bench)
 The Clerk to the Magistrates' Courts Committee
 The Circuit Administrator
 The Court Administrator
 The Chief Clerk to the Crown Court
 The Chief Probation Officer
 The Director of Social Services

HOME OFFICE CIRCULAR 59/1990

THE CAUTIONING OF OFFENDERS

Dear Sir/Madam

Introduction

1. This circular provides chief officers with guidance on the cautioning of offenders. Its purpose is to establish national standards for cautioning based on consistent general principles in which the courts and public may have full confidence, including the principle that cautioning is suitable for age groups other than juveniles.

2. The terms of the circular have been agreed with the Association of Chief Police Officers and the Crown Prosecution Service. It replaces Home Office Circular 14/1985, which is hereby cancelled.

Background

3. Home Office Circular 14/1985 provided chief officers with guidance on the cautioning of juvenile and adult offenders. The guidance, which had the approval of the Crime Committee of Central Conference, was intended to promote more effective and

nsistent cautioning practices in police forces. It embodied and amplified the principles set out in the Attorney General's guidelines on the criteria for prosecution. It commended inter-agency involvement in the decision to caution or prosecute. And it warned against the dangers of net-widening by drawing offenders prematurely within the fringes of the criminal justice system.

4. The effects of Home Office Circular 14/1985 have been under review by the Association of Chief Police Officers and by the Home Office. Juvenile cautioning has been considered by the Association's Working Party on the Diversion of Young Offenders from the formal criminal justice system and the Home Office has commissioned research by Birmingham University into police cautioning practices in England and Wales. The Secretary of State is grateful to chief officers for their co-operation in that research, the main findings of which are summarised at Annex A. The guidance which follows has been drawn up in the light of those findings.

Government policy: the offender and the victim

5. Cautioning is recognised as an increasingly important way of keeping offenders out of the courts and in many circumstances reducing the risk that they will re-offend. There is now general agreement between the Home Secretary, the Association of Chief Police Officers and the Director of Public Prosecutions that cautioning policy should be based on a set of uniform principles, which can be applied across all age groups. The special considerations which apply additionally to the young, the elderly and infirm and other vulnerable groups will tend to mean that cautioning rates will remain higher for these groups than for others. But there is no reason why adults should be excluded from cautioning by reason only of their age.

6. The Victims Charter, published on 22 February 1990, emphasises that more attention should be given to the needs and views of the victims of crime. It must be recognised that cautioning an offender can deprive the victim of a ready means of obtaining a compensation order through the courts, but a prosecution should not be brought simply as a means of obtaining redress and the police should fully explain to the victim that the award of compensation is entirely a matter of discretion for the court. Although account will be taken of any views expressed by the victim, the general public interest, rather than the view of individual victims, must continue to prevail in the decision whether or not to caution or to institute criminal proceedings. So far as possible and appropriate, the victim should be kept advised about the outcome of the case and should have explained the significance of a caution if it is decided to administer one.

National Standards

7. The national standards which are set out in Annex B to this circular create a framework of general principles and practice within which forces should operate. Within this framework, the decision whether to institute proceedings, to caution, to give an informal warning* or to take no action* at all against an alleged offender in a particular case remains a matter for individual chief officers. The decision may not always be an easy one. There is widespread agreement that the courts should only be used as a last resort, particularly for juveniles and young adults; and that diversion from the courts by means of cautioning or other forms of action may reduce the likelihood of re-offending. These factors would support a policy within which cautioning is used for a wide range of offences and offenders, with some offenders being cautioned more than once, provided the nature and circumstances of the most recent offence warrant it.

8. On the other hand, chief officers should bear in mind the danger that inappropriate use of cautioning, especially repeat cautioning, might undermine the credibility of the police and ultimately of the law. Nor can the police protect victims' rights in the way the courts can. And there is also the possibility that delaying entry into the courts through a series of cautions may lead to a more severe response by the courts to a first criminal conviction than would otherwise have been the case.

9. Chief officers need to adopt a clear and consistent stance on these difficult and sometimes conflicting considerations. Not all forces have conducted a review of cautioning policy, as Home Office Circular 14/1985 suggested. The Home Secretary is anxious that a review should be carried out in those forces where it has not taken place and recommends that chief officers in every force should, after discussion with the CPS and other relevant agencies including the Probation Service and the Social Services, produce a force policy statement on cautioning which will incorporate the new national standards and the means by which their application will be monitored.

Consultation with other agencies in the cautioning decisions

10. Participation by other agencies in the decision-making process can do much to improve the quality and consistency of cautioning decisions. It is the view of the Secretary of State that chief officers may find it helpful to consult other agencies at two different levels.

11. At the policy level chief officers may find it helpful to discuss broad cautioning strategy and objectives, particularly in respect of young offenders, with local agencies including the Probation Service, the Social Services and the Crown Prosecution Service amongst others.

12. In the making of cautioning decisions, the Secretary of State endorses the recommendation by the Association of Chief Police

* See Annex C

Chief officers that chief officers²⁰⁵ should consider inviting juvenile liaison panels, which have already been established successfully by a number of forces, to review any case where the police are in doubt whether or not to caution a juvenile, for instance where he has been previously cautioned or convicted. Such panels will normally be based around police, probation service, education service and social services representatives and there may be scope for extending their role to cover young adult offenders.

13. In addition, the Crown Prosecution Service is always willing to give advice in difficult cases.

14. In straightforward cases prior consultation will be unnecessary and the decision to administer an 'instant caution'* may be taken on the principle that primary consideration be given to the offence rather than the offender and his previous record. In the case of trivial first offences it may be more appropriate to deal with an offender by way of an informal warning. This would also serve to delay entry into the formal criminal justice system.

Support and assistance to those cautioned

15. The giving of a simple caution may be all that is required in most cases. However, the effectiveness of cautions is likely to be enhanced if they are backed up by arrangements for referring offenders who have particular difficulties related to the offence to other agencies or to voluntary organisations for support, guidance and/or involvement in the community. Such referrals should be on a voluntary basis but any agreement to be referred should not be made a condition of a caution. The type of support which could be provided will depend upon what is available locally. The most useful type of support is likely to be help with accommodation and/or benefits; basic education; pre-employment training; out of school and leisure time activities and help from alcohol or drugs projects.

Monitoring

16. The need for effective monitoring of each force's cautioning policy was highlighted by the Birmingham research. Chief Officers will wish to consider in conjunction with HMIC where necessary, what sort of monitoring is necessary to measure and reinforce implementation of the force policy.

17. The importance of ensuring that every single cautioning decision is taken on the basis of fair and equal treatment - irrespective of ethnic origin - cannot be overstated. For this reason, ethnic monitoring of cautioning decisions may need to be considered. Chief officers should also consider whether the ethnic origin of cautioning decisions related to comparable offences should be monitored. The Commission for Racial Equality can provide useful advice in taking this forward (see, for example, their 1990 booklet "Juvenile Cautioning and Ethnic Monitoring").

* See Annex C

18. In both this circular and the attached National Standards, references to 'juveniles' are to persons under 17 years of age.

19. Any inquiries about this circular should be addressed to John Woodcock, Home Office, F2 Division, Room 520, 50 Queen Anne's Gate, London, SW1H 9AT, telephone 071-273 3168, Ann Scott (071-273 3890).

Your faithful

A

MISS A M EDWARDS
F2 DIVISION

ANNEX A

UNIVERSITY OF BIRMINGHAM RESEARCH INTO CAUTIONING

The main conclusions to emerge from the research are:-

a. Juvenile cautioning rates, which were beginning to rise before the issue of the circular in 1985, have continued to rise since 1986. Cautioning rates for young adults and adults have also risen, but to a lesser extent (and from a much lower baseline). The result is a sharp fall-off in cautioning rates at about the age of 17, with 17 year olds four times less likely to receive a caution than 16 year olds. Although a lower cautioning rate for older offenders is to be expected there is no objective justification for the sharpness of the fall at 17.

b. There is uncertainty about the meaning of parts of circular 14/1985, which has led to wide variations in the interpretation and use of 'no further action' and informal warnings, and about the sort of offences for which they, and formal cautions, might be appropriate.

c. The circular appears to have had little success in promoting greater consistency. Large variations in cautioning rates between forces remain, and these cannot be explained solely by differences in local circumstances. Moreover, variations within forces were as great as variations between forces.

d. Information about cautioning was difficult to obtain because of the absence in many forces of adequate recording systems. The absence of such systems suggests that force policies may not be properly monitored.

e. Although the use of multiple cautions is less than is often claimed, there is some concern about the effectiveness of repeated cautions, particularly where these are not backed up by any form of support or assistance for the offender.

ANNEX B

NATIONAL STANDARDS FOR CAUTIONING

AIMS

1. The purpose of a formal caution is

- to deal quickly and simply with less serious offenders
- to divert them from the criminal courts
- to reduce the chances of their re-offending

Note 1A These standards apply to all criminal offences including traffic offences. They are not intended to prejudice the existing system of written warnings in the case of traffic offences.

Note 1B A formal caution is not the only alternative to criminal proceedings. Nothing in the circular or standards is intended to inhibit the police practice of taking action short of a formal caution such as no further action or an oral warning in the street or at a police station.

Note 1C A caution is not a form of sentence. It may not be made conditional upon the satisfactory completion of a specific task such as reparation or the payment of compensation to the victim. Only the courts may impose such requirements.

DECISION TO CAUTION

2. A formal caution is a serious matter. It is recorded by the police; it may influence them in their decision whether or not to institute proceedings if the person should offend again; and it may be cited in any subsequent court proceedings. In order to safeguard the offender's interests, the following conditions must be met before a caution can be administered:-

- there must be evidence of the offender's guilt sufficient to give a realistic prospect of conviction
- the offender must admit the offence
- the offender (or, in the case of a juvenile, his parents or guardian) must understand the significance of a caution and give informed consent to being cautioned.

Note 2A Where the evidence does not meet the required standard, a caution cannot be administered.

Note 2B A caution will not be appropriate where a person does not make a clear and reliable admission of the offence (for instance, if intent is denied or there are doubts about his mental health or intellectual capacity). It does not follow, however, that in such circumstances prosecution will be inevitable. It may be appropriate to take no further action or, in some cases, to consider whether the

person requires help from the health and/or social services or a relevant voluntary organisation.

Note 2C In the case of a juvenile under the age of 14 who commits an offence, it is necessary to establish that he knows that what he did was wrong and that where applicable, he had the necessary intent.

Note 2D In practice consent to the caution should not be sought until it has been decided that cautioning is the correct course. The significance of the caution must be explained: that is, that a record will be kept of the caution, that the fact of a previous caution may influence the decision whether or not to prosecute if the person should offend again, and that it may be cited if the person should subsequently be found guilty of an offence by a court. In the case of a juvenile this explanation must be given to the offender in the presence of his parents or guardian, or other appropriate adult. The special needs of other vulnerable groups should also be catered for, in accordance with the Code of Practice for the Detention, Treatment and Questioning of Persons by Police Officers.

Note 2E If a person meets the first two criteria but refuses consent to a caution, prosecution need not be the only realistic option particularly if the offender's understanding of a caution is in doubt or he is thought to be in need of help.

PUBLIC INTEREST CONSIDERATIONS

3. If the first two of the above requirements are met, consideration should be given as to whether a caution is in the public interest. Factors which should be taken into account here are:-

- the nature of the offence
- the likely penalty if the offender was convicted by a court
- the offender's age and state of health
- his previous criminal history
- his attitude towards the offence, including practical expressions of regret.

Note 3A The most serious offences, including those triable only on indictment, will not be suitable for a caution, regardless of the age or previous record of the offender. Nor will a caution be appropriate in cases where the victim has suffered significant harm or loss. (The meaning of 'significant' may be relative to the circumstances of the victim.) Where there is any doubt, the case should be referred to the Crown Prosecutor for him to consider whether prosecution would be more suitable.

Note 3B A racial motivation for an offence is an aggravating factor in determining the seriousness of an

offence, although it does not mean that prosecution should automatically follow.

Note 3C The code for Crown Prosecutors, which provides guidance on the general principles to be applied to prosecution indicates that prosecution may not be appropriate where the circumstances of the offence (especially if the offence is triable on indictment) are not particularly serious and the probable result on conviction would be a conditional or absolute discharge. But the likelihood of a more substantive penalty upon conviction need not necessarily preclude a caution.

Note 3D It has long been accepted that there should be a presumption in favour of not prosecuting juveniles and certain special categories of offender, particularly the elderly or infirm and those where the offender is suffering from some sort of mental illness or impairment, or a severe physical illness. This presumption should now extend to other groups - young adults and adults alike - where the criteria for cautioning are met. Membership of these groups does not, however, afford absolute protection against prosecution, which may be justified by the seriousness of the offence. And membership of other groups - young adults or adults - need not lead automatically to a presumption in favour of prosecution.

Note 3E The offender's previous record (including any recent cautions) is an important factor, although not in itself decisive. A previous conviction or caution should not rule out a subsequent caution if other factors suggest it might be suitable - such as an appreciable lapse of time since the last offence, whether the most recent offence and previous offences are different in character and seriousness, and the effects of a previous caution on the pattern of offending.

Note 3F Two factors should be considered in relation to the offender's attitude towards his offence: the wilfulness with which it was committed and his subsequent attitude. A practical demonstration of regret such as apologising to the victim and/or offering to put matters right as far as he is able, should be features which may support the use of a caution.

Note 3G The experience and circumstances of offenders involved in group offences can vary greatly, as can their degree of involvement. Although consistency and equity are important considerations in the decision to charge or caution, each offender should be considered separately. Different disposals may be justified.

VIEWS OF THE VICTIM

4. Before a caution can be administered it is desirable that the victim should normally be contacted to establish:-

- his or her view about the offence

- the extent of any damage or loss
- the nature of any continuing threat from the offender
- whether the offender has made any form of reparation or paid compensation

The victim's consent to a caution, although desirable, is not essential.

Note 4A The nature and extent of the loss to the victim should be established, and their significance relative to his or her circumstances. The significance of a caution should be explained, if it is being, or likely to be, considered.

Note 4B In some cases where cautioning might otherwise be appropriate, prosecution may be required in order to protect the victim from further attention from the offender.

Note 4C If the offender has made some form of reparation or paid compensation, and the victim is satisfied, it may no longer be necessary to prosecute in cases where the possibility of the court's awarding compensation would otherwise have been a major determining factor. Under no circumstances should police officers become involved in negotiating or awarding reparation or compensation.

ADMINISTRATION OF A CAUTION

5. A formal caution should be administered in person by a police officer and at a police station wherever practicable. A juvenile must always be cautioned in the presence of a parent, guardian or other appropriate adult, and members of other vulnerable groups treated in accordance with the principles set out in Code of Practice C.

Note 5A The officer administering the caution should be in uniform and normally of the rank of inspector or above. In some cases, however, a Community Liaison Officer or Community Constable might be more appropriate or, in the inspector's absence, the use of a sergeant might be justified. Chief Officers may therefore wish to consider nominating suitable "cautioning officers"

Note 5B Where the person is elderly, infirm or otherwise vulnerable, a caution may be administered less formally, perhaps at the offender's home and in the presence of a friend or relative or other appropriate adult.

RECORDING CAUTIONS

6. All formal cautions should be recorded and records kept as directed by the Secretary of State. The use of cautioning should also be monitored on a force-wide basis.

Note 6A Chief officers may also wish to keep records of informal action taken, and the reasons for it. But care

should be taken not to record anything about an individual which implies that he is guilty of an offence when the evidence is in any doubt.

Note 6B Formal cautions should be cited in court if they are relevant to the offence under consideration. In presenting antecedents, care should be taken to distinguish between cautions and convictions, which should usually be listed on separate sheets of paper. Offences leading to some form of informal action may not be cited.

ANNEX C

Definitions

1 A formal caution is a caution administered in accordance with the criteria set out in the national standards. It is formally recorded and may be cited in subsequent court proceedings.

2 An instant caution is the same, but it is administered very soon after the offence and without consultation with other agencies or with the CPS. It is therefore only suitable for straightforward cases.

3 An informal warning/caution should only be given when the criteria for a formal caution are met but a formal caution is considered inappropriate. An informal warning/caution is not recorded and cannot be cited in court. It need not be administered in accordance with paragraph 5.

4 No further action should be taken when it is not thought appropriate even to administer an informal warning or caution. It may not be cited at subsequent court proceedings.

re prosecution (you and the police) or the defence (your partner). In order to give time for the case to be prepared they will remand (postpone) the case for a week or two. During this time your partner will be on bail. Conditions of bail will usually include not being allowed to contact you and he may be required to stay at another address. If he breaks the conditions of his bail he can be arrested.

WILL I HAVE TO GO TO COURT?

If your partner admits the offence, the Court will decide a sentence and you will not be required to appear. If your partner pleads not guilty then you will have to go to Court as a witness to give evidence. You won't be alone. A friend can go with you and the police officers in the case will be there. Court staff will explain what is going on. Remember a Court is just a place where you explain what happened. You are not on trial.

WILL THE POLICE REFUSE TO HELP AGAIN IF I DON'T CHARGE?

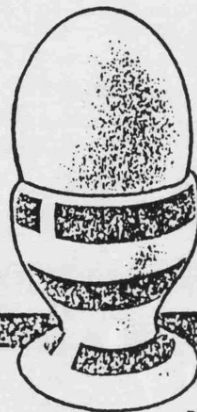
The police will always respond to victims of violence no matter how often they are called... whether the attack happens in the home or in the street, regardless of whether charges are pursued.

WHERE CAN I GET ADVICE?

It may be that you have been living with a violent partner for some time and have never reported being attacked before. You may not want your partner prosecuted but you may need someone to talk to who can explain where you can get help.

Your local police station has a domestic violence officer who will listen to you and put you in touch with the many agencies who can give you positive help. The domestic violence officer is a police officer and will provide support if you decide to prosecute your partner but the decision to prosecute remains yours.

IF URGENT DIAL 999
Your local police station is:



Produced with the aid of Voluntary Donation.
Designed by Hinton and Tunningley 01 237 7273.



SHOULD I CALL THE POLICE?

An attack in your own home is just as serious as an attack in the street by a stranger.

NO-ONE HAS THE RIGHT TO HIT YOU.

Police see no difference in an attack on a woman by her partner and an attack on her by a man she does not know. Do not be afraid to dial 999. If you can get away from your attacker remember a police station is a safe place 24 hours a day. Get help as quickly as possible.

If a neighbour has called the police without your knowledge do not send the officers away telling them everything is alright when it isn't. They will want to speak to you separately from your partner and they will listen to what you have to say. Even if no arrest is made they will not leave you until they are sure that there will be no further violence. If you wish, they will organise transport for you to a place where you will be safe, like a friend's or a relative's house, or woman's refuge. They will always ensure that you get medical treatment if you need it.

The police officers who call will always report such a visit and another officer will be contacting you as soon as possible after the incident to see if you require any further help or advice.

WILL THE POLICE ARREST?

Police have the power to arrest any person who has assaulted another.

It does not matter whether the assault takes place in your home or on the street, whether that person is your husband

Police may arrest your partner if they fear a further assault when they leave, or if they fear another disturbance.

Police officers have instructions to arrest violent partners where there is sufficient evidence. Remember if you have been assaulted you may be too shocked to make a decision. The officers will always take your wishes into account but the final decision to arrest is theirs.

Your partner will be arrested for what has happened – you are not responsible for his actions.

WHAT HAPPENS AFTER AN ARREST?

Your partner will be taken to a police station and held there until a decision is made what to do next. Although there are strict rules about how long someone can be kept at a police station efforts will be made to tell you when he has been released. He will not be released if the police fear he will attack you again. At this stage he has only been arrested, he has not been charged with any offence.

WHAT HAPPENS NEXT?

In order to charge your partner with assaulting you the police must have evidence. They will need evidence of your injuries and your personal story of what happened. Evidence of your injuries can be got from your G.P. or the casualty doctor who treated you. Police officers may ask if

Your personal account of what happened is called a statement and a police officer will help you write this. The officer will understand if you are not well enough to make a statement immediately.

WHAT IF I DON'T WANT TO CHARGE?

You will have some time to think while your partner is at the police station. Use this time to get advice and to think calmly about what you want done.

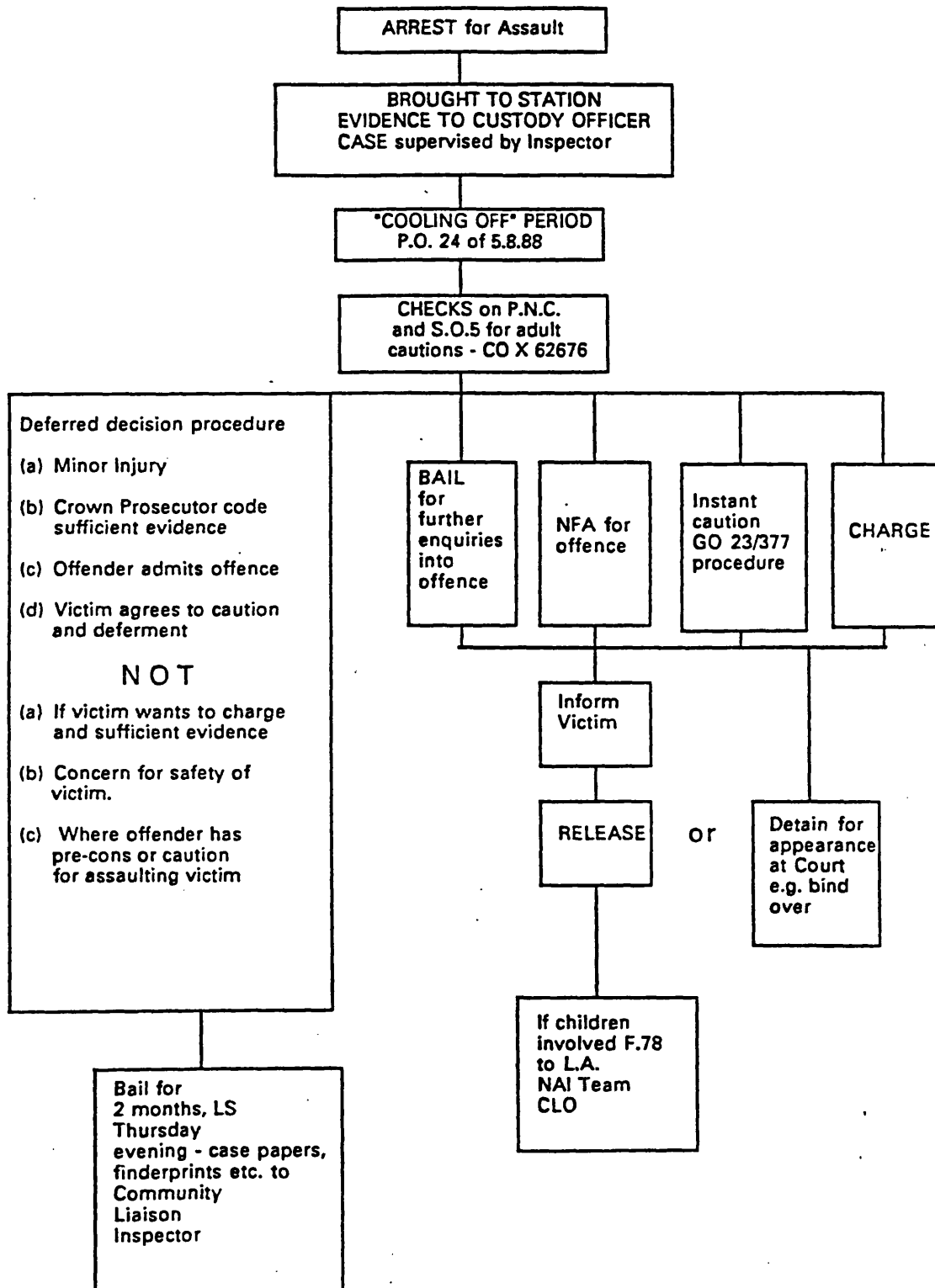
Even if you feel that the assault is not very serious, you should remember that there are likely to be further attacks which may result in worse injuries. Your partner need not be charged on the day of the arrest, but may be asked to return to the police station at a later date. This gives the police more time to gather the evidence and you more time to seek advice and come to a decision.

WHAT HAPPENS IF THERE IS A CHARGE?

When a person is charged with an offence he must be taken before a Court so that the Court can hear the evidence and decide if he is guilty or not guilty.

This will be done as soon as possible. The Court may

**GUIDE FOR CUSTODY OFFICERS LS/LG
DEFERMENT DECISIONS
DOMESTIC VIOLENCE**



Streatham Division**Domestic Violence - Early Intervention and Arrest Policy**

Age : _____ Sex: _____ Marital Status: _____ Rank : _____

Length of Service : _____ Job Description: _____

1. What degree of understanding do you feel you have concerning the new divisional policy on Domestic Violence ?

√ tick one box

No Understanding Some Understanding Considerable Understanding Complete Understanding

2. Do you fully understand the reason for the change in policy towards Domestic Violence ?

YES NO

3. How well do you think that the new policy was put across to you ? √ tick one box

Not at all well Not well Quite well Very well

4. Within the Force, what sort of status do you feel the area of Domestic Violence has ? √ tick one box

Very low Status Low Status Moderate Status High Status

5. Do you think that the new divisional policy represents a more effective, long term method of dealing with domestic violence ?

YES NO

If NO, please explain _____

6. Do you feel that the new divisional policy has, in some way, changed your attitude towards Domestic Violence ?

YES NO

If YES, in what way _____

7. In practical terms, what would you feel is the
- least effective
- part of the new policy on Domestic Violence ?

8. To what extent, if any, do you have difficulty in resolving your own views on Domestic Violence with the new divisional policy ? √ tick one box

No Difficulty A Little Difficulty Quite some Difficulty Considerable Difficulty

9. Do you have difficulty in deciding what is a
- minor assault
- ? YES
-
- NO
-

If YES, how does this influence the way in which you attempt to carry out the new divisional Domestic Violence policy ? _____

10. Do you think that enough attention has been directed, in the past, to Domestic Violence ?

YES NO

11. Any other comments : _____

Respondents' Profile

The following data describe respondents for the following variables :
Age, Sex, Marital Status, Rank, Length of Service and Job Description.

<u>AGE</u>			<u>Length of Service</u>		
<u>Age Band(Yrs)</u>	<u>No.</u>	<u>%</u>	<u>Service Band(Yrs)</u>	<u>No.</u>	<u>%</u>
18 - 24	27	22.9	1 - 4	43	36.4
25 - 31	49	41.5	5 - 8	33	28.0
32 - 38	23	19.5	9 - 12	11	9.3
39 - 45	12	10.2	13 - 16	10	8.5
46 - 52	4	3.4	17 - 20	9	7.6
53 +	1	.8	21 +	7	5.9
Missing	2	1.7	Missing	5	4.2
<u>Total</u>	118	100	<u>Total</u>	118	100

<u>Marital Status</u>			<u>Sex</u>		
	<u>No.</u>	<u>%</u>		<u>No.</u>	<u>%</u>
Married	64	54.2	Male	97	82.2
Single	48	40.7	Female	19	16.1
Missing	6	5.1	Missing	2	1.7
<u>Total</u>	118	100	<u>Total</u>	118	100

<u>Rank</u>			<u>Job Description</u>		
<u>Rank</u>	<u>No.</u>	<u>%</u>	<u>Description</u>	<u>No.</u>	<u>%</u>
PC	64	54.2	Relief PC	65	55.1
WPC	17	14.4	Relief PS	11	9.3
DC	11	9.3	CID	19	16.1
PS	13	11.0	DIIU	2	1.7
WPS	2	1.7	CLO	6	5.1
DS	1	.8	Others	3	2.5
DI	3	2.5	Missing	12	10.2
Insp	3	2.5			
Missing	4	3.4	<u>Total</u>	118	100
<u>Total</u>	118	100			

COMPUTER - FIELDS OF INFORMATION

1. Number and type of crime
2. Date and time offence took place
and date and time reported
3. Victim: Name
4. Victim: Age
5. Victim: I.D. Code
6. Victim: Gender
7. Victim: Occupation
8. Suspect: Name
9. Suspect: Age
10. Suspect: I.D. Code
11. Suspect: Gender
12. Suspect: Occupation
13. Relationship Information
14. Residence Information: Living together or separately
15. Crime Allegation
16. Crime Classification
17. Details of Injuries
18. Details of Incident
19. Toxic Substance
20. Injunctions
21. Arrest
22. Arrest Outcome
23. Deferred Decision Outcome
24. Case Result
25. Police Officers Involved in Case
26. Domestic Violence Unit Involvement

DOMESTIC VIOLENCE COMPUTER CODES

A - CRIME NUMBER

C = Major B = Beat or IRB + Number i.e. C 1234

B - DATE & TIME

Date and time of offence and reported i.e. 14 Octo/0345 14 Oct/0930

C - VICTIM NAME

D - VICTIM AGE

E - VICTIM I.D. CODE

1 - 6

F - VICTIM GENDER

M = Male

F = Female

U = Unknown

G - VICTIM OCCUPATION

U = Unemployed
H = Housewife
R = Retired
SC = School
ST = Student
M = Manual (cleaner, aux. nurse, shopwork)
SM = Skilled Manual (roofer, hairdresser, driver)
SN = Skilled Non-Manual (croupier, site manager)
OC = Office/Clerical (typist, clerk telephonist)
PR = Professional (engineer, teacher)
BS = Business (owns company)
F = Forces
U = Unknown

H - SUSPECT NAMEI - SUSPECT AGEJ - SUSPECT I.D. CODE

1 - 6

K - SUSPECT GENDER

M = Male
F = Female
U = Unknown

L - SUSPECT OCCUPATION

As above

M - RELATIONSHIP

A = Husband/Wife
AX = Ex-Husband/Wife
B = Boyfriend/Girlfriend
BX = Ex-Boyfriend/Girlfriend
C = Common Law Husband/Wife
CX = Ex-Common Law Husband/Wife
F = Father
M = Mother
S = Son
D = Daughter
B = Brother
SI = Sister
St = Step
O = Other
F = Foster
GM = Grandmother
U = Unknown

N - RESIDENCE

T = Together
S = Separate
U = Unknown

O - ALLEGATION

A = Assault
AA = Attempted Abduction
AB = Abduction
ABH = Actual Bodily Harm
AF = Affray
ACBH = Attempted GBH
AIA = Attempted Indecent Assault
AM = Attempted Murder
AP = Abusive Mail through Post
AR = Attempted Arson
AUDM = Attempted Unwarranted Demands with Menaces

BOB = Breach of Bail
BOP = Breach of Peace

CA = Common Assault
CD = Criminal Damage

DD = Domestic Dispute

FI = False Imprisonment

GBH = Greivous Bodily Harm

HAW = Held Against Will

I = Incest
IA = Indecent Assault

KID = Kidnapping

MUR = Murder
OPC = Obscene Phone Calls

POA = Public Order Act

RAP = Rape
RB = Robbery
STR = Strangulation

TB = Threatening Behaviour
TCD = Threats of Criminal Damage
TH = Theft
TKI = Threats to Kidnap
TPC = Threatening Phone Calls
T2A = Threats to Assault
T2K = Threats to Kill
T2= = Threats to Other
T2V = Threats to Victim

US = Unlawful Sex
UW = Unlawful Wounding
UC = Unclassified

VI = Vehicle Interference

P - CLASSIFICATION

NC1 = Transferred
NC2 = Victim Unwilling to Proceed
NC3 = Insufficient Evidence
NC4 = Allegation Withdrawn
NC5 = Record Only

A = Assault
AA = Attempted Abduction
AB = Abduction
ABH = Actual Bodily Harm
AF = Affray
AM = Attempted Murder

BOP = Breach of Peace

CA = Common Assault
CAR = Common Assault - Record Only
CD = Criminal Damage

DD = Domestic Dispute
DDR = Domestic Dispute Record Only
GBH = Grievous Bodily Harm

IM = Incitement to Murder

KID = Kidnapping

MC = Malicious Communication
MUR = Murder

OPC = Obscene Phone Calls

POA = Public Order Act

RAP = Rape

STR = Strangulation

TB = Threatening Behaviour
TH = Theft

T2A = Threats to Assault
T2K = Threats to Kill
T2O = Threats to other
T2V = Threats to Victim

US = Unlawful Sex
UW = Unlawful Wounding
UC = Unclassified

Q - INJURIES

1 = Head
2 = Face
3 = Eyes
4 = Nose
5 = Mouth
6 = Ears
7 = Body
8 = Arms
9 = Legs
10 = Teeth

A = Bitten
B = Bleeding
C = Broken
D = Bruising/Blackened
E = Burnt
F = Cut
G = Fractured
H = Hair Loss
I = Lascertation/Graze/Scratch
L = Non-visible
M = Punched
N = Pushed/Pulled
O = Reddening
P = Shock
Q = Slapped
R = Soreness
S = Stitches
T = Strangled
U = Swelling

V = Kicked
W = Hurt/Grabbed Neck
X = Hair Pulled
Z = Stabbed

R - DETAILS

A = Argument

CA = Counter Allegations
CH = Child/Children
CR = Clothes Ripped

D = Divorcing/Divorced
DH = Detained in Hospital

F = Fight
FE = Forced Entry
FS = Forced Sex

H = Hit
HI = Hit with Implement

LC = Left Country
LH = Left Home
MI = Mental Illness

NA = Not Arrested
NR = New Relationship

OFD = Ongoing Family Dispute

P = Pregnant
PI = Past Injunctions
PR = Previous Relationship
PV = Previous Violence

S = Separating/Separated
SI = Suspect Injured
SL = Suspect Left
SP = Suspect Present

T = Threats
TI = Threatened with Implement
TA = Taken Away
TH = Taken to Hospital

S - TOXIC SUBSTANCES

A = Alcohol
D = Drugs
O = Other
U = Unknown

T - INJUNCTION

Y = Yes
U = Unknown
P = Previous
A = Power of Arrest

U - ARREST INFORMATION

Custody Number - Date & Time of Arrest - Details fo Custody Officer
C 4862 T2610/0145 PS 54

V - ARREST OUTCOME

BRT = Bailed to Return
CHB = Charged and Bailed
CHR = Charged and Remanded

DD = Deferred Decision

IC = Instant Caution
NFA = No Further Action

T = Transferred
U = Unknown

W - DEFERRED DECISION

AC = Adult Caution

CH = Charged
FTA = Failed to Appear
NFA = No Further Action
U = Unknown

X - CASE RESULT

A = Absolute Discharge
AC = Adult Caution
BO = Bound Over to Keep the Peace
CD = Conditional Discharge
CO = Compensation Order
CS = Costs
DC = Discontinued
DD = Discharged
DM = Dismissed
DS = Deferred Sentence
F = Fined
G = Guilty
I = Imprisonment
IS = Imprisonment Suspended
MH = Mental Health Order
NA = Non Appearance
NEO = No Evidence Offered
NG = Not Guilty
NP = Not Produced (from prison)
P = Probation
RC = Reduced Charge
SS = Suspended Sentence
TC = Transferred to Crown Court

WC = Withdrawn by CPS
WV = Withdrawn by Victim
WU = Withdrawn Unknown

Unknown

YOI = Young Offenders Institute

Z - DV UNIT INVOLVEMENT

A = Advice
AD = Administration
I = Interview
O = Officers
L = Letter
P = Phone Call
R = Refuge
S = Statement
V = Visit

Also length of time spent on case

CASE ATTRITION

Domestic Violence Cases at Streatham

May - Dec 1989

RECORD ONLY
93

CRIMES
446

NO-CRIMES
(33.4% of crimes)

ARRESTS
204
(46% of crimes)

NFA
20
(9.8% of arrests)
(4.5% of crimes)

CHARGED
105
(52% of arrests)
(23.5% of crimes)

DEFERRED
66
(32.4% of arrests)
(14.8% of crimes)

BAILED
9
(8.6% of arrests)
(2% of crimes)

PROSECUTED
105
RIC (75.2%)
Bail (24.8)

CAUTION
44

CHARGE
4

FA
11

NFA
7

APPENDIX
7

INTERVIEW QUESTIONS - VICTIMSTHE INCIDENT

1. Can you give me the details of what happened to you ?
 2. Has this type of thing ever happened before ?
 3. Who contacted police, was it you, a friend or a neighbour ?
 4. Have you or anyone else contacted the police before in connection with this type of thing ?
 5. Why were the police contacted this time.
-

INITIAL POLICE RESPONSE

- 5a. About how long was it before the police arrived ?
 - 5b. How many officers were there ?
 - 5c. Were you willing to let them in ?
 - 5d. How did you feel when they arrived ?
 - 5e. How did your partner feel ?
 6. Did the police speak to you separately ?
 - 6a. How did they deal with it ?
 7. What information/advice were you offered by the patrol officers ?
 8. Did they suggest you move to a safe place ?
 9. Did you get the result you expected when the police were contacted ?
-

DEFERRED DECISION

10. Was your partner arrested ?
If yes - at what point was he arrested ?
what was his reaction when he was arrested ?
for how long was he detained ?

11. Did you think it was right to arrest him ?
12. Did you and your partner understand that it was a new police policy which resulted in his being arrested and detained ?
13. Whilst he was held in custody did this give you some time to decide what to do - make other arrangements, review relationship ?
- 13a. Was it good to have this breathing space ?
- 13b. What happened when he returned home ?
14. The police arranged for your partner to return to the station at a later date - did you and your partner understand why ?
- 14a. Did the fact that he had to return to the police station at a later date make any difference to the way he treated you ?

FOLLOW UP POLICE RESPONSE

15. Were you contacted by the domestic violence unit ?
16. How was this contact made - letter, phone, visit.
How long after the arrest was this contact made ?
17. How helpful did you find this contact, could it have been improved ?
- 17a. Do you wish you hadn't been contacted ?
18. Were you contacted again before your partner was due to return for the final decision ?
- 18a. Did you contact the station again after the incident ?

THE OUTCOME OF USING DEFERRED DECISION

19. Has your calling the police affected your relationship.
If yes - for the better or worse ?
20. If the police had decided to prosecute instead of cautioning him would you have been prepared to give evidence in court ?
21. Is there anything the police could have done that would have helped you more ?
22. Would you call the police again ?

Interview Checklist - OffenderPilot

Preamble.

Hellow Mr 'X', you don't mind me calling you 'Y' do you ? I am a researcher at The University of Buckingham, we are doing some research on the police. They have this cautioning system here and we are looking at how it works and asking people like yourself what they think about it.

I only want to speak with you for about 30 minutes and it is all in confidence so I hope you will tell me exactly what you have felt about this system here. I am going to take some notes because I have a terrible memory so I hope you won't mind. Anything you say will not be repeated or seen by the police. I promise you. And as I said before, this research is undertaken by the University of Buckingham and it is nothing to do with police.

1. You are called here for a decision to be made, can you tell me what the Inspector has decided in your case ?

2. What was the incident that brought you back here ?
Probe

Can you tell me about it ?

3. When the police came were you still at the home when they arrested you ? What did they say ?
Probe

Were they rough ?

Were they polite ?

How did they explain it to you ?

What did you think ?

Were you angry, accepting ?
Probe find out whether he thought it was the victim's fault or whether he appreciated it was out of her hands.
Probe how were patrol officers, handcuffs etc.

4. What was it like coming into the station ?

What was the Inspector like when the cautioning scheme was explained ?

5. Were you kept in custody ?
Tell me what happened. Probe
What was the charge officer/Inspector like etc ?
6. How long were you kept in ?
7. What was it like, how did you feel ?
8. What happened when you got back home ?
Were you still with your partner ?
9. When you were told to come back on this date, how did you feel ?
What did you understand by a deferred decision ?
10. Have you ever been to a police station before ?
Gentle probe.
11. What did you think about the dd, was it something you worried about ?
12. Re-phrase - but something like did it alter your behaviour ?
13. Did it result in any arguments etc ?
14. What did your partner think of the dd ?
15. You have been NFA, Cautioned, pros.
Probably cautioned, what do you understand by the caution?
16. Do you think it will affect your future behaviour ?
17. In what way has this arrest and dd, and now caution, made you look at your relationship ?
18. What measures have you taken, i.e. marriage guidance ?
19. What do you think about this new police policy ?

APPENDIX
9

RELIEFS/CUSTODY
(revised schedule)

1. You are on patrol, a radio message is received and you are called to a domestic what are the thoughts that immediately go through your head ?

2. When you hear the radio message to go to a domestic do you view it more or less seriously if a neighbour has notified the police or if a wife has notified the police ?

Does this affect your response ? _____

3. Can you take me through it, you have found the address, you knock on the door, what next ?

4. What exactly do you say when the door is opened ?

5. What do you do next ?

6. In a small flat where do you do the interviews ?

7. How long do you take at the scene ?

8. What do you say to women ?

10. If the victim has left the scene what do you do ?

11. If the offender has left the scene what do you do ?

1. Do you arrest the offender ? Why would you arrest ?

2. What influences your decision to arrest ?

3. What influences your decision not to arrest ?

4. When is arrest not appropriate ?

5. Have you ever arrested and had doubts about that decision later ?

6. What level of violence do you require before executing your P.O.A. ?

7. Have you ever arrested in accordance with PACE, s. 25 for the protection of a vulnerable person ?

Can you tell me about the case ?

8. Would you have arrested if the woman had been (a) touches, (b) pushed, (c) shoved ?

9. What are the kinds of circumstances in a domestic situation which would result in an arrest in order to protect a vulnerable person ?

10. Do you ask the woman at the scene if she is prepared to go to court ?

11. Woul you ever arrest a woman at the scene of a domestic ? When would arrest be appropriate ?

12. How far would the presence of children in a domestic would this affect your decision to arrest ?

13. Under what circumstances do you think a discussion with the offender is appropriate rather than removing the man by arresting him ?

BACK AT THE STATION/CUSTODY

1. As custody sergeant when an arrested person is brought into the station what is your role ?

2. What are the options open to you ?

3. What influences your decision to charge ?

What influences your decision to remand the charged person in custody ?

4. What influences your decision to defer the decision ?

5. Have you ever had any doubts about a deferred decision you have made ?

6. Do you arrive at your decision to charge/defer decision following consultation with others ?

7. If you consult, how, with whom etc ?

8. At what stage of the offenders time at the station (detention) do you make a decision to charge ?

9. Do you keep the arrested person in for some time before you make a decision to charge ?

10. What is the average detention time ?

11. What is the criteria for the deferred decision ?

12. What do you think about the policy guidelines on bailing ?

THE ARREST/DEFERRED DECISION POLICY AT SD

1. What do you know about the Commissioner's policy on domestic violence ?

2. What do you understand by the Streatham policy on domestic violence ?

3. Do you think it was put over well to you ?

4. How was the policy put over ?

5. Do you feel that you should have been consulted ?

6. Do you agree with the policy ?

7. What percentage of the officers agree with the policy ?

8. How important is the relationship of officers to senior management in getting policy accepted ?

9. Police response/operational response - How many officers attend domestics these days ?

10. Is there any preference for male or female officers ?

11. Does it make your role clear/less ambiguous ?

12. Do you welcome the guidance ?

13. Does it save police time ?

14. Do you feel you are dealing with domestics better ? In what way does it make the police more effective ?

15. Do you think victims are more or less satisfied with your way of handling it ?

16. Has arresting men ever created further difficulties/exacerbated the situation ?

17. Does the arrest take the heat out of the situation ?

18. What useful purpose does arrest serve ?

19. Does arrest have a deterrent function ?

CUSTODY

1. What do you think about the old DV policy (lack of it) ?

2. Has the new policy made your work (charge, detention, deferred), less ambiguous in the case of domestic violence ?

3. Does it save police time ?

4. What are the positive aspects of the policy ?

5. Are there any negative aspects ?

6. What is the legal mandate for the new policy (deferred decision, detention)

7/15 If you don't agree with the policy how would you feel about it if the arrest and DD bail aspect were tested and approved by a court of law ?

8/14 Do you think the police in the past gave enough attention to DV ?

9. Is there anything else you would like to add ?

THANK YOU VERY MUCH FOR YOUR HELP

9th October 1989 - Victim Interview

The incident took place on Wednesday 2nd August at 5pm and was reported at the same time.

CAN YOU GIVE ME THE DETAILS OF WHAT HAPPENED

We were out shopping, my boyfriend and myself, we were in Safeways and everything seemed to be all right, we had both of the children with us. He had taken the youngest child out of the trolley and she was running all over the place, so he got annoyed. I don't know why or for what reason but an argument started and he pushed the trolley over. I said O.K. I'm going back to the car, everybody was looking at me and I didn't want to stay in there any longer, so he took the car keys from me. His mum only lives around the corner so I thought I would go there until he calms down. He followed me out and I was walking down the High Road, he got out of the car and started fighting with me, involving other members of the public. He punched me and I was sore. I went into the bus station to get help, whilst I was in there he took the children to his mother's and then came back.

WHO CONTACTED THE POLICE

There was a bus station quite nearby so I went in there and asked to phone. I called the police myself, I was frightened to go back out in the street because I thought if he can do that then he might just carry on. The police came and we both went to the station. At the time I was feeling quite upset and I had had enough of him and I wanted something done about it.

HAS THIS TYPE OF THING EVER HAPPENED BEFORE

Yes, I've known him for about 10 years and over the years it has got worse, that's why I wanted something done about it. It started in the home, but then he didn't care where he started, we have had small arguments, but that was the first fight in public. But they have been much worse.

HAS CALLING THE POLICE MADE THE RELATIONSHIP BETTER OR WORSE

Both really, I think its a lot better if it works out and it has been so far, but then again in little arguments he will go on about it so there is still some bad feeling about it, but overall I think it is better, he is more reasonable. He thinks a lot more whereas before he just used to hit out.

Usually he is very sorry afterwards, and this time he knew I was serous about it and so he tends to give more. Whereas he used to just argue now he is a bit more understanding. Since he has been cautioned we still argue but its not as bad and there is no violence, now its mainly sarcasm rather than anything else, and then a bit later he will speak, that breaks the silence, so its not too bad now.

I think the only reason that is - is because he knows that if he does anything now he's got a three year bound over, and thats held over his head, and so I think that helps him to think whereas before he had no threat to him and so he could just go into a rage, nut now he has to think about what he is doing. I think while I put up with it for so long he thought I didn't mind it and could go on living like it. You can't really stand up to them physically but this way you have got the law backing you up.

Also a lot of women go to the police and they they will bundle you off to a women's refuge with the kids, whereas now th epolice are actually saying stay in your home and your husband or boyfriend will go somewhere else. That helps as well. I don't know how he will be after the 3 years but hopefully it will continue like this. He goes to work so he can't really afford to get into trouble anyway. He's an engineer and he has got a job so it would be a lit of embarrassment for him, and he would lose his job. I had him back because he said things would be better and he didn't want to leave his children. I didn't want the children to be without a father, so those are some of the reasons.

HOW MUCH DO YOU THINK IT WAS THE ARREST AND HOW MUCH THE CAUTION

I think 90% arrest and 10% caution, knowing that something can be done about it and losing his liberty for a little while would make anyone think. Also if it happens again it won't be my decision the police decide what to do and I think this helps me vecause he can't blame me. The police are taking the responsibility.

I think its brought things to light to him about men being aggressive and violent and what can be done and that I don't have to put up with it. Perhaps if I had had this back up earlier it wouldn't have gone this far. Because over the years he had been getting worse, getting more aggressive and more violent, but not to other people only to me. Even if somebody else upset him he would take it out on me.

HOW DID HE FEEL ABOUT THE CAUTION

I think he felt like a naughty schoolboy, but its brought a lot of things to light and his behaviour has changed and for 3 years he has got to behave.

IF THE POLICE HAD DECIDED TO PROSECUTE WOULD YOU HAVE GONE TO COURT

At the time, yes, I would have. Because I was adamant that I wanted something done about it. At the time I wanted to end the relationship because I didn't want that for the rest of my life. My mother has been through the same thing and so it seemed like history repeating itself and I didn't want that. I was depressed and really feeling miserable about the whole thing so I would have done it, but as long as I didn't see him during that time and he stayed away. If I had no contact with him during that time then I would have, but seeing him and then you get back together again, is different and more difficult. But because it has been going on for such a long time, I got to the point where I thought, well I am me and I shouldn't have to suffer this.

COULD THE POLICE HAVE DONE ANYTHING THAT WOULD HAVE HELPED YOU MORE

I think they could have emphasised while they had him at the station about staying away form the home, either for a week or two weeks. They did say to stay at his mum's but they said then go back to sort things out. It seemed as though they left things wide open. After his dad had picked him up and I had gone back to my car that was it. So although they were helpful I still felt a little bit threatened that he could come back and start again. If there was an injunction that the police could do it would be better. Its just afterwards that you are most vulnerable because you don't know how they are going to react they can either be frightened by the whole thing and calm down, or they could say how dare you and want revenge. Its the fear afterwards, or they don't want people to find out about what's been going on. I think immediate protection would be a good idea.

WOULD YOU CALL THE POLICE AGAIN

Yes, I would because since then it has been O.K. and I don't want to go back to that and so if he started again I would. Then they would have to make him stay away or arrest him and say you can't go back there or otherwise something is going to happen to you.

WHAT WAS YOUR PARTNERS REACTION WHEN HE WAS ARRESTED

He was quite shocked when I said arrest him, he was doubtful about it.

FOR HOW LONG WAS HE DETAINED

They kept us both there for about two or three hours, I sat mostly on my own in the interview room. They kept coming backwards and forwards saying they had spoken to him and had told him about this two months thing. He admitted hitting me, he didn't really have a choice.

LEAVING THE POLICE STATION

We didn't leave together, his father came to collect him and he left, and then I went back down to where my car was parked in the High Road, I then went to pick up the kids at his mum's and then I came home, and he stayed at his mum's. Because they said that was the best thing they could suggest. They said after that it was up to me to decide what I wanted to do, whether I wanted him back here or I wanted him to go somewhere else. His parents were not surprised because they had known about the arguments and fights before, what his mum usually says to me is to come down to her house and let him stay here so he can cool down for a little while. So usually I am running here there and everywhere or going down to his mum's. She said she had given up talking to him because he didn't listen. They were quite upset, but as far as they saw it if it was going to do some good then they were for it.

He was angry he didn't like being arrested, obviously for ego reasons but on the other hand he said that in a way I was justified, because if it was him he wouldn't like it either, before you couldn't reason with him, he wouldn't say anything like that. He has never been arrested before and it was a big shock to him.

DOMESTIC VIOLENCE UNIT CONTACT

When he went back to the station to be cautioned I went with him because she had been trying to contact me, but I hadn't been here. She did say to me if I had any more problems I could go along and talk to her. I didn't see her during the two months, she said I was out or she couldn't phone. I spoke to her that once and she gave me her number and said I could contact her if I wanted to talk about it. It was useful knowing that if something does happen I've got someone I can ring. Usually its my mum but she doesn't like getting involved and my dad isn't in this country and so its either his parents or nobody, so it helps having someone else.

PREVIOUS POLICE CONTACT

When I've phoned the police before they have just come up here and said what they had to say, I said what I had to say and they just left it at that. He promised he wouldn't do anything else, but when they had gone it was a different story. I haven't phoned them often, I've been too frightened, but it has been going on for a long time now and I was just fed up with it. They did nothing before, I think now they are willing to do a lot more, before if there was no physical injury that they could see or any argument going on whilst they were there, then they were satisfied and just went away again, that was it. If they can't see any injuries on your face then they are not interested, I have had bruises and scratching and things but not on my face and so they don't really show at the time. The bruises sometimes come up a lot more by the next day, or I have had lumps and bumps in my head. I've always tried to cover my face, so that people don't know. If my face was hurt I wouldn't go out.

I think that is what stops a lot of people going to the police, you think when that happens - well that is it I'm not going to get any help.

POLICE RESPONSE

The police arrived in about 8-10 minutes, two cars and 4 policemen, They took us away in separate cars. Whether it was men or women didn't make any difference, it was if they were understanding. I think it is good for men to see that men do this. They took me seriously and believed me. He was trying to say it was just between us. They took us both to the station and asked what I wanted done about it, I said I wanted him arrested this time otherwise he will just continue to think he can do whatever he wants to do. So they spoke to him and they spoke to me for quite a while, they wanted to know whose fault it was, later they said that they had this new system that meant for a period of two months he has to behave, and then he has to come back and get cautioned and then they will decide what happens after that.

They told me about injunctions but said it would take a while to get it into action and then it would have to be me who would go down to the court and do it, and that puts you off a bit, because you have to go there and it would take a while and it could still happen in the meantime.

Interview held on 5th October 1989 with 'X'. 'X' was arrested outside the skating rink at 4.15pm on 2nd August 1989, he's aged 27. He'd had an argument with his co-habitee whilst out shopping which resulted in him slapping her in the face. He has a long criminal record including robbery, attempted theft, ABH, criminal damage, handling stolen goods and has been in both borstal and prison, the last time was a year ago. The couple have two children and they live together, and there has been violence in the relationship for the last two years. The injuries the woman received was a bruised cheek and bruised right elbow.

I go toff with just a caution and a warning not to get into any more problems over the next three years. I don't know if I will, there's a lot of things building up. Some things day in day out, you know kids don't stop. Well she works as well now, we both need to work, now its easy we've got money coming in. Well what happened was I slapped her in the face, we'd been shopping, she was pushing a trolley, I kicked that after an argument and she walked off. I followed her, one thing led to another and I hit her. She called the police, they nicked me in the street. Quite a few came, I think four, two at first and then another four. Two P.C's were in uniform. The uniform they wanted to have a dig at me, they tried to be rough, they were saying things to get me to retaliate. Coming up sort of trying to get me to do something physical. They were making the situation worse than it was. They were taking advantage of the situation. You see it makes things worse because you can't sort out your problems when others are involved. They're pouring water on you and you're already soaking wet. Not all policemen are out for the rough stuff but some take advantage. I can understand though, they're human. Well no its not the first time its happened, it happens quite a bit. It was usually a simple slap across the face, in the past its been the same thing, I was once eating something and she was getting at me and I tried to poke her in the arm and in fact it caused blood, I had to take her to hospital. They just said let it heal up. She's called the police before, I think twice. They said either separate or stay apart for the night and told me what I could do about it myself. I'm a regular with the police, I've got all sorts on my record from the age of 17 to 26 so when I was arrested this time it was no big deal. I was kept until it must have been about 11 o'clock, about 8 hours in all. The sergeant who spoke to me was reasonable, the interview was O.K. he could have made a better

her, I don't blame her fully, I blame myself 60% and her 40%. It made matters said, its a sad thought as you sit and think two of us here love each other and it comes down to me getting locked up in a cell for 8 hours. But she didn't have any choice. I don't think she was wrong phoning the police. I prefer her to phone rather than me doing something wrong and not having her. Its nonsense to even think that I have got a right to hit her, no one has, no one's got a right to hit any woman. The effect. Well its had quite a lot. Before I used to flop my lid, it was just another way out of the situation, now I've got to try something else, I still shout and scream but I think more about what can happen to me and I've done nothing physical. To be honest I hadn't really thought about this whole thing until tonight when she reminded me I had to come here. Then it makes you think because we do get on well, we've been together for about 10 years, we met at school, and to be honest in there I've been thinking, what right have I got to act the way I do, I've actually looked at it from her point of view. I never thought what she wanted, and I never thought why should she stand there and take a beating in a shop from me. She did the right thing. I'm not like those blokes who hit their women for nothing. In effect then its a good thing, at first I thought what a bunch of cunts interferring in my relationship. Its like them telling me eath, drink, go for a shit, then go to bed. Its like being back in prison. In fact being locked up was rather like a refresher course, that 8 hours was the same as in the past it made me think. In fact I think this survey is good. I'm not scared of my name being used, if I can help you all the better. Its a good thing, I mean who wants to see their mum with lumps and cracked bones or even dropping ddown dead. I don't want to look on and know that I caused it or contributed to it.

End of interview:

Sex and violence behind closed doors

Will a positive arrest policy being pioneered in London be enough to stop a man beating his wife?

asks Robert Chesshyre

THE DAILY TELEGRAPH, TUESDAY, APRIL 9, 1991 15

A SPARROW of a woman with twig-like limbs and a pinched, sallow face sat in a bare room above a London police station and in a low, matter-of-fact voice recounted a catalogue of suffering that suggested she had been the victim of a professional torturer.

"Marie" had once been beaten so severely in the face that it was impossible to tell the colour of her skin beneath the livid bruising; twice her assailant had attempted to rape her; her rings had been ripped from her fingers; she had been woken in the night and continuously struck for six hours; ammonia was thrown at her, burning her leg.

Physical abuse did not satisfy her tormentor: he would take dishes from the fridge, throw them to the floor and order her to clean up the mess; when "Marie" slept in at her mother's flat on her birthday, he arrived from an all-night drinking session and denounced her as a "lazy slut"; when she tried to run away, a carving knife was held to her throat.

If her attacker had been a stranger, a police alert would have been issued and local women advised to lock their doors and stay at home after dark. He was, in fact,

her husband, and most of her suffering took place behind the closed doors of their council flat.

When "Marie" had finished her unhappy tale, her place on the orange vinyl armchair was taken by "Mary". The purple scar across her black face is a permanent testament to what she went through: she had escaped after this final attack —

*Most of her suffering
took place behind
the closed doors
of their council flat*

having endured 15 years of intermittent violence — by climbing through a window, skinning two storeys to the ground and fleeing barefoot. For weeks she dreamt she was trapped in a huge house; however far or fast she ran, she could

never reach the front door and safety. The husbands' families had sided with their men, and tried to get the women to "sort the problem out" without recourse to the police. "What am I to do?" asked "Mary" despairingly, "lie back and take it, and wait until he murders me?" At least once, each woman had felt she was about to be killed.

They were articulate; and neither struck me as the proverbial doormat. Yet both had endured personal hell for years; both had repeatedly believed their husbands when the violence dissolved into contrition and the men swore they would never again lay a hand on them.

Research has established that a woman suffers an average of 35 attacks by her partner before she goes to the police, a finding sustained by this sad sample. Despite this Job-like tolerance, 1,000 women a week report domestic violence to the Metropolitan Police.

For 20 years, since the foundation of the refuge movement for bat-

tered wives, a growing public understanding of the nature of domestic violence has slowly eroded the twin stereotypes — that abusers are all drunken louts who knock their wives about on Saturday nights, and that women — in this context, "sluts" — ask for it.

Surprisingly, nowhere has this revision of popular prejudice been more marked than in the ranks of the police. Most London divisions now have domestic violence units, and one has pioneered a positive arrest policy that would have left old-timers, who believed that avuncular advice was all that a "domestic" required, shaking their heads in wonderment.

This month a report based on a year's research into the practice adopted in Streatham in south London recommends to the Home Office that a tough, consistent approach to domestic violence is adopted by police forces nationwide.

The heart of the policy is that

assailants shall be pursued and arrested as determinedly as if they were burglars; once caught, they should be prosecuted or — if the case meets certain criteria — given an official "caution". Police officers are no longer left free to make moral judgments, such as did she "deserve" it?

While the CID pursues the case against culprits, the domestic violence unit attends to victims. The women I met regarded the small Streatham office staffed by two WPCs as — in the words of one — a "home from home". If a woman is to surmount the independence not to return to her abuser and the courage to give evidence against him, she needs moral and practical support.

Thus far, thus acceptable to most who work with battered women. But one aspect, at least, of the Streatham approach — use of the caution — is proving controversial with those who run refuges. Sandra Horley, director of Chiswick Family

Rescue and with 15 years experience of working with abused women, believes that it is a weak response.

She points to statistics in Canada, where research shows that domestic violence dropped a quarter when prosecution became the invariable consequence of arrest. She argues vehemently that introducing the caution, even for a minority of offenders, "decriminalises" domestic violence at the very time society is at last beginning to take it seriously.

The police response is that a "caution" is no mere salutary word of advice, but a formal sanction involving an admission of guilt. The offender is photographed and fingerprinted; the caution remains "active" for three years and, in the event of a further attack, leads to a stiffer sentence.

The assault must be a first offence, be "minor" in nature — "reddening of skin", "slight bruising", according to one senior officer — and the victim must agree that a caution is acceptable.

According to Chief Superintendent Ian Buchan, it is not an alternative to prosecution, but to doing nothing, which — in the light of the frequent unwillingness of victims to give evidence — was previously the all-too-common outcome.

The reality is that only half the serious cases that are prosecuted result in convictions. Where the woman is a reluctant witness, the Crown Prosecution Service will seldom send a case for trial, and the wife batterer gets away with it.

Police and refuge staff complain that courts fail to reflect the seriousness of domestic assaults in their sentences. It is rare, said one police officer, for anyone to be fined more than £100. "The courts," WPC Lynn Robinson of the Streatham domestic violence unit said sternly, "need a good talking to."

NEWS: BATTERED WOMEN

BLOOD RELATIONS

One murder in four starts as domestic violence against women; yet complaints to police of assault in the home 'ten seem a waste of time. Does a pilot project at Streatham, offering short sharp shock treatment to male offenders and follow-up intervention, signal new hope?



night. It is all part of a pilot project, run by the local police, to shock men out of violent behaviour patterns. If successful, it could be adopted throughout the London area.

One in four murders are the result of domestic violence and studies show that on average women have been assaulted 35 times before they finally reach for the telephone and dial 999. Yet, says Streatham WPC Maggie Wilson, 'We were literally trained not to get involved in these cases. We were told to separate partners and advise them to see a solicitor or the Citizen's Advice Bureau.' She claims that attitudes have been transformed at the station. 'There really has been a big change.'

The project was initiated last April by Superintendent Ian Buchan, who says that until recently, he had 'much the same attitude towards "domestics" as any police officer'. He altered his approach after undertaking a Master's degree, which led him to study the subject in depth.

Superintendent Buchan believes that Home Office statistics on domestic violence are highly misleading. 'When a woman contacts us, we accept that what she says at the time has happened, irrespective of whether she withdraws her statement later on. If we are going to offer victims support, we have to believe what they say. We used to "no crime" those cases, but they're now recorded so that we can get a reasonable indication of the level of assaults.' He also believes in 'early intervention and arrest' — even in cases of verbal harassment or abuse — and arrest rates in Streatham have rocketed 60 per cent.

But Superintendent Buchan's policy is not universally admired. Although he claims, 'We're looking at domestic violence from a criminal, not a moral point of view, not all offenders are charged with assault. If the police consider the incident 'minor' and the woman is reluctant to give evidence against her partner, he is locked up for a 'cooling off' period and a decision on whether to charge him is deferred for two months. He is bailed to return to the station at the end of that period, when he may only be cautioned — like a juvenile — for his behaviour. The Home Office has granted the station £23,000 for three researchers to monitor the policy's deterrent effect.'

Superintendent Buchan maintains: 'It's tantamount to a conviction, because the caution can be cited in court for up to three years and magistrates and judges can take it into account when sentencing.' During the two-month period, a domestic violence team, run by Maggie Wilson and Anne Merchant, talk to the victims and offer them support. They also check for any recurrence of violence.

PUSHING AND SLAPPING

A typical 'minor' incident occurred between John Blake (not his real name) and his wife two months ago. He was back at the station last week to receive a caution for pushing and slapping his wife, causing her to fall over furniture. She did not want him charged with assault and later denied that the fall was his fault. John was still seething with resentment about being dumped in a cell. 'I was stuck in a shit-hole that I wouldn't even keep my dogs in. They kept me all night in this freezing cell, with push-push and food all over the walls. It was humiliating.'

His response raises fears about the effectiveness of a cau-

tion, as opposed to a straightforward policy of arrest and charge. 'Deep down, that's going to be another thing I've bottled in when another row brews up,' he says. 'If it happened to someone a bit nastier, I reckon the next time they did something, they might make it worth being nicked for. Not me. I'm just trying to give you an idea of what others might think.'

For this reason, Sandra Horley of Chiswick Family Rescue argues that the Streatham programme could be positively dangerous. 'It leaves women at risk of further violence. What happens in that two-month cooling-off period? These women are possibly going to be murdered. Are they going to be on a stretcher next time?'

Horley points to Canadian studies showing that strong arrest and charge policies decrease levels of violence against women, while police intervention without charging can lead to escalating assaults. She claims, 'Cautioning is down-grading the status of the crime. It's like saying, "You be a good boy." When are we going to come to terms with the fact that what begins with a push and a shove can end up in murder?'

Under the present British legal system, however, charges could never be made to stick against someone like John. So, without a caution, he could have been released scot-free. And, in all likelihood, he would never have been arrested in the first place. The Streatham police believe 'something is better than nothing'.

Superintendent Buchan claims that previously, 46 per cent of cases were dropped by the Crown Prosecution Service, mainly because the woman was unwilling to give evidence. So far, only four out of 77 men taken into custody at Streatham under the pilot scheme have reoffended. 'I could say "Isn't it marvellous" but a man can quite easily adjust his behaviour for a short period of time,' observes Buchan. 'It would be naive of me to say it's successful. What I am saying is that it's better than nothing — and that is what was happening before.'

Nor do the Streatham police hesitate to charge offenders. During one recent weekend, six incidents of assault were recorded, five men were charged and only one man was offered a two-month 'deferred decision'. Later that week, it proved difficult for the domestic violence unit to persuade their victims to bring evidence against them.

TOO DEPRESSED

Jackie Stephens (not her real name) came to the station last week to beg Anne Merchant and Maggie Wilson to drop the charges. She was 30, but looked like a forlorn 18-year-old. She was also eight months pregnant and, when asked if she wanted the baby, shook her head and murmured, 'I'm too depressed.'

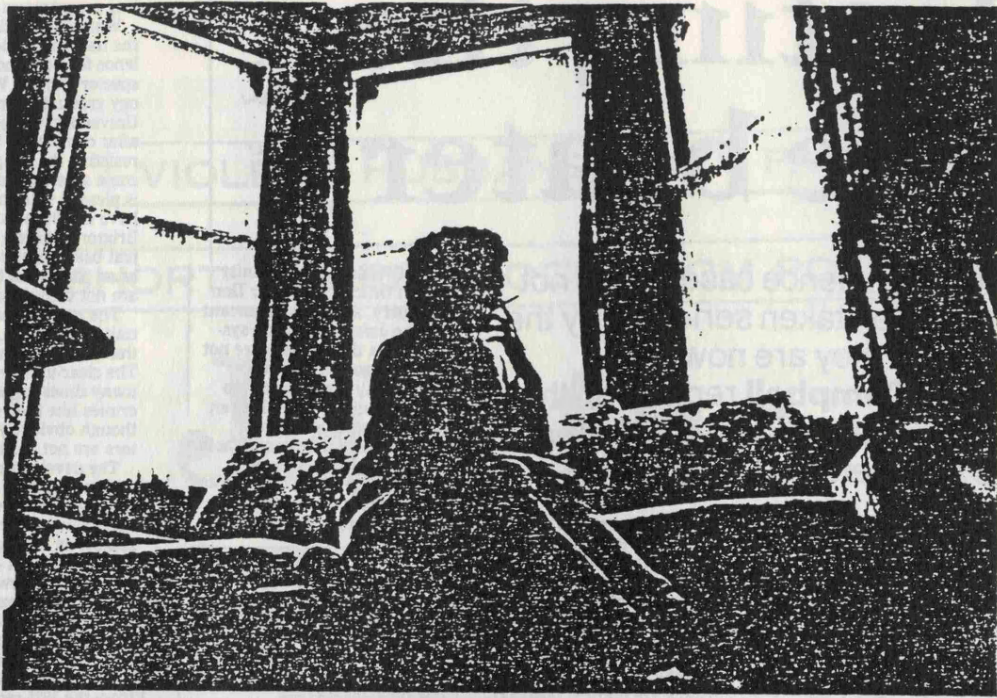
Her boyfriend had slapped her and poked her in the eye, causing her left eyelid to swell. She had called the police to have him removed from the house, but was distressed to find him charged with assault. 'If I had been bleeding, it would have been different,' she said. 'I don't think it's right that he was charged. I should have been given the choice. I don't want him going to court. I don't think it's serious enough.' She turned to the two WPCs aggressively: 'Will you drop the charges then?' She then added beseechingly, 'Please drop the charges.'

By this time the papers were with the Crown Prosecution Service, which alone can decide whether the case will proceed. But Jackie compelled Anne Merchant to take down a statement, emphasising her refusal to give evidence. The case against her boyfriend will probably never reach court.

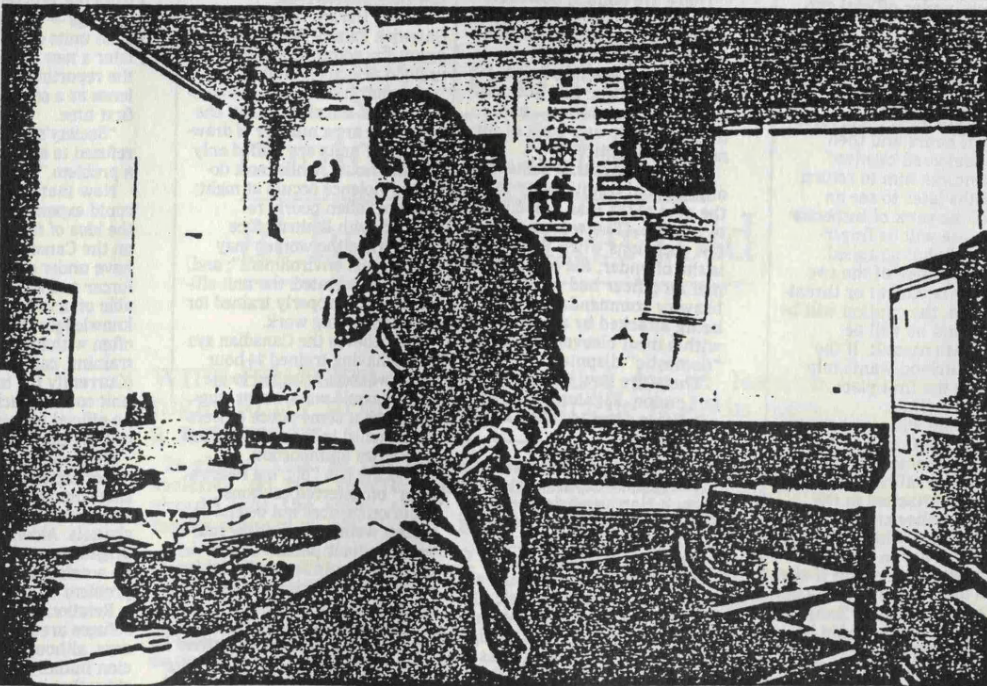
Rita, a worker at a south London refuge, would like to see Streatham's policy extended to other stations. 'It's a lot clearer cut than most, and it gives women time to find a place of safety by holding men in the cells,' she remarks. At her refuge is Gill Shaw (not her real name), a 53-year-old woman whose partner has been charged with Actual Bodily Harm after he locked her

PHOTOGRAPH BY: W. GRIFFIN

BY SARAH BAXTER



John, a male offender: 'I was stuck in a shit-hole that I wouldn't even keep my dogs in. They kept me all night in this freezing cell with pooh-poo and food all over the walls. It was humiliating.'



Above (top): Gill, a victim of assault, is rebuilding her life at a South London refuge. **Below:** WPC Anne Merchant offers support on the phone.

in her home over the weekend and assaulted her. 'She's been marvellous,' she says of Maggie. She took Gill to hospital, ferried her to the refuge and helped her move her possessions from her flat.

'I'm never going back,' says Gill. 'It's a lovely feeling at the refuge. I can walk down the road and not look behind me. I'm not coming out until I've been rehoused. There's no way. I had to sit in the dark. I couldn't put my TV on, because I couldn't let him know I was in. I had to sit with the window closed last summer, even in the heatwave. If I go back, I'll end up in the dhouse.'

Sandra Horley has no complaints about the Streatham team's dedication and competence, irrespective of whether offenders are charged. She believes the follow-up attention they pay to each case is first-class, but insists, 'It's all right at Streatham while it's a controlled experiment, but are other

people going to be as committed as Superintendent Buchan? I'm afraid that the net will widen and we'll end up with more cautions than charges. It will become a soft option for police forces.'

She accepts that too many cases get dropped by the Crown Prosecution Service, but says, 'This is where imagination has to come in. Are the police gathering enough evidence? Neighbours can witness assaults, children can witness assaults. It's not just a matter for the police, it's a matter of changing attitudes among the judiciary as well.'

And it is in court that the debate about whether or not to charge offenders becomes almost arcane, Maggie Wilson says. 'So many women are afraid their man's going to be thrown in jail and the key thrown away. It doesn't happen like that. We wish it would sometimes.' So what do men get for domestic violence? 'Fines and bind-overs,' she sighs...

Beating the wife beater

Guardian
December
12th
1990

Domestic violence cases have not always been taken seriously by the police, but they are now . . .

Duncan Campbell reports on the controversial experiment of special units and 'deferred cautions'

EARLY in the new year the Home Office will take delivery of a new report on domestic violence, the result of a controversial experiment in south London aimed at tackling a problem that has been swept under official carpets for years.

In Streatham a man who now assaults or threatens his wife during a row will find himself arrested, taken to the local police station, held there for a number of hours and then given a "deferred caution" which requires him to return two months later to see an officer of the rank of Inspector or above. He will be fingerprinted and photographed.

If, in the course of the two months, he is violent or threatening again, the caution will be activated and he will be charged with assault. If the wife or girlfriend wants him charged in the first place, charged he will be.

The woman will also have the support of the Domestic Violence Unit, operated by two women police officers from a small office attached to the Streatham police station. They will go to court with her if she wants, point her in the direction of a women's refuge if she needs it and, above all, take her complaints seriously. "In the old days, not much would be done," says WPC Lynn Robinson, who joined the unit from the tactical support group and after 13 years in the force. "It would always be entered in the crime book as 'no crime'."

Promoting this project of "deferred caution", Superintendent Ian Buchan has been working on a report for the Home Office police requirements support unit with Dr Susan Edwards, of the University of Buckingham. "In the past it was often ignored," says Buchan. "We arrest now at the first opportunity so that the perpetrators realise it is a crime. They come from right across the social spectrum, a lot of them are middle class and this is, for some of them, the first time they have been inside a police station."

For some the shock and embarrassment is enough. For others the threat of prosecution and a criminal record appears to work: if they do not offend again in the next three years the caution is struck from the files, an added incentive to the men to behave, Buchan feels.

There are doubts, however, about the concept of domestic violence units, which Buchan acknowledges: "Whenever you create a specialist unit there is a danger that you marginalise the problem — and that applies to any walk of life, not just the police."

He recognises that some male officers had traditionally taken the part of the man when called to a scene. (There are a very few occasions when the woman is the offender; the morning we met an officer had received a bravery commendation after being attacked by a woman with a meat cleaver during a "domestic" dispute.)

There are now 42 such units in London. Eighteen months ago there were 14. They have

grown at the greatest speed in the Metropolitan area, although Northumbria and West Yorkshire have been operating similar schemes.

For Lynn Robinson the change is dramatic: "In the old days you would go to the call, tell them to quieten down and that would be that. Husband/wife rows were taboo: it was down to them." She says that dealing with so much violence or threat of it is stressful: "You go home every day with a headache." For this reason officers are moved around regularly, both for their own well-being and to give others experience in a subject of which they all need to be aware.

WPC Debbie Lee, who has just joined the unit after being a beat officer, says that alcohol is often a factor on "domestics". The officers are out of uniform, she says, "to put the women at their ease".

The Divisional Community Liaison Officer, Inspector Don Broadbery, says it is important that the deferred caution system means that women are not obliged to go through court, which many are reluctant to do. "I sometimes liken it to an endorsement of a driving licence to the men. I warn them that this is the only chance they're going to get."

So far their survey shows that 86 per cent of those taken

in for deferred cautions have not re-offended. Of those taken in, 27 per cent of those involved were girlfriends and boyfriends, 33 per cent husbands/wives and 25 per cent common law husbands/wives.

Sandra Horley, director of Chiswick Family Rescue, welcomes the domestic violence units in principle, praising the "extremely hard work" and commitment of the officers. But she says there are a number of drawbacks: the units are staffed only in office hours, while most domestic violence occurs at night; they are "often poorly resourced, with limited office space, when the women may need a quiet environment"; and, although dedicated, the unit officers are not properly trained for such demanding work.

She believes the Canadian system of having trained 24-hour social workers attached to the station would work better, suggesting that some police officers not attached to the unit still find such cases unimportant.

And she has "big, big reservations" on deferred cautions. "Cautioning does not defend or protect women from being murdered by their partners," she says. "My main worry is that it perpetuates the idea that this is not a serious crime."

She is also wary of measuring "success" in terms of no further

assaults. "How do you measure a fist being waved in your face, intimidation whether verbal or psychological?" She favours again the Canadian system, where arrest and prosecution are automatic and figures for such violence have dropped a dramatic 25 per cent: "It sends a very clear message to the community."

She feels the answer is the three-pronged combination of enforcement, prevention (education) and services (help-lines, support workers, counsel-

ling programmes).

Watching the developments in the handling of domestic violence for Scotland Yard is Inspector Duncan Wilson, a sociology graduate from Aberdeen University, who joined the Met after completing his studies and resisting the temptation to "become a permanent student". He is pleased with the way the units have developed and points to Brixton, where a detective has just been appointed to the team, as an indication that the units are not being marginalised.

The majority of officers on the units are women, although a third now have male officers. The clear-up rate is 84 per cent, many times higher than for crimes like theft or burglary, although obviously the perpetrators are not hard to identify.

The development of the units within the police — although a Home Office select committee had looked progressively at the subject as long ago as 1975 but did not act on it — goes back to Sir Kenneth Newman, Sir Peter Imbert's predecessor as Commissioner. He set up a working party which reported back in 1986. He had seen research from Canada — ironically borrowing from the 1975 select committee's findings — which indicated how such units could operate. A year later a new force order required the reporting of domestic violence as a serious crime for the first time.

"Society's problem was that it refused to accept that there was a problem," says Wilson.

Now that it has, the units could expand. Ian Buchan posits the idea of family service units on the Canadian model which have under one roof a law enforcer and social workers available on a 24-hour basis. He acknowledges that police officers, often without comprehensive training, can only do so much. (Currently the members of the unit counsel each other: there is no official training programme or back-up.)

Duncan Wilson agrees: "A major factor is attitude — an Englishman's home is his castle and a woman is his goods and chattels. Alcohol, to use a fire brigade expression, may well be an accelerator but attitude is the problem."

Relationships with women's refuges are remarkably good, he says, although there was suspicion initially. "When you consider that it's a crime predominantly committed by men against women those suspicions were quite healthy, but I think we've moved on since then."

There is, all parties acknowledge, a long way to go. As Susan Edwards puts it in her book *Enforcing Domestic Violence* (Sage Publications): "In both criminal and civil practice women are frequently seen to forfeit their right to protection . . . and presumptions about them . . . The fact that violent and sexual assault continue to remain immune from legal condemnation or sanction and social disapproval, merely because a victim has at some time shared a degree of intimacy with the offender is absurd, perverse and obscene."

VIOLENT HUSBANDS MAY FACE

SHORT, SHARP SHOCK FROM POLICE

DAILY
MAIL

JANUARY
5TH
1931

Jail the wife-beaters

A night in the cells
could stop attacks
at home, Baker told

WIFE-BEATERS should be jailed for at least a night to try to ensure they don't do it again, says a new report.

It claims that 86 per cent of husbands arrested for domestic violence do not re-offend and recommends that all offenders should face the short, sharp shock treatment, whether they are finally charged or not.

The report tells Home Secretary Kenneth Baker that it pays to get tough with violent husbands.

It calls for every offender, including respectable middle-class professionals, to be arrested, taken to a local police station and given a 'deferred caution'.

If the man is then violent or threatening within the next two months, he will be charged with assault.

The report was written by Superintendent Ian Buchan and Dr Susan Edwards, of Buckingham University, after a pilot scheme in Streatham, South London.

The authors believe that thousands of men are learning the hard way that police officers are no longer a soft touch when it comes to domestic violence.

Since Streatham opened its domestic violence unit with two women police

By ANTHONY DORAN
Home Affairs Correspondent

officers two years ago, another 41 units have sprung up in London. The capital alone deals with about 1,000 calls a week from women attacked by their partners.

Similar projects have been operating in Northumbria and West Yorkshire. Mr Buchan said: 'The number of calls we had from women — and occasionally victimised men — doubled in a matter of weeks.'

'On average, women had been assaulted 35 times before they called the police. We have been criticised for our 'deferred caution' but we believe it works.' However, police say that if the woman victim insists on immediate charges, they will be brought.

The 1980s saw many achievements and some set-backs in the area of domestic violence. One achievement has been the establishment, by the Metropolitan Police, of 33 domestic violence units. This was a splendid initiative which has encouraged many more abused women to come forward. Early in 1988, I visited the Tottenham unit which pioneered the first domestic violence project. Since then, I have been involved with some training in units and have formed a great respect for the dedication, energy and commitment displayed by the officers who run them.

Where domestic violence units and refuges have good communications, and training has taken place, effective work is being done. The distribution of posters, cards and leaflets throughout Met police stations has improved relations with agencies and the community. Assaulted women are more confident knowing that there is a specialist officer who can be contacted if the need arises.

Some officers feel that, where there are clear aims and objectives and also senior management support, the unit approach results in more cases going before the courts. Feedback has also shown the extent to which abused women and children have benefited from the attention and care provided by specialist officers.

Unfortunately, where units have been set up, they are not available 24 hours a day and are poorly resourced in terms of staff and facilities. This means lack of availability for women and agencies at times when this contact is most often needed.

Some unit officers may have a greater awareness of problems in dealing with domestic violence, while some of their colleagues still have the traditional police view of domestic violence — that avoidance is the best policy. Without specialist training these officers will never gain a greater understanding of the need to treat these cases as serious crimes.

Women still complain that some police refuse to attend an incident if they know it is a 'domestic'. The other day, a social worker told me that late one night, she heard the sound of blows and a woman screaming in the flat next door. Because she knew the woman was in need of protection, she rang the police. Two constables arrived, but by then there was silence in the next door flat. The officers said they would not knock on the door unless they heard screaming. They waited five minutes. The flat was still silent, so they went away.

As in this case, it is not always specialised unit officers who respond to crisis calls. As well as running the units, specialist officers do the follow-up work generated by others. They also respond to the numerous random calls from women seeking support and advice.

It is easy for non-specialist officers to fall into the trap of the 'squad syndrome'

A CAUTION AGAINST CAUTIONING

Sandra Horley, Director of Chiswick Family Rescue calls for expansion of the Met's domestic violence units and challenges the validity of a pilot scheme to use cautions when men have inflicted only 'minor' injuries

where they do not bother to deal with cases of domestic violence because they have a unit at their station. Furthermore, some domestic violence units, have been teamed up with child protection units, a move which not only marginalises but confuses both issues.

Specialist officers often feel they lack support. Colleagues or senior officers may not be trained to understand problems of the abuse of women or be as committed to tackling it. Without appropriate back-up from senior management, units can find they are working in isolation and not regarded seriously.

What can help these officers is funding, so that their units can be well staffed, well trained and properly resourced. It is also necessary for units to have a high profile within stations. Their status, their morale and their unit's existence is dependent on the disposition of their chief superintendent.

With unit officers struggling against almost overwhelming odds, can we really afford such initiatives as the pilot scheme recently set up in Streatham, south London? This involves the cautioning of men who have inflicted 'minor' injuries on their wives or co-habitees.

The process is as follows: the man is arrested, taken to the station, fingerprinted and kept in for a 'cooling off' period of from two to eight hours. Then, provided the man admits his offence, has no record of previous assaults on his partner and his partner does not wish to press charges, a decision to charge or caution him can be deferred for two

months. During that time, the woman is visited to check that the violence is not being repeated, and the man's record is checked.

After the two months are up, the man is interviewed by a senior officer and signs a form admitting his offence. This, technically, is the caution which can be cited in court for a period of up to three years.

It could be argued that, had Streatham not adopted its cautioning policy, fewer arrests would have been made; it could also be argued that the cautioning policy, by encouraging officers to arrest in cases of minor assault, is an important step towards changing police attitudes. Cautioning, however, does not defend or protect women from the possibility of



SAFE HAVEN: Feedback has shown how much women suffering from assault have benefited from the care provided by specialist officers

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being murdered by their partners.

To give one example, police were called out to an incident where a man had been repeatedly assaulting his wife, placing a pillow over her face and removing it only at the last possible moment. He then pulled her up from sitting to standing by her earlobes. This happened in front of the couple's child. The husband had a previous conviction for actual bodily harm against her. This man was merely cautioned.

His previous conviction was not discovered until after he was bailed. Because of the time it can take to get the information, does this not leave the woman seriously at risk? If a man does not have a criminal record, but has been cautioned in one area and moves to another can this information be retrieved? If a first cautioning is followed by a second and third, as is common practice with juveniles, will this not perpetuate the attitude that domestic violence is not a serious crime?

The most important question concerns the criteria which govern a decision that an injury is either major or 'minor'. Supt Ian Buchan, who established the cautioning project in Streatham, acknowledges that there are some grey areas particularly with regard to intent. 'There would be a danger in issuing a cautioning policy without defining what a minor assault is. You have to look at intent without just looking at physical results'.

Mr Buchan also emphasises the need to take into consideration the volatile nature of the offender. But how is intent defined? If a man brandishes a knife in front of a woman's face, is this a minor assault which merits cautioning or a major one which justifies a charge of attempted murder? Unless it is made clear that similar incidents are seen as major assaults, violent men remain one step away from committing murder.



POLICE PIONEER: Supt Ian Buchan who started the cautioning scheme in Streatham, South London

The Streatham cautioning policy is to be reviewed after a year. Currently it is being hailed as a success — out of 77 cases, only four men have reoffended so far. However, during the 'cooling-off period', one man inflicted grievous bodily harm on his partner with the result that she ended up in intensive care. Giving violent men a second chance puts women in danger. Can a policy which leaves a woman in danger of being murdered, be measured as a success? Those who are experienced in working with battered women know that a two-month cooling off period will have little effect on men whose practice is the systematic, purposeful and repeated beating of their partners.

Men can also control their violence to the point where there may be a gap of years before the violence is repeated, or they may resort to other more sophisticated means of intimidating their partners. The only policy which has a known measure of success is that of arrest, charging and prosecution. It is this policy which makes a clear statement to violent men and all those involved — that this kind of behaviour is a crime against society.

If the policy of cautioning becomes nationwide, what repercussions will there be? First and foremost, it downgrades the offence and the status of all those concerned, and it increasingly marginalises the issue of domestic violence. Officers will not see offences committed in this area as important and may cease to bother taking any action at all. The message this policy endorses is that a marriage certificate, or its equivalent in case of cohabitation, denies women protection from a criminal offence.

Cautioning may be attractive because it avoids contact with the Crown Prosecution Service. It is enormously frustrating to police when all the hard work that goes into presenting a case seems wasted because the CPS is not prepared to take to court what they see as inherently weak cases. I also fear that the CPS will encourage the police to use cautioning by subtly exerting pressure which emphasises the likelihood of cases failing to

secure a successful prosecution.

This pressure makes it all too easy for demoralised officers to fall back on the autonomous activities involved in cautioning. It may raise morale to feel that offenders are in some way being brought to book, but for every violent man that is not charged there is a woman at risk.

Another incentive to employ cautioning may be that it boosts the arrest and clear-up rates. Currently, while arrest rates are up, the number of charges and prosecutions have not increased. Arrest rates have increased because incidents of domestic violence are now being properly recorded instead of being 'no-crimes', but this does not mean that men are being charged. In fact, the way the figures are presented often causes the general public to believe — mistakenly — that clear-up rates represent charges and prosecutions.

There is still a long way to go before we can claim we are even containing domestic violence. We cannot afford to be sidetracked by a cautioning policy while the overall response to the rising numbers in cases of domestic violence is still poor. The £23,000 invested in establishing the Streatham project would have been better spent on training and resources for the domestic violence units. Only a rigorous policy of arrest and prosecution will stem the tide of abuse.

As we go into a new decade, these are the measures which I would like to see being taken:

- Considerably more training, not only for police, but for the judiciary and all those who come into contact with battered women;
- Consistent policies for domestic violence units;
- Funding for civilian workers to work with police at incidents and at the police station, so that less police time is taken up by supporting women and allowing officers to concentrate on arresting and charging violent men;
- Adequate support systems for women to enable them to go through court proceedings;
- Realistic sentences for the men so that the violence is not repeated.

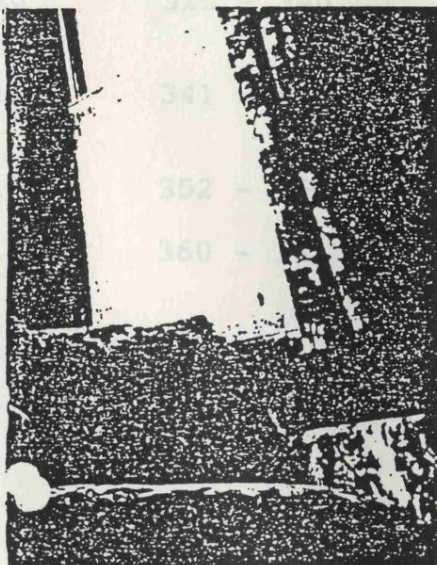


PHOTO: Jer Caution (freight)

<u>Chapter</u>	<u>Page(s)</u>	<u>Subject</u>	<u>Breakdown of Labour</u>
1	1 - 154	Literature Review	Entirely my own work
2	155 - 179	Streatham Policy	Entirely my own work
3	180 - 189	Research Evaluation	Original draft written by Susan Edwards
4	190 - 202	The Quantitative Research Findings	Written by Susan Edwards (with comment inserted by myself) except samples which was my own work.
5	203 - 299	Deferred Decision Police Officers Perspective	Interviews and tape recordings by the researchers, draft synopsis written by the researchers but edited, altered and added to by myself.
6	300 - 302	Assaults on Police	Entirely my own work
7	303 - 305	Publicity	Entirely my own work
8	306 - 311	Case Study	Entirely my own work
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TABLE 1

DOMESTIC VIOLENCE RECORDS - MAY TO DECEMBER 1989

MONTH	TOTALS	MAJOR	BEAT	IRB	CUST	ARRESTS	ARRESTS AS A % OF TOTAL INCIDENTS	CHARGED	CHARGE FROM ARRESTS AS A % OF ARRESTS	DEFERRED	DEFERRED DECISION EXPRESSED AS A % OF ARRESTS	OTHER
MAY	47	5	42			20	(42%)	11	(55%)	5	(25%)	4
JUNE	65	10	55			21	(32%)	9	(43%)	5	(24%)	7
JULY	45	12	30	2	1	20	(44%)	11	(55%)	8	(40%)	1
AUGUST	64	13	51			28	(43%)	15	(54%)	10	(36%)	3
SEPTEMBER	48	9	39			25	(52%)	11	(44%)	8	(32%)	6
OCTOBER	59	12	17			31	(52%)	18	(58%)	8	(26%)	5
NOVEMBER	58	10	47		1	30	(52%)	12	(40%)	13	(43%)	5
DECEMBER	60	10	49		1	29	(48%)	18	(62%)	9	(31%)	2
TOTALS	446	81	360	2	3	204	(45%)	105	(51%)	66	(32%)	33

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TABLE
1

TABLE 2REASONS FOR NO CRIMING

TRANSFERRED:	20	=	13%
VICTIM UNWILLING TO PROCEED:	83	=	56%
INSUFFICIENT EVIDENCE:	35	=	24%
ALLEGATION WITHDRAWN	3	=	2%
RECORD ONLY	8	=	5%
	<hr/>		<hr/>
	149		100%

TABLE 3DETAILS OF CRIME ALLEGATIONS AND CLASSIFICATIONS

<u>CRIME ALLEGATIONS</u>		<u>CRIME CLASSIFICATIONS</u>
Assault	19	Assault
Common Assault	2	Common Assault
C.A. Record Only	1	C.A. Record Only
Actual Bodily Harm	43	Actual Bodily Harm
Greivous Bodily Harm	1	Greivous Bodily Harm
	<hr/>	No Crime
	66	Unclassified

TABLE 4RECORDED INJURIES AND DEFERRED DECISION OUTCOME

Not included is how the injuries were caused, i.e. punched, headbutted etc., or if there was also criminal damage, i.e. furniture smashed.

1. B2102 - AC - Left eye swollen, bruising and scratches to left side of neck, bruising on upper left arm, scratches and graze to elbow. (Photographs)
2. B3717 - AC - Cuts to face at bridge of nose, 2 cuts $\frac{1}{2}$ inch long (taken to hospital).
3. B3999 - AC - Soreness to back.
4. B2165 - AC - Hysteria.
5. Custody 2458 - AC - None
6. B4206 - AC - Victim 1. Cut face, black eye, grazed legs, bump on head.
Victim 2. Cut to lip and swelling, reddening to left ribs, various cuts (seen by police doctor).
8. B1730 - AC - Bruised and sore chest.
9. B3273 - AC - Slight reddening to left elbow.
10. B1169 - AC - Cut to left side of face, cut to left ear, bruise to right eye (from statement 8, stitches to cut on cheek, 5 stitches to left earlobe, face swollen, problems with eyes), taken to hospital.
11. B1232 - AC - Shock.
12. B2117 - AC - Reddening to right cheek, right arm hurt slightly, pain in back.
13. B791 - AC - Swelling and bruising around left eye.
14. B1657 - AC - Reddening to neck, bruise to shoulder.
15. B2120 - AC - Bruised right cheek, bruising right elbow.
16. B2495 - AC - Bleeding from nose.
17. B2213 - AC - Soreness to head.
18. C2668* - AC - Severe back pain, paralysis
19. B3444 - AC - Bruise to left eye (temple), distress.
20. B3639 - AC - Swollen lip, bruising to head and right thigh.
21. B3626 - AC - Bruising, swelling, black eye, swelling and tenderness to left cheek, scratches around mouth.

22. B3610 - AC - Bruised left eye, marks on neck.
23. B1631 - AC - Bruising, scratches, cuts (seen by police doctor).
24. B1903 - AC - Slight swelling to lower lip and graze.
25. B1580 - AC - Reddening and soreness to left ear.
26. B2154 - AC - Minor abrasion to right forearm.
27. B2500 - AC - Swollen mouth.
28. B2624 - AC - Shock.
29. B2730 - AC - Reddening to face.
30. B2936 - AC - Bruising and hysteria.
31. B3008 - AC - Bruising to face, arms, legs and back.
32. B3154 - AC - Cut to head, bruise to forehead.
33. B3552 - AC - Bloody nose, possible broken tooth, shock.
34. B3732 - AC - Lower back injuries.
35. B3827 - AC - Painful shoulder and ribs, swelling to left wrist.
36. B3867 - AC - 1½ inch and 1" scratch to left arm and wrist, scratch to left shoulder, 3 scratches to neck area, left breast 3 deep scratches.
37. B3860 - AC - Cut to right knee, cuts and bruises to face, nose bleed, scratches to left hand, shock.
38. B4057 - AC - Hysterical.
39. B4193 - AC - Bruised right cheek, bruised breasts and right thigh, pain in right thigh, walking with a limp.
40. Custody 5673 - AC - Bruising to shoulder.
41. B2734 - AC - Fright and distress.
42. B3557 - AC - Bruising to head, swelling to lip, bruising to back.
43. B3668 - AC - Bruising to right arm.
44. B1571 - AC - Bruised veins and scratches to right shin.
45. B2102 - AC - Soreness to right side of face.

CHARGED

- 46. B2263 - CH - Tenderness to left forearm.
- 47. B2913 - CH - Bite to face, punch to eye.
- 48. B2979 - CH - Broken finger.
- 49. B3243 - CH - Bruising to face and legs.
- 50. B1303 - CH - Pain to forehead and side of head.

NO FURTHER ACTION

- 51. B1173 - NFA - Scratch to right side of nose.
- 52. B686 - NFA - Soreness and stiffness to body.
- 53. B1982 - NFA - Slight bruise and swelling to forehead.
- 54. B2688 - NFA - Scratches and grazes to hand.
- 55. B2894 - NFA - Swelling to face, perforated eardrum.

FAILED TO ATTEND

- 56. C1414* - FTA - Bruised right eye, bruised mouth.
- 57. B3041 - FTA - Reddening to left cheek.
- 58. B3349 - FTA - Bump on head, bruising to neck.
- 59. B3357 - FTA - Nosebleed.
- 60. B1516 - FTA - Slightly swollen nose causing bleeding.
- 61. B2857 - FTA - Cut lip and cuts and bruises to left eye, hysteria.
- 62. B750 - FTA - Bruising to cheek, scratches to arms.
- 63. B3568 - FTA - Two black eyes.
- 64. B4036 - FTA - Bruise to right leg, reddening to face.
- 65. B4052 - FTA - Scratch, reddening to right eye.
- 66. B2738 - FTA - Cut and graze on left thigh.

TABLE 5DETAILS OF DEFERRED DECISION OUTCOME
AND RE-OFFENDING RATES

	6 MONTH PERIOD	21 MONTH PERIOD
NUMBER OF DEFERRED DECISIONS	66	135
NUMBER OF CAUTIONS	44 (66%)	89 (67%)
NUMBER CHARGED	4 (6%)	9 (7%)*
NFA ON RETURN TO STATION	7 (16%)	15 (11%)
FAILED TO ATTEND	11 (16%)	24 (18%)
	<hr/> 66	<hr/> 137

(* Includes 2 who failed to attend and were subsequently charged)

There are a number of similarities between the two periods. Approximately 7% were charged, between 11-16% no further action was taken and 16-18% failed to appear. A similar pattern between the periods emerged from an assessment of the re-offending rates as follows:-

	6 MONTH PERIOD	21 MONTH PERIOD
IN TWO MONTH DEFERMENT PERIOD	4 (6%)	9 (7%)
AFTER CAUTION	5 (8%)	11 (8%)

TABLE 6 - INJURIES ON DUTY 1988

DATE	TIME	TYPE OF DUTY	DISPUTE DETAILS	INJURY	HOW SUSTAINED	PLACED SICK
16.2.88	9,35pm	Uniform	Domestic dispute	Bruise to head	Butted in face by prisoner during arrest	Yes
6.5.88	8pm	Uniform	Domestic dispute and assault between man and friend. Man arrested for Breach of the Peace	Twisted right shoulder	Removing violent man from premises	Yes
28.7.88	7.30pm	Uniform	Dispute between common-law husband and wife. Man arrested for Breach of the Peace	Nose bleed	Prisoner became violent and struck officer with fist	No
20.10.88	10.30pm	Uniform	Husband threatened wife with machette	Cut on forefinger	Violent prisoner during struggle	No

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TABLE 7 - INJURIES ON DUTY 1989

DATE	TIME	TYPE OF DUTY	DISPUTE DETAILS	INJURY	HOW SUSTAINED	PLACED SICK
5.1.89	11.15pm	Uniform	Removal of child from home by husband	3" cut to right shoulder - 12 stitches	Violent prisoner pushed officer against broken window	Yes
16.6.89	9pm	Uniform	Called to deal with a domestic found to be in possession of drugs	Numerous abrasions and cuts	Prisoner attacked officer with kitchen knife	Yes
16.7.89	1am	Uniform	Father had assaulted child	Bruise & cuts	Violent struggle when placing prisoner in police van	No
15.9.89	12.30am	Uniform	Officers assisted person to remove property from home address	Cuts to wrist	Prisoner threw mirror at police	
15.9.89	12.30am	Uniform	As above	Broken nose	Prisoner threw metal frame at officer's face	Yes
22.9.89	11.55pm 2pm	Uniform	Called to deal with a family argument	Swelling left ankle	Struggle whilst restraining prisoner	No
22.9.89	11.55pm	Uniform	As above	Bruising shins and cheek	Hit by prisoner during arrest	No
22.9.89	11.55pm	Uniform	As above	Bruising	Struggle with prisoner	No

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TABLE
7

DATE	TIME	TYPE OF DUTY	DISPUTE DETAILS	INJURY	HOW SUSTAINED	PLACED SICK
25.11.89	6.50pm	Uniform	Called to scene of domestic assault between boyfriend/girlfriend. Arrested for assaulting officer	Cuts and grazes	Struggle during arrest	No
25.11.89	6.50pm	Uniform	As above	Cuts and grazes	Struggle during arrest	No
25.11.89	9.30pm	Uniform	As above	Grazes and scratches	Struggle with prisoner in cell	No

TABLE 8DETAILS AND OUTCOMES OF CHARGES(i) Charges

105 suspects were charged during this period. Of those, 79 were remanded and 26 bailed. Of those charged and remanded the following crime classifications were recorded.

4	=	Greivous Bodily Harm
55	=	Actual Bodily Harm
3	=	Criminal Damage
1	=	Unlawful Wounding
1	=	Kidnapping
1	=	Assault
5	=	Threats to Kill
1	=	Affray/Public Order Act
1	=	No Crime (The allegation was theft)
2	=	Breach of Bail
1	=	Attempted Greivous Bodily Harm
1	=	Robbery
1	=	Common Assault Record Only
2	=	Unclassified

(ii) Prosecution Outcomes

The final outcomes for the above cases are detailed below.

Prosecution outcomes were derived from police result records. This creates several problems. The first, police may use the term 'withdraw' to cover victim withdrawal. Second, prosecutorial discontinuance, withdrawal is commonly used to denote failure rather than the procedural legal specificity of withdrawal.

These problems may blur the precise accuracy of the outcomes the result outcomes as recorded by police are included and must be treated with that proviso.

4 Suspects were charged with Greivous Bodily Harm

1	=	Reduced charge and a probation order
1	=	Transferred to Crown Court, final result unknown
1	=	Fine, compensation order and costs
1	=	Fine, compensation order

3 Suspects were charged with Criminal Damage

1 = Bound over
1 = Conditional discharge, compensation order and costs
1 = Unknown

1 Suspect was charged with Unlawful Wounding

1 = Imprisonment 1 year

1 Suspect was charged with Kidnapping

1 = Unknown

5 Suspects were charged with Threats to Kill

1 = Bound over 1 year f100
1 = Fine, compensation order, costs
1 = Discontinued
1 = Discharged
1 = Withdrawn reason unknown

2 Suspects were charged with Breach of Bail

1 = Transferred to Crown Court
1 = Conditional discharge, costs

1 Suspect was charged with Assault

1 = Fine, compensation order, bound over

1 Suspect was charged with Affray/Public Order Act

1 = Dismissed

1 Suspect was charged with Attempted Greivous Bodily Harm

1 = Discontinued

1 Suspect was charged with Robbery

1 Suspect was charged with Common Assault Record Only

1 = Bound over

2 - Unclassified

1 = Conditional discharge, compensation order
(Allegation Criminal Damage)

1 = Dismissed, bound over
(Allegation ABH and Threats to Kill)

55 Suspects were charged with Actual Bodily Harm

1 = Withdrawn by victim

3 = Withdrawn by CPS

2 = Withdrawn - reason unknown

1 = Withdrawn unknown - bound over

4 = Fine, compensation order

2 = Fine, compensation order and costs

1 = Fine £75

2 = Non-appearance

4 = Bound over 1 year

1 = Bound over, fine, compensation order

4 = Discontinued

5 = No evidence offered, dismissed

1 = No evidence offered, dismissed, bound over

1 = Discharged

1 = Conditional discharge

1 = Conditional discharge, compensation order

1 = Conditional discharge, compensation order, costs

1 = Conditional discharge 1 year, costs

1 = Compensation order or 5 days imprisonment

1 = Compensation order

1 = Reduced charge

2 = Probation order

3 = Transferred to Inner London Crown Court

1 = Imprisonment 10 weeks each of ABH and Threats to Kill
Concurrent

1 = 80 hours community service, compensation order

iii) Charged and Bailed = 26

1 = Greivous Bodily Harm
 18 = Actual Bodily Harm
 2 = Criminal Damage
 2 = Actual Bodily Harm and Criminal Damage
 1 = Indecent Assault
 1 = Assault
 1 = No Crime (Allegation Assault)

The outcome of the above cases are as follows:

1 Suspect was charged with Greivous Bodily Harm

1 = Unknown

2 Suspects were charged with Criminal Damage

1 = Non appearance at court
 1 = Conditional discharge

2 Suspects were charged with Actual Bodily Harm and Criminal Damage

1 = Non appearance at court
 1 = Fine and compensation order

1 Suspect was charged with Indecent Assault

1 = Fine, compensation order and costs

1 Suspect was charged with Assault

1 = Withdrawn - reason unknown

1 - No Crime

1 = Unknown

18 Suspects were charged with Actual Bodily Harm

3	=	Transferred to Crown Court
1	=	Non appearance at court
1	=	Conditional discharge, compensation order
3	=	Fined
1	=	Fine and compensation order
1	=	Dismissed
2	=	Withdrawn reason unknown
1	=	Withdrawn reason unknown, bound over
5	=	Unknown

(iv) Victims and Prosecution

One of the main reasons often given for not prosecuting domestic violence suspects is that the victims change their minds, withdrawing the allegation and then refusing to appear at court, this is also the main reason give for 'No Criming' cases (see Table 2).

Case Withdrawn

It can be seen from the cases listed above that only 12 cases were recorded as being withdrawn at court by the victim. This is 11% of the total charged cases. Information from the court result sheets show that 3 of these cases were withdrawn by the Crown Prosecution Service and 1 by the victim. No information was given as to why the other 8 cases were withdrawn.

A total of 13 cases were either discontinued (6), discharged (2) or dismissed (5), again the reasons for these decisions are not known. Nine suspects also received a conditional discharge.

Imprisonment

Only 2 suspects were imprisoned, 2% of total charged. Both had previous criminal records. One suspect was imprisoned for 1 year for Unlawful Wounding. The suspect hit his ex-girlfriend in the face with a glass, this resulted in the victim needing 30 stitches to the face. There is a history of previous violence involving the suspect and his ex-girlfriend and an injunction was recorded at the police station. A previous incident was also reported in June 1989. The crime classification was assault, the

remanded. The outcome of the case was £100 fine, £100 compensation order, and he was Bound Over to Keep the Peace for 1 year in the sum of £500. The Unlawful Wounding took place in July 1989.

The second suspect was charged with S.16 and S.47 Offences Against the Person Act 1861 (amended 1977). The crime sheet reports that the suspect strangled the victim around the neck with his hands three times causing bruising to the victim's neck and causing her to black out for several seconds. Then punching her in the back. This assault arose after an argument between common law husband and wife, the husband having returned home drunk. He then threatened to kill her. The victim reported the assault and the threats at the police station. The outcome of this case was that the suspect was given 10 weeks in prison for each charge, these were to run concurrently.

Compensation Orders

Twenty-one compensation orders were made to victims. This is 20% of the total cases charged.

One victim was given £1600.00 compensation, the suspect was also fined £350 and ordered to pay £50 costs. This suspect was charged with S.18 Offences Against the Person Act 1861. Although he was initially remanded in custody he was then granted conditional bail with a surety of £5,000. The suspect is of 'No Fixed Abode'. "The suspect and victim had been arguing when he attacked her, beating her head against the wall then trying to strangle her, then placing her head in a bath full of water. Her injuries were a fractured left shoulder, 2 black eyes, a badly bruised head, and scratches and marks to her neck showing signs of strangulation".

Another victim who was granted a compensation order had only known the suspect for 3 weeks. Her injuries were tenderness to right jaw, tenderness to left shoulder, reddening to neck, severe pain to lower back and an asthma attack. "Effected by suspect who was victim's boyfriend who became very aggressive because of a tiff. Suspect grabbed victim by the chest pulling her towards him then throwing victim across the room, the victim hitting her back on a radiator. When the victim attempted to

leave the suspect refused to let her go and threatened to kill her, the victim believed him. The suspect detained the victim at the venue until the victim suffered a severe asthma attack, he then became frightened and after 4 hours he drove victim home, not allowing her to make her own way home. The victim lives in a nurses home, she then alerted security staff about the problem, but was too frightened to attend Streatham Police Station to make a statement." This suspect was charged with False Imprisonment, which was withdrawn and S.47 Offences Against the Person Act was imposed and the suspect was fined £200 with £40 costs and a £150 compensation order.

Transferred to Inner London Crown Court

A total of 8 cases were transferred, 8% of total. One case was classified as Greivous Bodily Harm, 6 as Actual Bodily Harm and 1 as Breach of Bail. The suspect was on bail for Greivous Bodily Harm, the conditions were not to attend the victim's home address, not to interfere with her or other witnesses. Surety of £500. The victim had left home and moved into a women's refuge. The suspect contacted the victim speaking to her in the street, she reported this to the police. She reported to the police that she was attending the County Court the next day to obtain an injunction, she also said that she had visited her flat and had found it smashed up, she felt that the suspect was responsible for this. He was arrested, remanded and charged under Section 7 of the Bail Act. In addition to this he was charged with Criminal Damage and Dishonest Handling. These charges were all transferred to the Crowb Court. He was also charged with burglary, this was discharged.

The final outcome of these 8 cases is not known at the present time.

TABLE 9DETAILS OF "NO CRIME"

The allegations on these "no crimed" records are as follows:

ASSAULT	38
ASSAULT/THEFT	1
ASSAULT/CRIMINAL DAMAGE	1
ASSAULT/HELD AGAINST WILL	1
COMMON ASSAULT	12
ACTUAL BODILY HARM	47
ACTUAL BODILY HARM/CRIMINAL DAMAGE	3
ACTUAL BODILY HARM/FALSE IMPRISONMENT	1
GREVIOUS BODILY HARM	4
UNLAWFUL WOUNDING	2
CRIMINAL DAMAGE	16
THREATS TO KILL	4
THREATS TO KILL/ATTEMPTED ABDUCTION	1
ABDUCTION	2
THREATS TO ASSAULT	2
UNLAWFUL SEX	1
THEFT/DOMESTIC VIOLENCE	1
THEFT	4
NON-ACCIDENTAL INJURY	2
INCITEMENT TO MURDER	1
THREATENING BEHAVIOUR/OBSCENE PHONE CALLS	1
THREATENING PHONE CALLS	1
ATTEMPTED ARSON	1
THREATS TO KIDNAP	1
ATTEMPTED UNLAWFUL DEMANDS WITH MENACES	1

TABLE 10RECORD OF CRIMES WHERE NO ARREST WAS MADE

COMMON ASSAULT/RECORD ONLY	39
COMMON ASSAULT	9
CRIMINAL DAMAGE	8
CRIMINAL DAMAGE/RECORD ONLY	2
ACTUAL BODILY HARM	30
THREATS TO KILL	4
RAPE	2
THEFT	1
VEHICLE INTERFERENCE	1
UNLAWFUL WOUNDING	1
UNCLASSIFIED	16

TABLE 11CRIME CLASSIFICATION COMPARISON

<u>CLASSIFICATION</u>	<u>STREATHAM</u> <u>1988</u>	<u>STREATHAM</u> <u>1989</u>	<u>DIVISION 'A'</u> <u>1989</u>
NO CRIME	47	32	60
ASSAULT	1	1	1
COMMON ASSAULT	1	3	0
COMMON ASSAULT RECORD ONLY	6	10	43
ACTUAL BODILY HARM	13	41	11*
GREVIOUS BODILY HARM	1	1	2
CRIMINAL DAMAGE	1	5	7*
THREATS TO KILL	0	3	1
RAPE	0	2	1
UNLAWFUL WOUNDING	0	0	1
AFFRAY	0	0	1
DOMESTIC DISPUTE	0	0	1
DOMESTIC DISPUTE RECORD ONLY	0	0	1
MALICIOUS COMMUNICATIONS	0	1	0
BREACH OF BAIL	0	2	0
UNCLASSIFIED	0	6	0
	<hr/>	<hr/>	<hr/>
	70	107	130

*5 crimes classified as ABH and 2 as Criminal Damage were originally classified as "No Crime". These were altered in line with National Rules defining offences that be regarded as "cleared up".

Section 6/4.2 (viii) the guilt of the accused is clear but the victim refuses, or is permanently unable, or if a juvenile is not permitted, to give evidence:

TABLE 12 - COMPARATIVE CRIME FIGURES

	TOTAL RECORDS	TOTAL ARRESTS	CHARGED	NO CRIMES	VICTIMS	SUSPECTS	RESIDENCE
<u>STREATHAM 1988 SEPT/OCT.</u>	70 = 10 Major 60 Beat	21 = 30%	13 = 61% of arrests 18.5% of records	47 = 67%	Female = 58 Male = 12	Female = 7 Male = 63	Together = 31 Separate = 39
<u>STREATHAM 1989 SEPT/OCT</u>	107 = 21 Major 86 Beat	56 = 52%	29 = 52% of arrests 27% of records	32 = 30%	Female = 90 Male = 17	Female = 5 Male = 102	Together = 42 Separate = 65
<u>DIV. "A" 1989 SEPT/OCT</u>	130 = 18 Major 112 Beat	16 = 12%	12 = 75% of arrests 9% of records	60 = 46%	Female = 113 Male = 17	Female = 16 Male = 114	Together = 66 Separate = 64

TABLE 12

F I G U R E S

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FIGURE	2	Outcome of deferred decision May - December 1989
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FIGURE	5	No crimes expressed as a percentage of total crime reports
FIGURE	6	Deferred Decision - suspects May - December 1989
FIGURE	7	Deferred Decision - Residence
FIGURE	8	Deferred Decision - Monthly breakdown
FIGURE	9	Questionnaire to Police Officers - Degree of understanding of policy
FIGURE	10	Questionnaire to Police Officers - How well was policy explained
FIGURE	11	Questionnaire to Police Officers - Status of domestic violence form

FIGURE 1

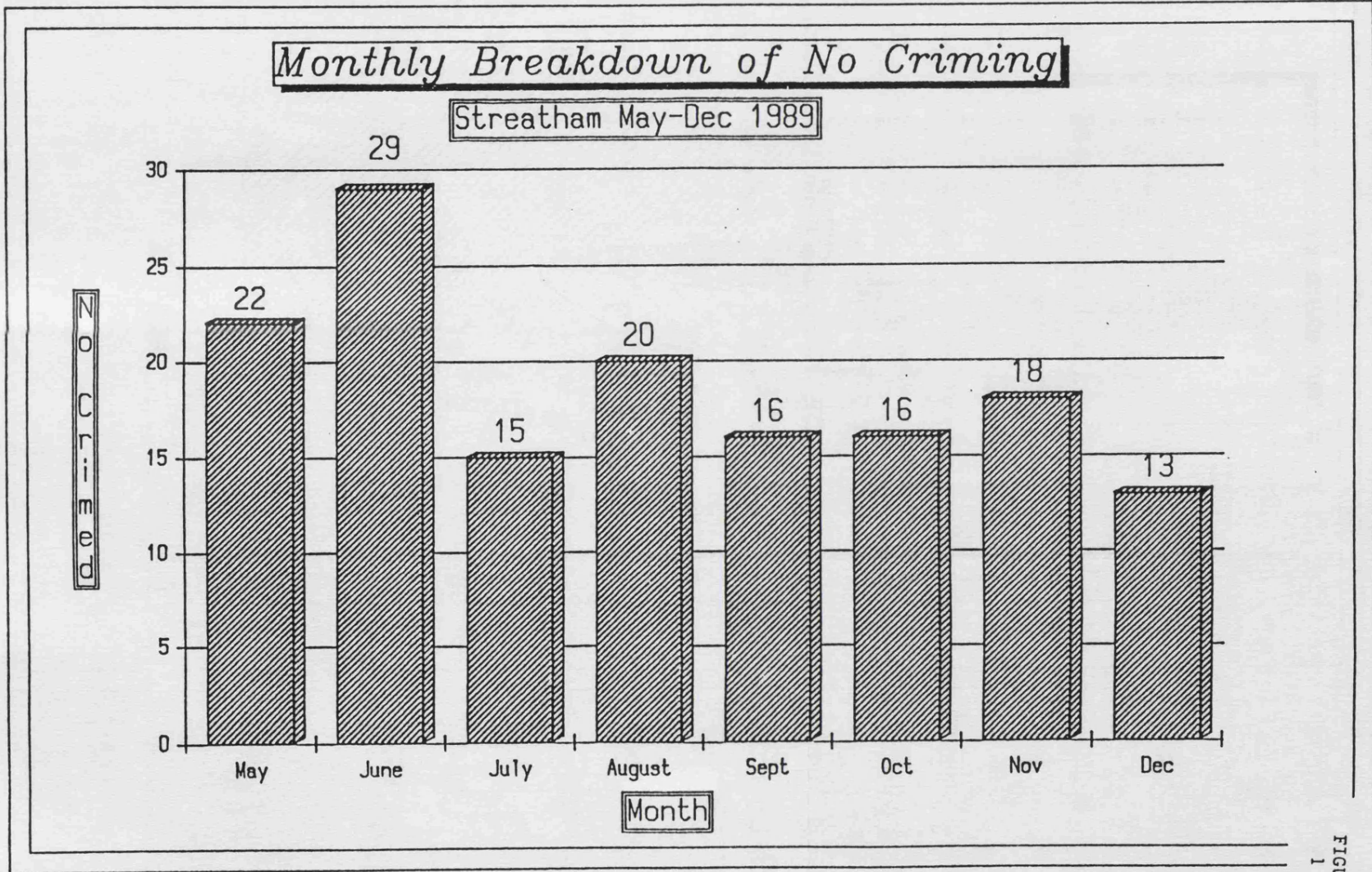
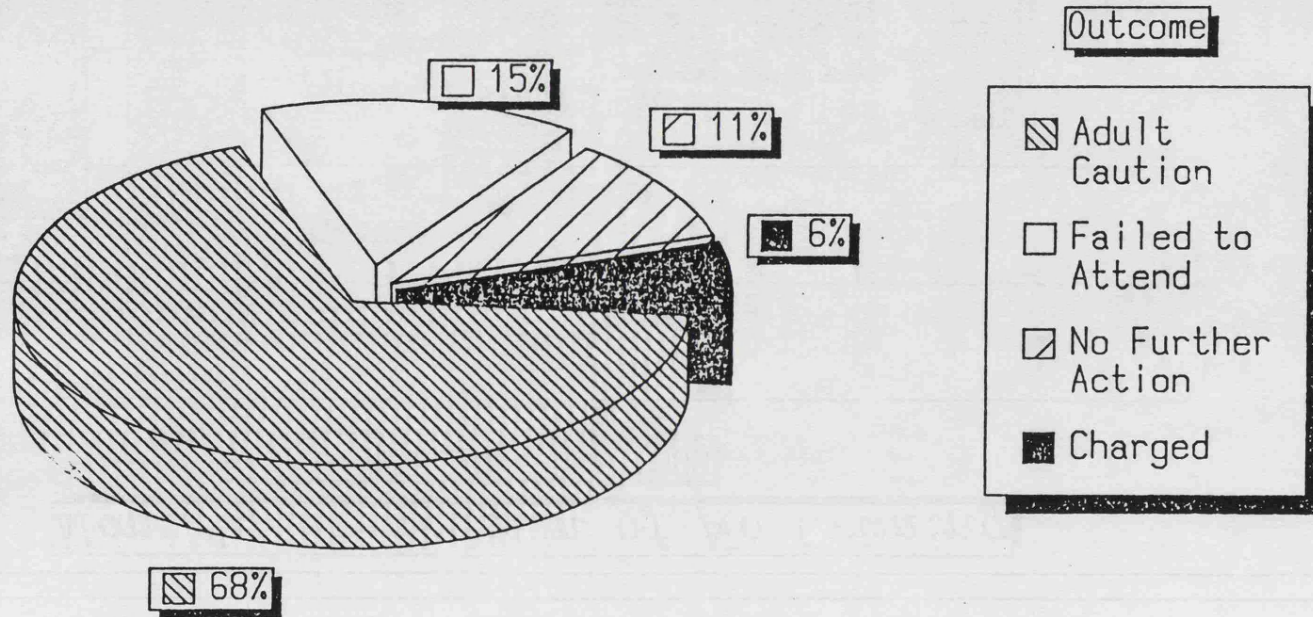


FIGURE 1

FIGURE 2

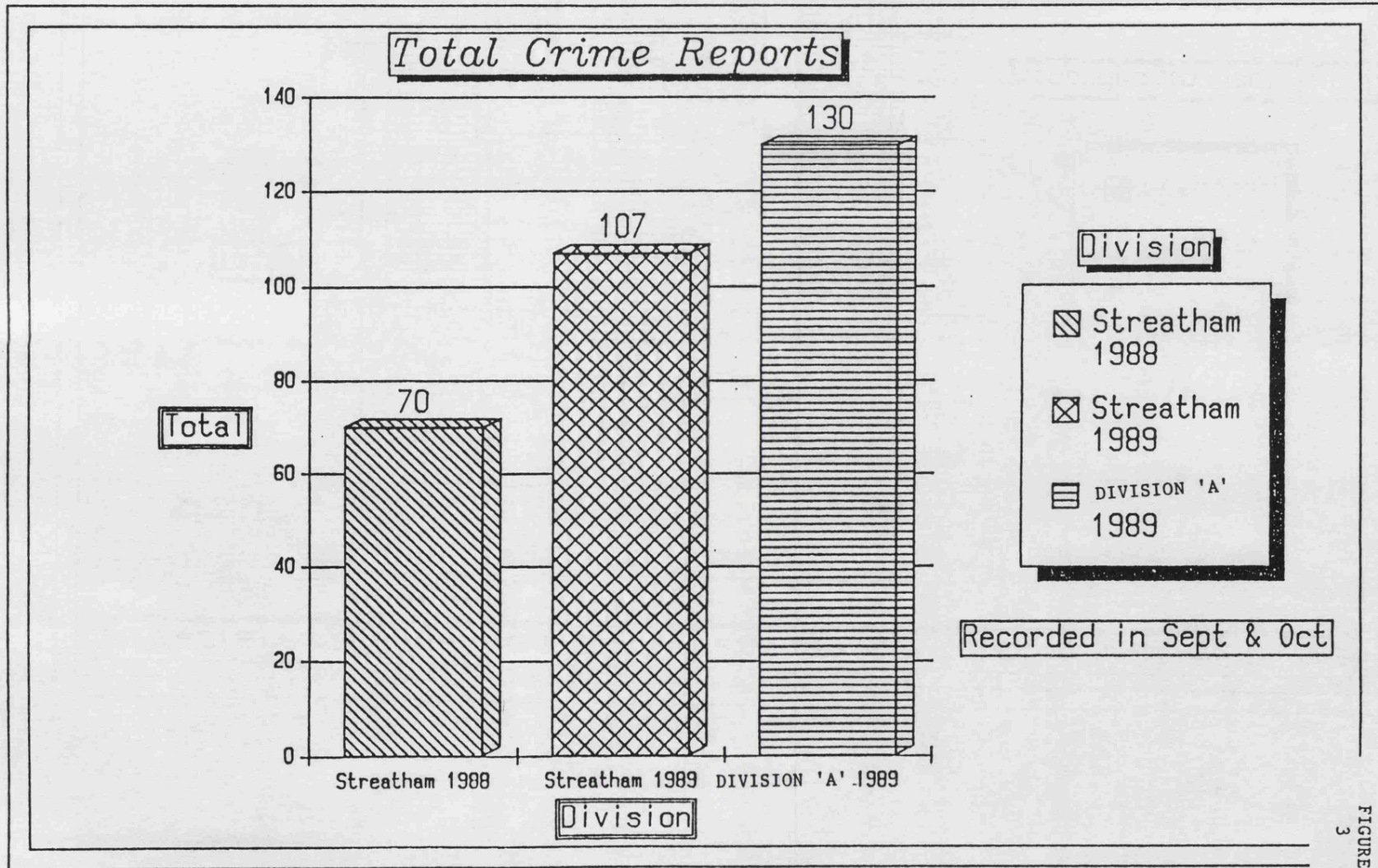
Outcome of Deferred Decisions May-Dec 1989



N = 66

FIGURE 2

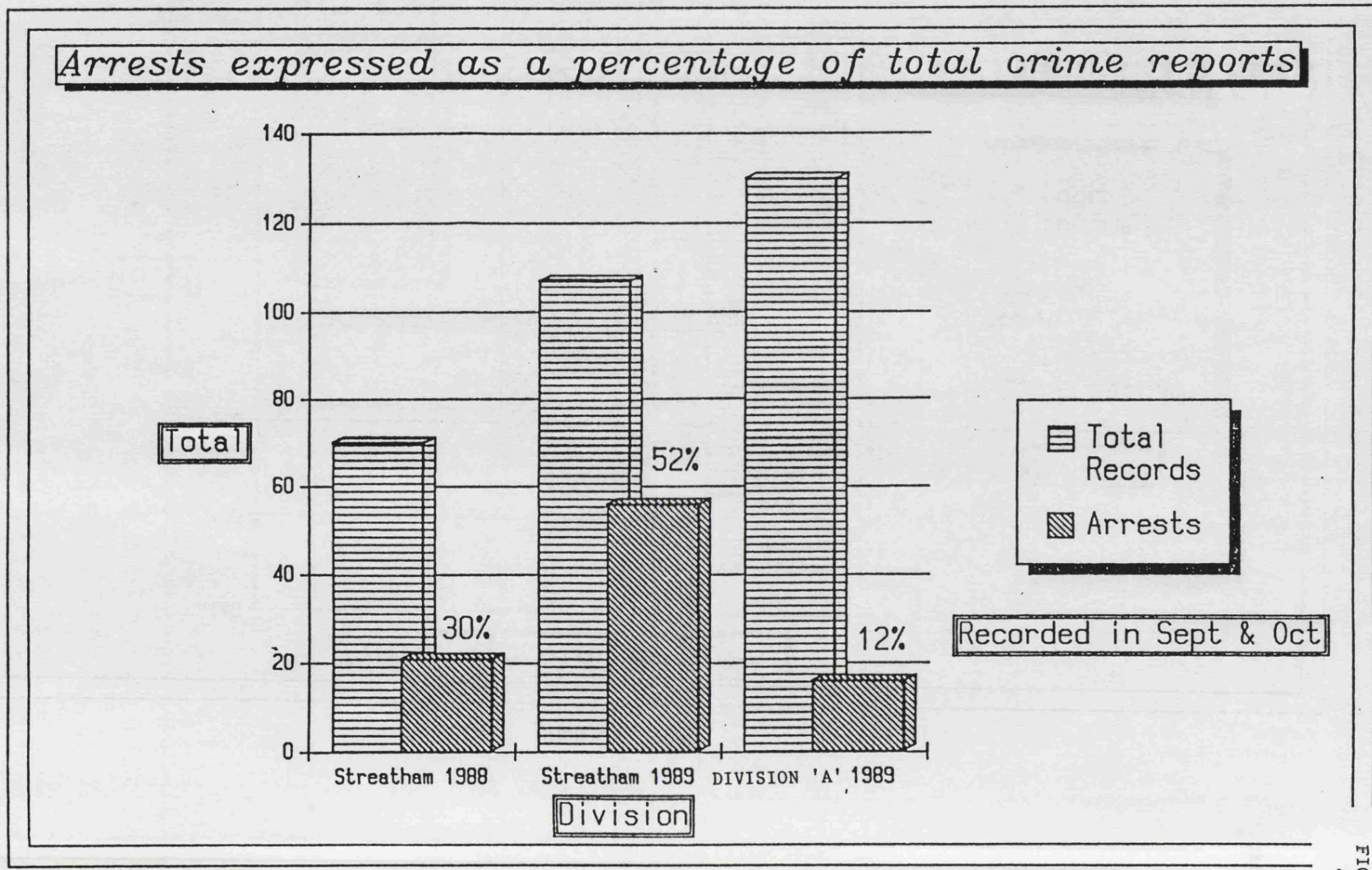
FIGURE 3



474

FIGURE 3

FIGURE 4



475

FIGURE 4

FIGURE 5

No-Crimes expressed as a percentage of total crime reports

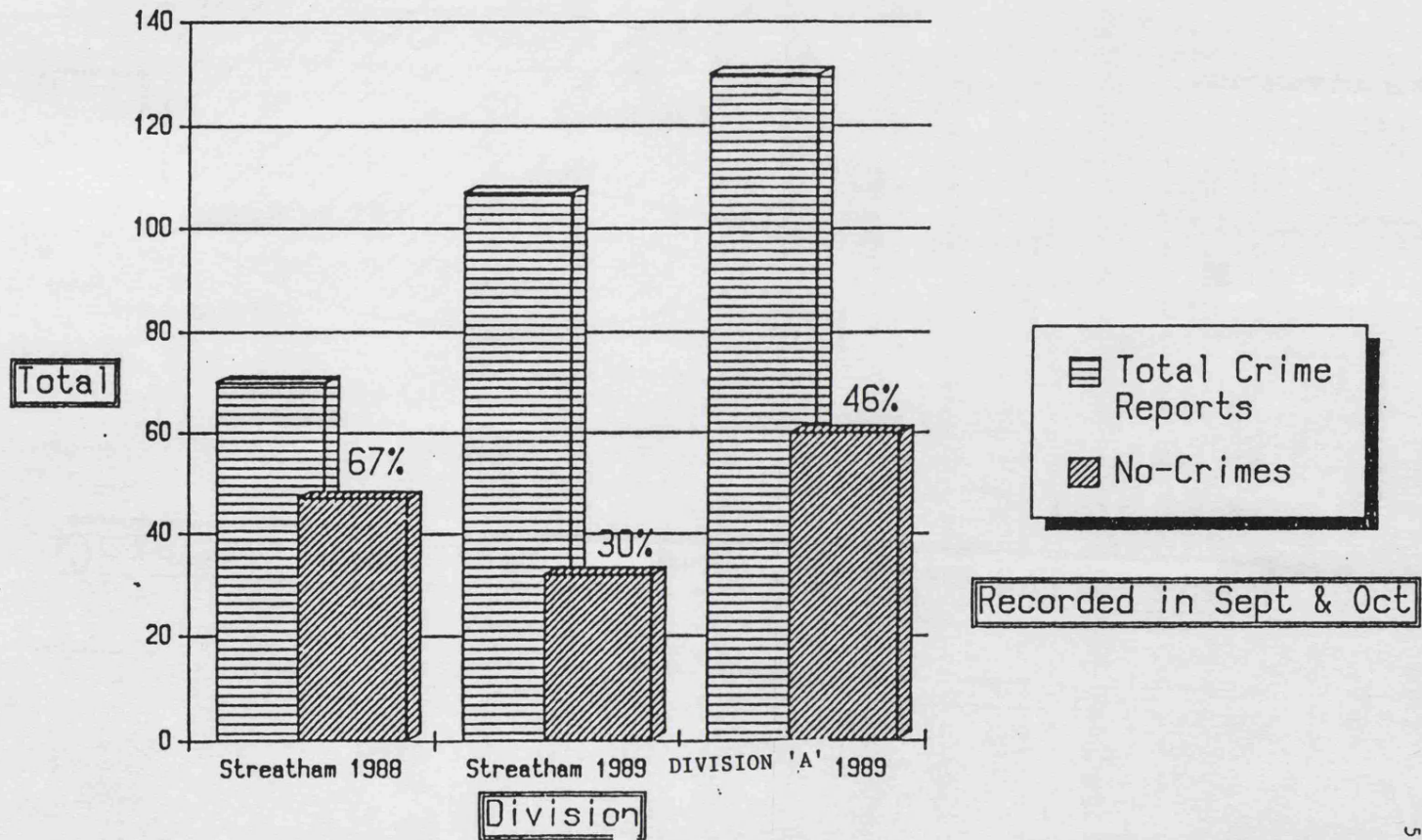
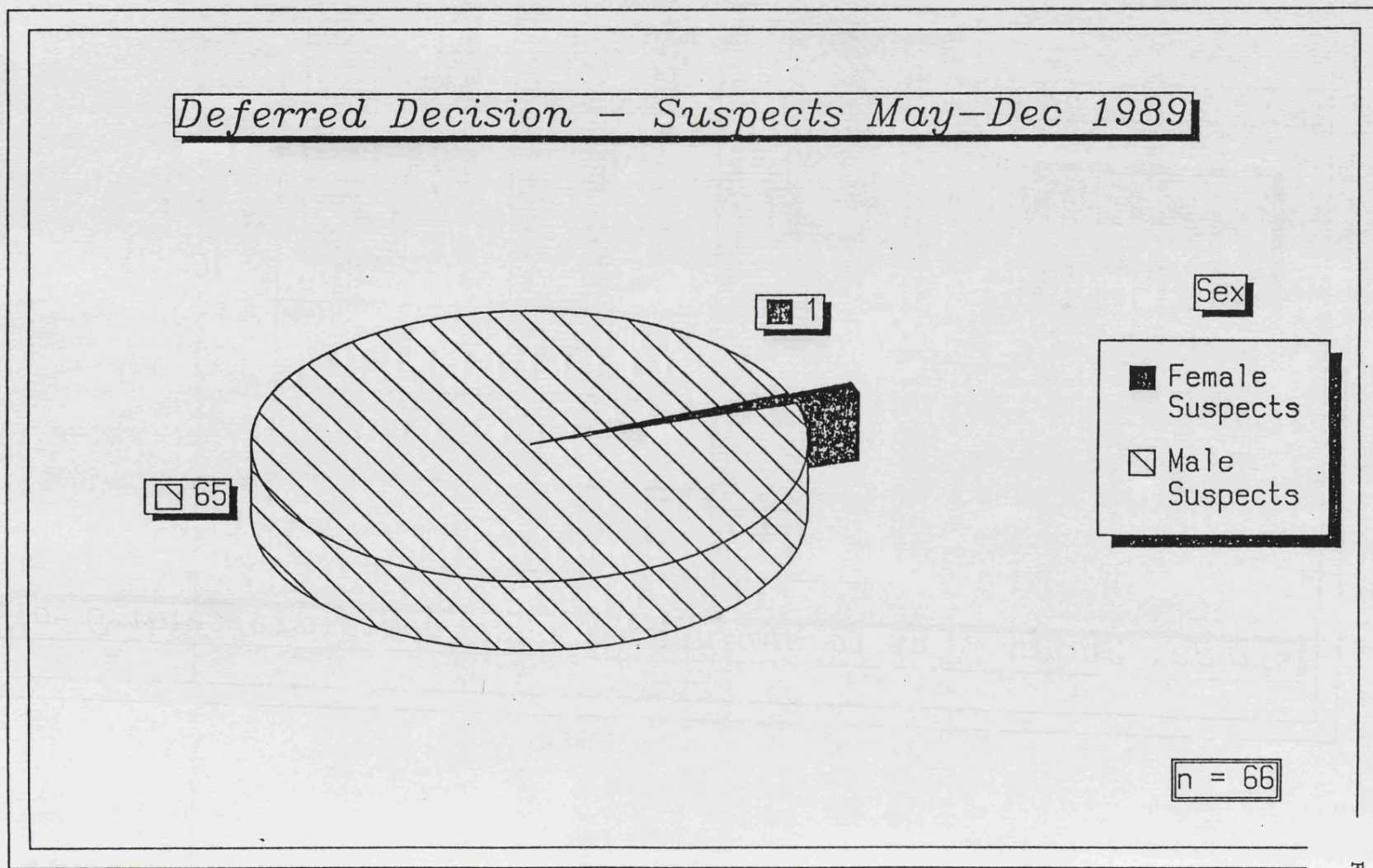


FIGURE 5

FIGURE 6



477

FIGURE
6

FIGURE 7

Residence - Deferred Decision May-Dec 1989

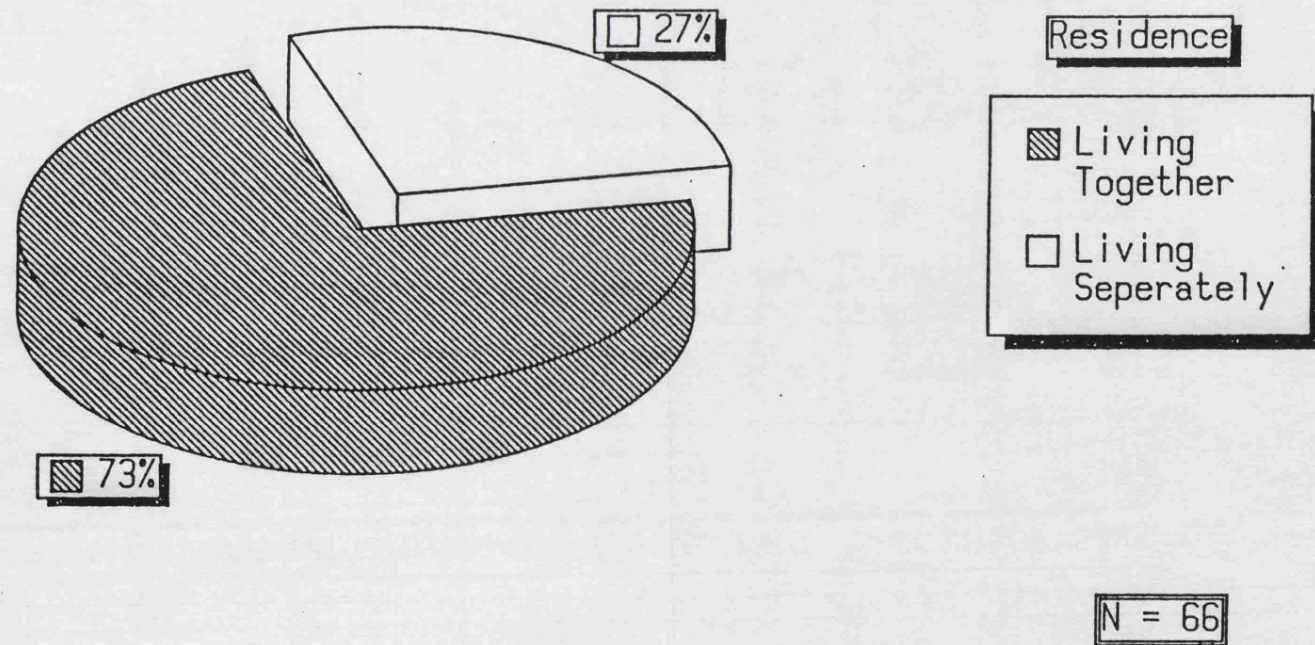


FIGURE 8

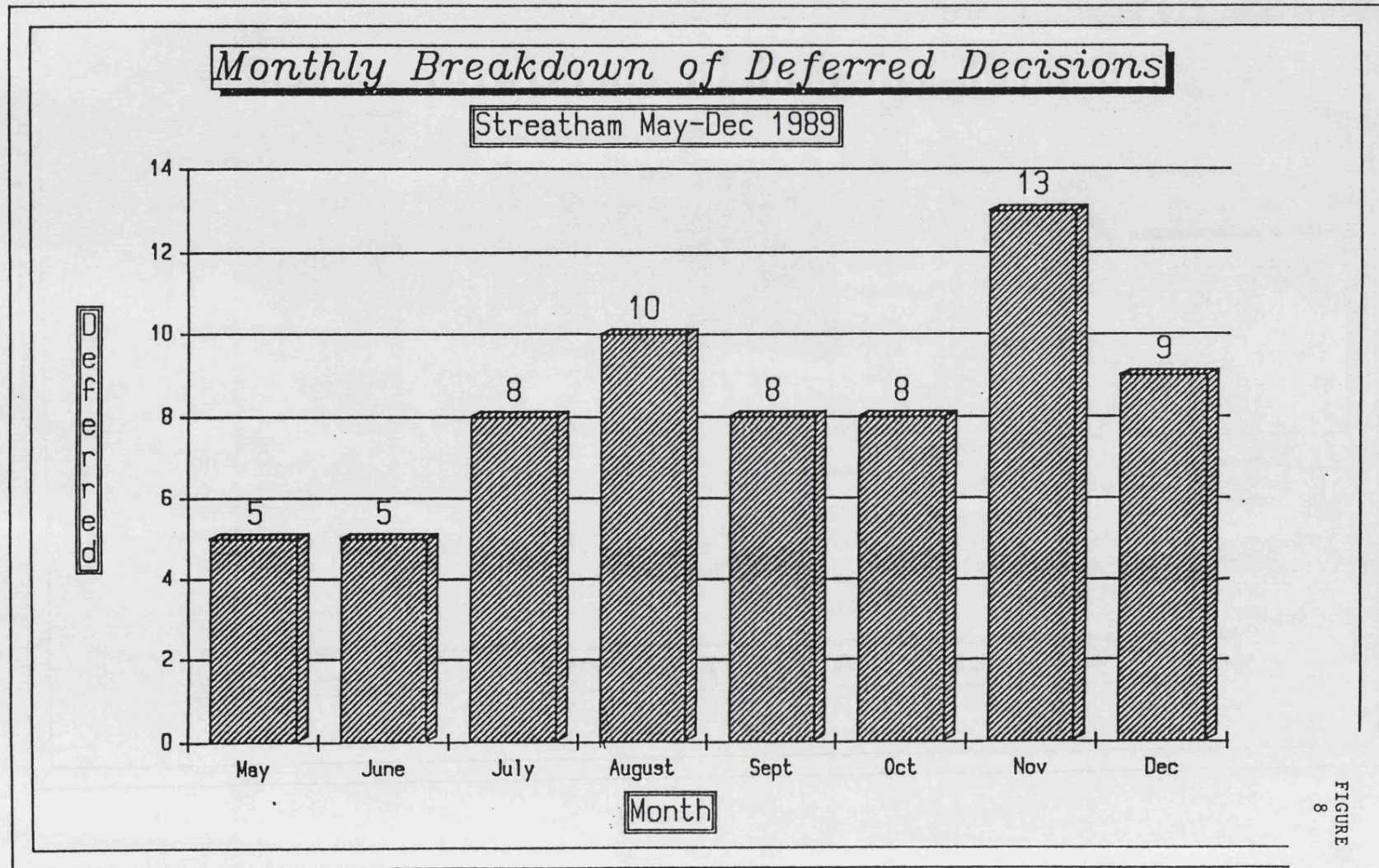


FIGURE 8

FIGURE 9

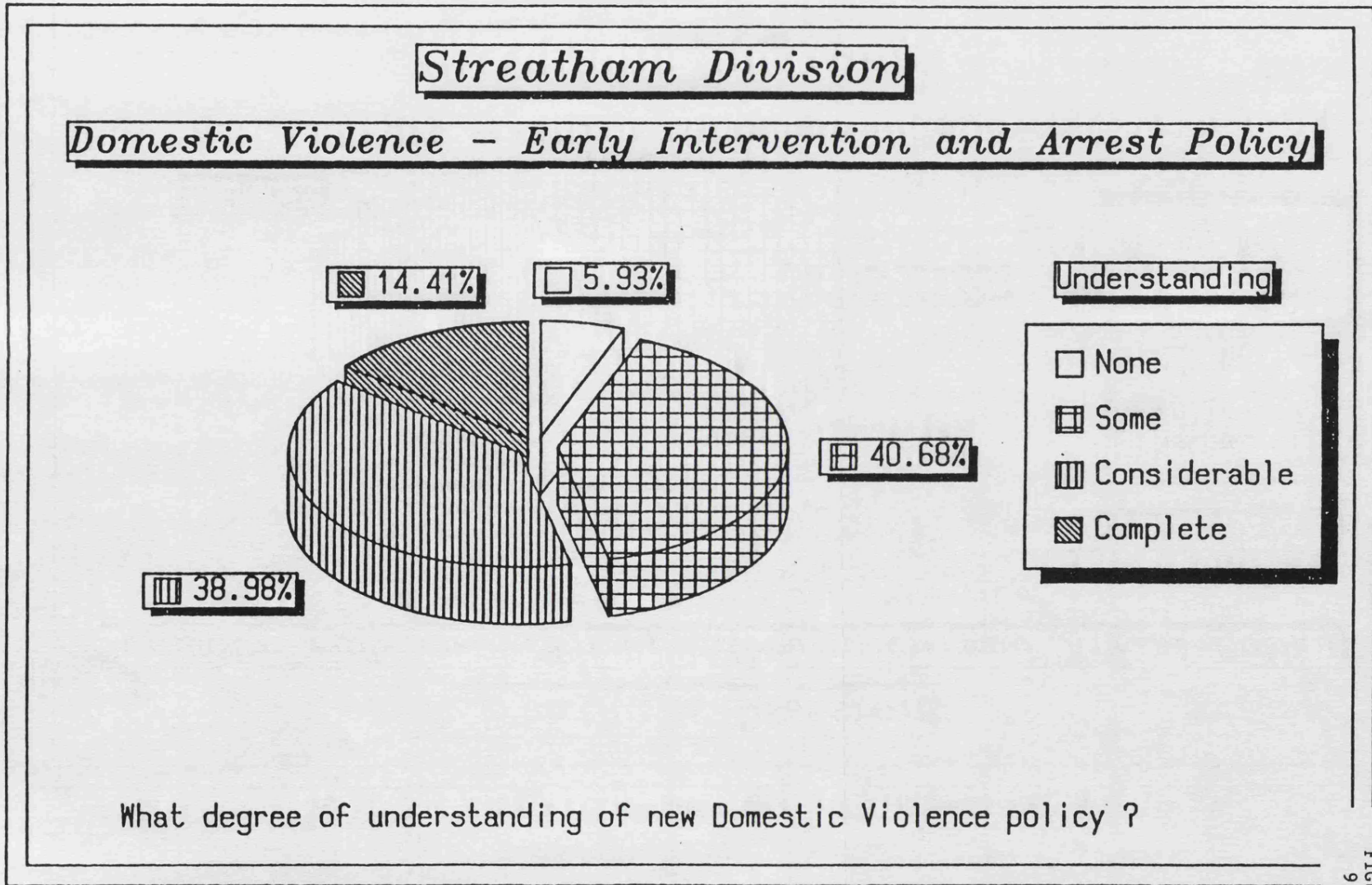


FIGURE 9

FIGURE 10

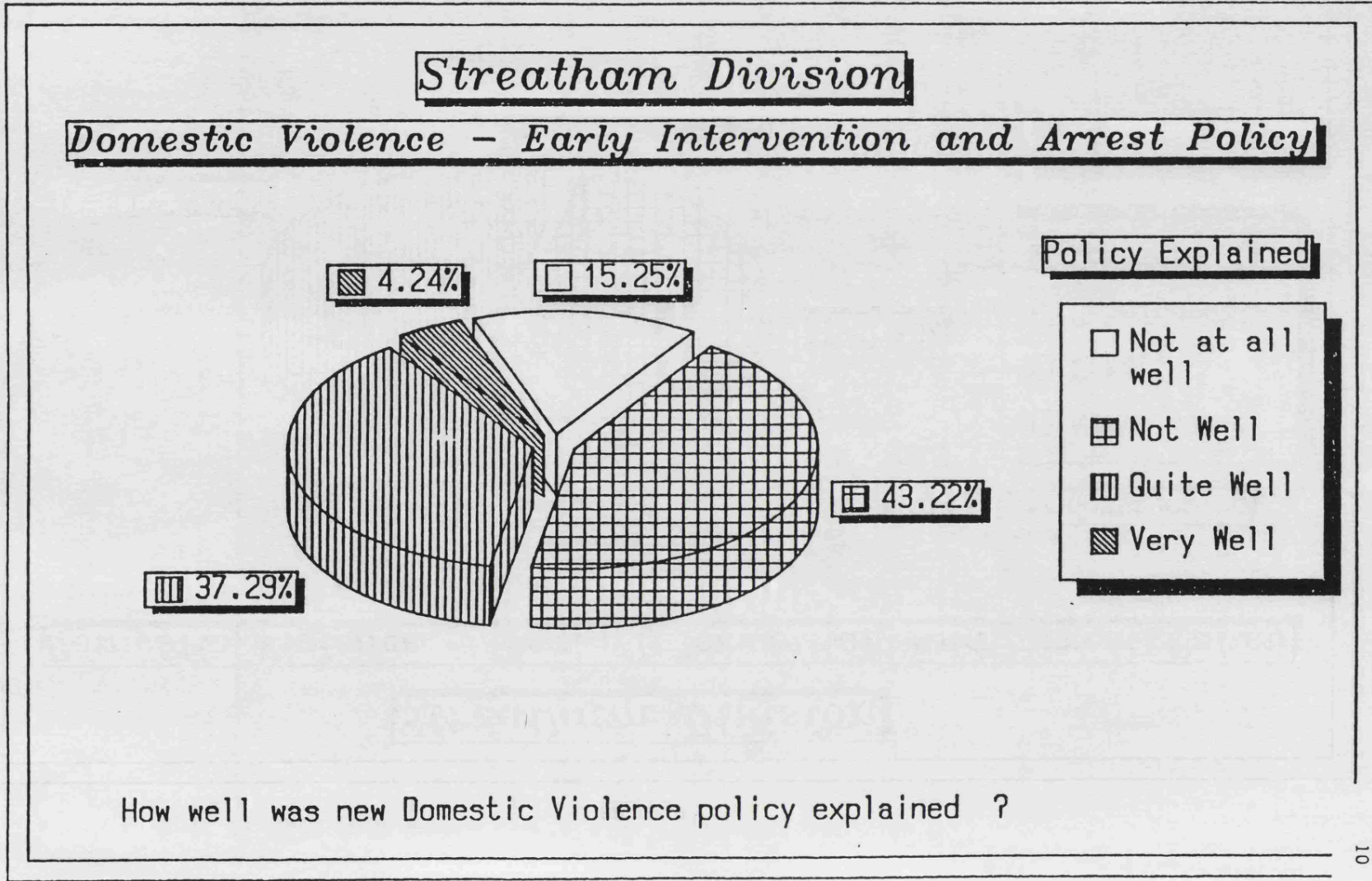


FIGURE 11

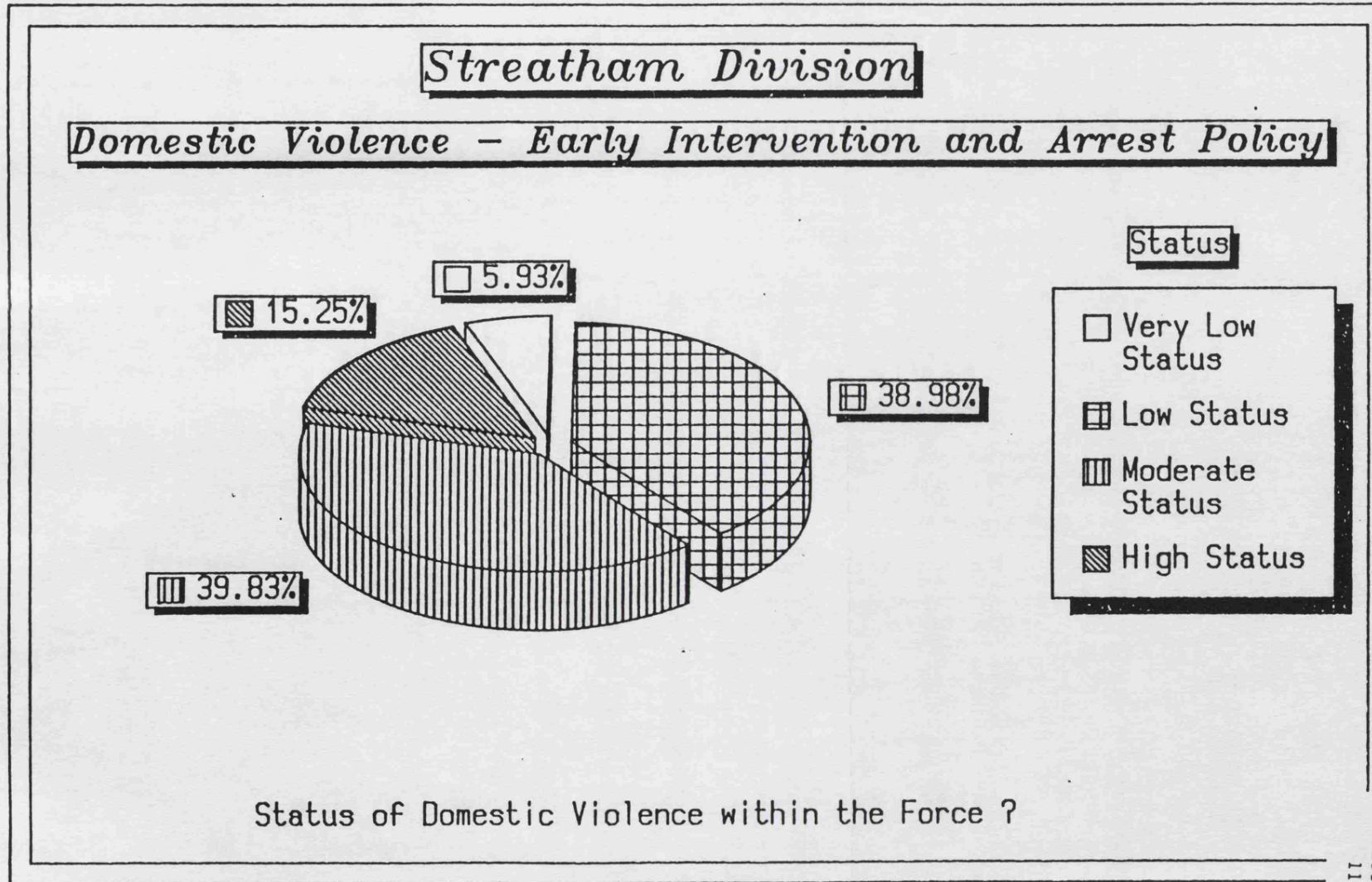


FIGURE 11