

Domestic Abuse Awareness

Controlling and Coercive Behaviour in Family Relationships



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Serious Crime Act 2015 - Controlling or Coercive behaviour in an intimate or family relationship

Section 76 of the Serious Crime Act 2015 created a new offence of controlling or coercive behaviour in an intimate or family relationship.

- **Coercive behaviour** is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim
- **Controlling behaviour** is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour

The new offence, which **does not have retrospective effect**, came into force on 29/12/2015.

Key Elements of the Legislation

The consideration of the cumulative impact of controlling or coercive behaviour and the pattern of behaviour within the context of the relationship is crucial.

An offence is committed by a perpetrator if:

- The perpetrator repeatedly or continuously engages in behaviour towards the victim that is controlling or coercive; **and**
- At time of the behaviour, the perpetrator and the victim are personally connected; **and**
- The behaviour has a serious effect on the victim; **and**
- The perpetrator knows or ought to know that the behaviour will have a serious effect on the victim.

The legislation states that there are two ways in which it can be proved that a perpetrator's behaviour has a 'serious effect' on a victim:

- If it causes the victim to *fear, on at least two occasions, that violence will be used against them* - s.76 (4)(a); **or**
- If it causes the victim *serious alarm or distress which has a substantial adverse effect on their day-to-day activities* - s.76 (4) (b).

For the purposes of this offence, behaviour must be engaged in repeatedly or continuously. Another, separate, element of the offence is that it must have a 'serious effect' on someone and one way of proving this is that it causes someone to fear, on at least two occasions, that violence will be used against them. There is no specific requirement in the Act that the activity should be of the same nature.

For the purposes of the offence A '*ought to know*' that which a reasonable person in possession of the same information would know – s.76 (5)..

Information on Substantial Adverse Effect

The phrase '*substantial adverse effect on B's usual day-to-day activities*' may include:

- Stopping or changing the way someone socialises
- Physical or mental health deterioration
- A change in routine at home including those associated with mealtimes or household chores

In relation to subsection 4(b) (behaviour causing *Serious alarm or distress which has a substantial adverse effect on their day-to-day activities*) it is a defence to show:

- That in engaging in the behaviour in question, A believed that he or she was acting in B's best interest; **and**
- The behaviour in all the circumstances was reasonable; **and**
- The contrary is not proved beyond reasonable doubt.

A is to be taken to have shown this if:

- A has raised sufficient evidence of the facts adduced to raise an issue with respect to them; **and**
- The contrary is not proved beyond reasonable doubt.

In determining whether the A ought to know that their behaviour would have a serious effect on B, the question to be considered is whether a reasonable person in possession of the same information would know that the behaviour would have a serious effect on someone. Note that this defence is not available in relation to subsection 4a (behaviour that causes B to fear that violence will be used against them).

Stalking or Harassment Offences

Like controlling or coercive behaviour, offences of stalking and harassment can involve a course of conduct or pattern of behaviour which causes someone to fear that violence will be used against them, or which causes them serious alarm or distress. Indeed behaviour displayed under each of these offences might be exactly the same.

The offence of controlling or coercive behaviour has been introduced specifically to capture abuse in an ongoing relationship where the parties are personally connected (as defined in section 76(2)) following cases which indicated that stalking and harassment laws did not apply fully where there was an ongoing relationship.

When CPS is selecting the appropriate charge, the status of the relationship should be considered. Where there is an ongoing relationship then the offence of controlling or coercive behaviour should be considered. Stalking and harassment offences may be appropriate if the victim and the perpetrator were previously in a relationship but no longer live together. These offences can also be charged in relation to activity that takes place between people who do not know each other and may never even have met one another.

There may be instances where the relationship status of the victim and perpetrator change a number of times during the investigation and prosecution. It is the status of the relationship at the time the offending behaviour was alleged to have taken place which is relevant.

Potential Conviction Outcome

Summary: maximum 12 months imprisonment and/or a fine

Indictment: maximum 5 years imprisonment and/or a fine

Statements of Facts and Myths Domestic Abuse

		FACT	MYTH
1	<p>Coercive behaviour is intended to make a person subordinate or dependent</p> <p><i>Coercive control is a complex pattern of overlapping and repeated abuse perpetrated within a context of power and control. Coercive and controlling behaviour is on-going rather than episodic and its effects are cumulative.</i></p>	X	
2	<p>Alcohol, drug use and mental health is a major cause of domestic abuse</p> <p><i>Alcohol and drug use is not a major cause. Blaming drink or drugs is an excuse, a way of denying responsibility. Both may be the trigger for a particular attack, but they are not the underlying cause. An offender is more likely to excuse or explain their behaviour by saying it was the drugs or the alcohol that made them abusive. A victim is more likely to use alcohol or drugs as a way of coping with the abuse.</i></p> <p><i>The vast majority of men who abuse women are not mentally ill. Research shows that the proportion of abusers with mental health problems is no higher than in society as a whole. And if an abusive man were mentally ill, why is it that he only abuses his partner – not his colleagues, strangers or friends? Again it is an excuse.</i></p> <p><i>(NB Research limited for females who abuse linked to mental illness)</i></p>		X
3	<p>Victims of domestic abuse tend to go from one abuser to another</p> <p><i>No one deserves to be abused. Everyone has the right to live free of violence. No one wants to have an abusive partner. Victims who find that their second or third partners are abusers will often be blamed by others for the violence.</i></p> <p><i>Regardless of how many violent relationships a person has been in, the violence that is going on now and previously is wrong.</i></p>		X
4	<p>Offenders of domestic abuse can control their violence and anger</p> <p><i>Abusers are usually selective about when they hit their partner, e.g. in private or when the children are asleep. They choose not to mark the victims face or other parts of the body which show. They don't lose their temper with other people. This suggests they are very aware of what they are doing.</i></p> <p><i>Many perpetrators abuse their partners emotionally and psychologically, without ever using physical violence. This shows the extent of their control.</i></p>	X	
5	<p>Domestic abuse includes sexual assault and rape</p> <p><i>More than 50% of UK rapes are committed by a woman's current or former partner (DOH 2010).</i></p>	X	
6	<p>Women who leave an abusive relationship are more at risk from their partners</p>	X	

	<p><i>Leaving violent situations does not guarantee safety. Victims are at risk of life-threatening violence when they attempt to leave or have recently left a partner.</i></p> <p><i>Leaving can be a very hard and frightening thing to do and victims need support and help to do so in safety.</i></p>		
7	<p>Victims of domestic abuse often provoke their partners</p> <p><i>Victims are often attacked by their partner for no apparent reason. Even if a person has behaved appallingly, they do not deserve to be beaten. Violence and intimidation are not acceptable ways to solve conflict in a relationship.</i></p> <p><i>Again, this is a way of making excuses for the abuser's behaviour. It allows a violent partner to avoid responsibility for their actions.</i></p>		X
8	<p>Children who grow up in a violent home are more likely to be violent and abusive to their partners</p> <p><i>Growing up in a violent home is a risk factor and some children who experience abuse do go on to be abusive in their relationships. <u>But many do not.</u> Instead they are repelled by violence because they have seen the damage it causes.</i></p> <p><i>People who blame violence on their childhood experiences are avoiding taking responsibility for their actions. Violence is a choice an abuser makes.</i></p>		X
9	<p>Victims who stay with the abuser don't want help</p> <p><i>It can be extremely difficult to leave an abusive partner. The abused victim may fear what their partner will do if they leave, particularly if the partner has threatened to kill the victim or children. The victim may believe that staying with the perpetrator is better for the children.</i></p> <p><i>There are also practical considerations to take into account. Victims may not have access to money, or anywhere to go. She may not know where to turn for help, particularly if English is not her first language. If they are emotionally and financially dependent on their partner, they may be very isolated.</i></p> <p><i>Victims from different cultures can find it particularly difficult to leave an abusive partner as this would bring shame on both themselves and their family. They may feel like they are betraying their community if they contact the police.</i></p> <p><i>An abused victim's self-esteem will have been steadily worn down. They may not believe they will manage on their own, or that they have any other options. They may feel ashamed of what has happened and believe the abuse is their fault.</i></p>		X
10	<p>Children are affected by domestic abuse even if they do not witness it</p> <p><i>Although not all will be affected in the same way, living with domestic violence can adversely affect children's healthy development, relationships, behaviour and emotional wellbeing Stanley, N. (2011) Children experiencing domestic violence: a research review, Dartington: Research in Practice.</i></p>	X	

Power and Control Wheel Chart of Coercion and Control – published by College of Policing 2015

Chart of Coercion		
Method	Purpose/Effect	Examples
1. Isolation	<ul style="list-style-type: none"> * Deprives victim of all social supports and of their ability to resist * Makes victim dependent upon their captor * Develops an intense concern with self/survival 	<p>Preventing contact with friends or family, being followed everywhere, being stopped from working, studying etc <i>e.g. 'he persuaded me to give up work, he said he could afford to keep us all'</i> <i>'I stopped going to the gym because he said it was too expensive'</i> <i>'he started to kick off when people came to see me'</i> <i>'my mum eventually stopped coming around'</i></p>
2. Monopolisation of Perception	<ul style="list-style-type: none"> * Fixes attention upon immediate predicament, and fosters introspection * Eliminates stimuli/ influences that compete with those controlled by captor * Frustrates all actions not consistent with compliance 	<p>Being told you're a failure, that the abuse is deserved; that nobody cares, that nobody will believe you <i>e.g. 'he grabbed my throat, spat in my face. When he stopped he said 'see what you've made me do!'</i></p> <p><i>'he said I was selfish and lazy and too stupid to go to college'</i></p>
3. Induced debility and exhaustion	<ul style="list-style-type: none"> * Weakens mental and physical ability to resist 	<p>Being expected to manage with little food, money or support, being made to account for all activities/expenditure, having meals or sleep disrupted by verbal or physical abuse, <i>e.g. 'he started to text and ring me much more...if I did not answer within a couple of rings, he wanted to know why'</i> <i>'I struggle to manage on the money Dave gives me, the kids need things he just does not want to pay for'</i> <i>'I'm just too tired, too demoralized, to even think about leaving'</i></p>
4. Threats	<ul style="list-style-type: none"> * Cultivates anxiety and despair 	<p>Threats to harm the children/ family/ friends, to find her if she leaves, to kill them all etc <i>e.g. 'I saw him speed off in the car; I was really upset but I did not want him to get hurt. I tried calling and texting but his phone was switched off'</i> <i>'He got Susan out of bed and insisted she get in the car. I begged him not to take her'</i></p>
5. Occasional indulgences	<ul style="list-style-type: none"> * Provides positive motivation to comply with captor 	<p>Apologies for an assault, sending flowers and gifts, making promises that things will change, rewarding compliant behavior with occasional flattery <i>e.g. 'sometimes he can be lovely'</i> <i>'I just buy her some flowers and tell her how much I love her and then we go to bed and things are fine'</i></p>

Method	Purpose/Effect	Examples
6. Demonstrating omnipotence	* Suggests/reinforces futility of resistance.	<p>Being shown displays of total power, being controlled without challenge in front of others, being physically prevented from leaving, manipulating what others see/believe (inc professionals)</p> <p><i>e.g. he got Susan out of bed and insisted she get in the car. I begged him not to take her, but he said that if I wanted to go to college I clearly didn't want children.</i></p>
7. Degradation	<p>* Makes cost of resistance appear more damaging to self-esteem than capitulation.</p> <p>* Reduces victim to "animal level" concerns.</p>	<p>Having appearance/ personal hygiene controlled by another, being forced to participate in demeaning/degrading acts, being verbally abused, being humiliated in front of others as a punishment for breaking the rules</p> <p><i>e.g. I'd stopped going to the gym, because he said it was too expensive, but then he'd accuse me of letting myself go; of growing fat and ugly</i></p> <p><i>he said I was selfish and lazy and too stupid to go to college</i></p>
8. Enforcing trivial demands	* Develops habit of compliance.	<p>Being made to clean over and over again, to follow strict routines, to adhere to unreasonable/rigid standards etc</p> <p><i>e.g. I'd always cooked the evening meal, but he started to criticise what I was making and to complain if it wasn't on the table at the precise moment that he got in; which was hard to judge when he often got held up at work.</i></p> <p><i>He would say I hadn't hovered if he couldn't see the lines in the carpet. Or I hadn't cleaned the kitchen if he couldn't see his reflection in the work surface.</i></p>

Joint NPCC and CPS Evidence Gathering Checklist – For Use by Police Forces and CPS in Cases of Domestic Abuse (DA)

Please note this information is completed on ATHENA

Officer in case:

Staff number:

Case reference:

The Police to provide completed check list to CPS in every case where charging advice or a charging decision is sought. The form is an important part of the evidential file - it should be fully and accurately completed.

Ensure that: timely decisions are made; a charging checklist is completed for each complainant where more than one is involved; the overall allegation is considered through the assessment of all available evidence including the role and behaviour of the suspect.

The checklist **does not** replace the MG3 - but should complement it. The CPS should comprehensively endorse the MG3 including addressing any evidential weaknesses.

The safety of the complainant and any children or other dependants should be the primary consideration. If IDVA or equivalent specialist service support is available make a referral at the earliest possible opportunity.

The Police must refer to the College of Policing Authorised Professional Practice ([link](#)). Further information about charging domestic abuse cases is available here ([link](#)).

Have you collected all available evidence , including material other than the complainant's statement and given consideration to the wider pattern of behaviour and its cumulative impact ?	YES	NO	COMMENT*
999 Call, Body Worn Video with current DASH.	<input type="radio"/>	<input type="radio"/>	
Victim statement - refer to previous DA if relevant.	<input type="radio"/>	<input checked="" type="radio"/>	
Photographs; of scene (broken door locks, evidence of tidying up) and any injuries (taken over time as injuries develop). Recover any possible weapons (sticks, footwear if victim has been stamped on). Consider CSI advice .	<input type="radio"/>	<input type="radio"/>	
Admissions.	<input type="radio"/>	<input type="radio"/>	
Medical evidence/DNA (if available at the time); signed consent form; medical exhibits i.e. hair.	<input type="radio"/>	<input type="radio"/>	
Other statements – children, attending Officer (to include nature and seriousness of visible injuries, signs of struggle, attempts of choking/drowning, or isolation, disposition of victim/offender, IDs of other persons present), neighbours following house to house enquiries, support services. Consider threats made to other witnesses.	<input type="radio"/>	<input type="radio"/>	
Passive data/Comms data/Financial data e.g. data mining foot prints, social media/other electronic evidence, messages, diaries, spyware technology, apps, bank-records CCTV. Check all devices for incoming and outgoing data, WIFI and cell site data, (NB: communications data can be collected retrospectively from the service provide).	<input type="radio"/>	<input type="radio"/>	
Is there any evidence of coercive and controlling behaviour? See College of Policing Authorised Professional Practice for further information (link).	<input type="radio"/>	<input type="radio"/>	

Relevant information to include from Police Records.			
	YES	NO	COMMENT*
Risk of reoffending. Any previous DASH or equivalent risk identification checklist with outcome (i.e. MARAC case, high risk, standard risk).	<input type="radio"/>	<input type="radio"/>	
Any civil orders/proceedings and whether there has been previous breaches (DVPOs / DVPNs).	<input type="radio"/>	<input type="radio"/>	
Any previous allegations (with URNs and including other victims) and how these allegations were concluded (if case did not proceed why not?) DVDs.	<input type="radio"/>	<input type="radio"/>	
Police to inform CPS of any breach or further offences, submit files to CPS and supply interview record in a timely way.	<input checked="" type="radio"/>	<input type="radio"/>	
Were any firearms used? Does the suspect have any firearms licences or are there any intelligence reports linking suspect and household members to weapons?	<input type="radio"/>	<input type="radio"/>	
Whether the Bail Amendment Act should be invoked in a custody case.	<input checked="" type="radio"/>	<input type="radio"/>	
Information regarding the victim and/or incident.			
	YES	NO	COMMENT*
Victim Personal Statement; can be updated throughout case proceedings.	<input checked="" type="radio"/>	<input type="radio"/>	
Safety of victim (victim's views and IDVA/specialist support service views).	<input type="radio"/>	<input type="radio"/>	
Whether victim has been contacted by suspect/friends/family whether supportive or intimidating contact – detail within comments section.	<input type="radio"/>	<input type="radio"/>	
Counter allegations/defence.	<input type="radio"/>	<input type="radio"/>	
Restraining Order – does the victim want one and if so with what terms?	<input type="radio"/>	<input type="radio"/>	
Bail conditions that do not restrict the victim and any children. Include locations to avoid.	<input type="radio"/>	<input type="radio"/>	
Withdrawing support/retraction. There may be a number of reasons why the police might be asked not to proceed further including fear of further harm or repercussions. See CPS Legal Guidance for further information and steps to follow including the need for an officer's statement on the appropriateness of a summons.	<input type="radio"/>	<input type="radio"/>	
Ability/willingness of victim to attend court, give evidence and any special considerations.	<input type="radio"/>	<input type="radio"/>	
Special measures needed? And type (views of victim and IDVA/specialist support service) need to complete an MG2.	<input type="radio"/>	<input type="radio"/>	
Information regarding any children and/or dependants (When a child is interviewed it should be done in safety and privacy and in no circumstances should a child be used as a translator for their parent).			
	YES	NO	COMMENT*
Safety of children (Police and Victim's views).	<input type="radio"/>	<input checked="" type="radio"/>	
Whereabouts of children during incident (include relation to victim/suspect and age).	<input type="radio"/>	<input checked="" type="radio"/>	
Child Protection Proceedings; include whether referral	<input type="radio"/>	<input checked="" type="radio"/>	

made to Children's Services.			
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* The comment box must be completed if not evidence available

CPS Prompts for Prosecutors

Prosecutors must refer to the CPS Legal Guidance on Domestic Abuse ([link](#)); however, the table below provides some helpful prompts for prosecutors to consider.

Provision and **gathering of wider information** in addition to this evidence gathering checklist.

If further evidence is required from the police ensure this is articulated in a clear and concise action plan and discussed with the Officer as appropriate.

Find out whether there are any concurrent or imminent public law or private law family proceedings or civil proceedings and remedies involving the complainant or suspect.

Assessing the suspect/defendant.

Ensure timely applications for; hearsay evidence and/or bad character.

Has the credibility of the defendant been fully considered? E.g. Are there any previous instances of misconduct/convictions?

Are there any aggravating features?

What are the possible defences?

Consider the acceptability of pleas.

Victim and witness support following a decision to charge.

Victim Personal Statement obtained and updated throughout the case progression.

Timely consideration of; special measures, Pre-Trial Witness Interviews, expert evidence and other support measures.

Identification and consideration of vulnerabilities (BME, physical or mental impairment, LGBT, age).

Ongoing communication through IDVA/Witness Care Units/other specialist services on case progression and any other useful information.

Where there is a withdrawal or retraction; see CPS Legal Guidance for further information on the possible reasons including fear or coercion, which should be fully explored with victim/WCU/IDVA/Specialist support.

Please note this information is completed on ATHENA

Victim Personal Statements

Under the Victims' Code, the police must offer a domestic abuse victim the opportunity to make a victim personal statement (VPS), even if they have not given any other witness statement. They should also ask the victim if they want the VPS read out or played in court, and if they would like to read it out themselves, although it is for the court to decide how the VPS should be presented.

The VPS is especially important in domestic abuse cases because it is the victim's opportunity to convey the context in which the offending has occurred (including controlling or coercive behaviour) and the impact it has had on the victim, how the perpetrator has made them feel and any long-term health or other consequences. It is also appropriate to include reference to any observed impact of the offending on children too young to make their own statement, eg, changes in behaviour such as experiencing nightmares or comments made by the child which are heard by the victim.

If a VPS is made early on in the proceedings, it is useful to obtain a further VPS later in the case to provide an update on how the offending has affected the victim, as some consequences are not immediately apparent and others have long-term impact.

The victim should be advised that the VPS is disclosable to the defence if the suspect is charged. If a victim personal statement is made early on in the proceedings, it should be updated closer to the conclusion of proceedings, if necessary.

Further information - [Victims' Code](#) , [CPS Legal Guidance on Victim Personal Statements](#)

Victim's views on a restraining order

Officers should ask the victim for their views on obtaining a restraining order from the outset, preferably in their witness statement. Although they are usually imposed post-conviction as part of sentencing, restraining orders can also be imposed on acquittal or where the prosecution is discontinued. For the court to properly consider imposing an order, especially a non-conviction order, it needs to know the views of the victim.

These views can also be useful for bail purposes, as the fact that a victim feels they need the protection of a restraining order can help to support an application to the court to impose bail conditions or remand a defendant in custody.

If the victim chooses not to engage later in the proceedings, or cannot be reached in preparation for the sentencing hearing, initial views expressed at the outset can still be put before the court.

A restraining order can regulate contact as well as prohibit it, eg, preventing the defendant from going to the victim's address but still allowing contact, or allowing continued co-habitation but protecting the victim from specific types of behaviour. This should be explained to the victim if they are concerned about child access or wish to stay in contact with the offender, so that they are aware a restraining order may, subject to the views of the court, still offer protection in those circumstances.

Conduct which would otherwise not be arrestable can amount to a breach of a restraining order, which carries a lengthy custodial sentence, so it can be an effective tool for the future protection of the victim.

NSPCC Domestic Abuse Children – Signs, symptoms and effects

It's often difficult to tell if domestic abuse is happening, because it usually takes place in the family home and abusers can act very differently when other people are around.

Children who witness domestic abuse may:

- become aggressive
- display anti-social behaviour
- suffer from depression or anxiety
- not do as well at school - due to difficulties at home or disruption of moving to and from refuges.

Things you may notice - If you're worried that a child is being abused, watch out for any unusual behaviour.

- withdrawn
- suddenly behaves differently
- anxious
- clingy
- depressed
- aggressive
- problems sleeping
- eating disorders
- wets the bed
- soils clothes
- takes risks
- misses school
- changes in eating habits
- obsessive behaviour
- nightmares
- drugs
- alcohol
- self-harm
- thoughts about suicide

How domestic abuse affects children

Living in a home where there's domestic abuse is harmful. It can have a serious impact on a child's behaviour and wellbeing. Parents or carers may underestimate the effects of the abuse on their children because they don't see what's happening. But children witnessing domestic abuse is recognised as 'significant harm' in **law**.

Domestic abuse can also be a sign that children are suffering another type of **abuse or neglect (Stanley, 2011)**.

The **effects can last into adulthood**. But, once they're in a safer and more stable environment, most children are able to move on from the effects of witnessing domestic abuse.

Children can be victims of domestic abuse when they are directly targeted for violence/abuse or if they are accidentally assaulted in an incident involving others. Children can also be seriously affected by witnessing domestic abuse. Officers should consider the nature of the incident that the child(ren) may have experienced or witnessed and ensure full details are recorded for referral to MASH for Children's Services.

In serious cases, they should consider powers to take a child into emergency care under section 46 Children Act 1989.