



Domestic Abuse in London: Addressing the problem



August 2017 · Len Duvall AM

Domestic Abuse in London

Introduction

Across England and Wales, 7.3% of women and 4.2% of men were victims of domestic abuse between March 2016 and 2017.¹ In London alone, there were 54,462 women and 17,068 men who were victims of domestic abuse in 2016.² Perhaps most worryingly, survivors of domestic abuse are often repeat victims. Four in ten domestic violence victims were attacked more than once in 2016, a rise from 3 in 10 in the previous year.³

This report makes four recommendations which we believe would improve policing practices around domestic abuse in London.

- An evaluation of the threshold for monitoring serial, cross-border offenders;
- continued lobbying by the Mayor and MOPAC for increased resources from central government, with domestic abuse to remain a high priority in the protection of Londoners;
- an evaluation of the procedure of the 'Right to Ask' scheme so that people can ask via a range of suitable channels;
- and a change in the law to introduce a 'domestic abuse offenders register' for any person convicted of a domestic abuse related offence. In doing so, the police and public would have better access to up-to-date information and tougher measures to place upon offenders in order to protect survivors of domestic abuse and prevent re-offending.

Domestic abuse is a complex issue and a policing response alone will not be enough to solve the problem. The funding received by the police and key partners such as local authorities, the availability and location of refuge places and specific support buildings, and the support offered for victims throughout their case are all vital in improving our response to domestic abuse. However, the focus of

this report and of the recommendations made is on the powers available to the police to deal with domestic abuse.

This report uses the term domestic abuse because survivors may not identify with 'domestic violence' if the abuse is psychological or emotional rather than physical. This form of abuse can be just as damaging as physical violence so it is equally important that the police are best equipped to tackle this form of domestic abuse.

Figures show that perpetrators of domestic abuse tend to be male, whilst survivors are more likely to be women.⁴ Women are particularly likely to experience domestic abuse such as intimate partner violence and stalking, and are far more likely to be victims of sexual violence.⁵

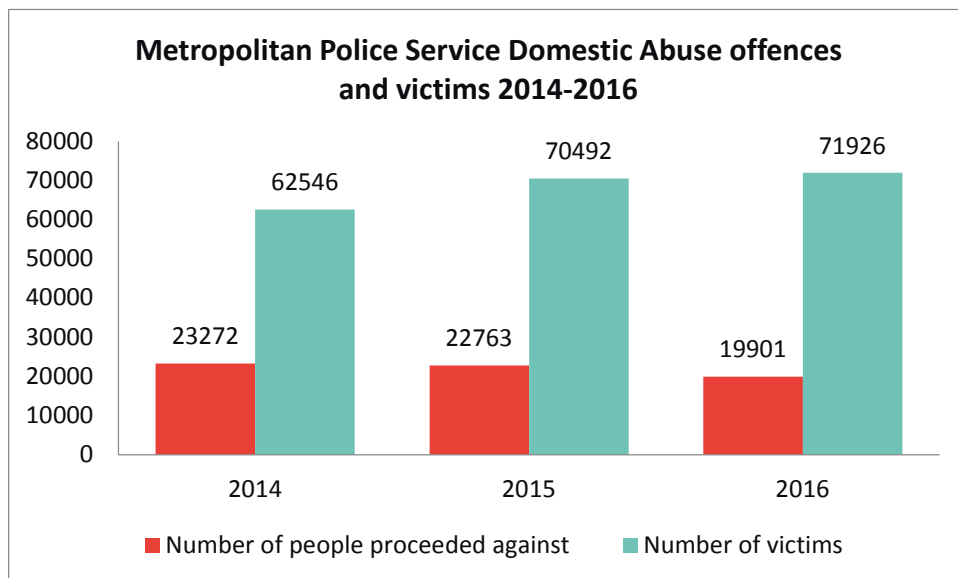
However, domestic abuse exists across genders and within many communities. Within the LGBT community, 25% of lesbian, gay and bi-sexual people and up to 80% of transgender people have been the victims of domestic abuse.⁶ Ethnicity and cultural background appear to be less of a factor in the likelihood of being a victim; according to Women's Aid, there is no evidence to suggest that women from some ethnic or cultural communities are more at risk than others. However, Black, Asian or ethnic minority women may face more barriers in accessing the support that they need.⁷

Worryingly, the number of victims of domestic violence in London has significantly risen over the past three years. Since 2014, the number of victims recorded by the Metropolitan Police Service have increased by 15%, representing almost 10,000 additional cases.⁸ This increase can, in part, be ascribed to a higher confidence of victims and survivors to report their experiences to the police.⁹ This may be the case, but it should not act as a smokescreen for the government to hide behind. The number of cases reported to the police show that this traumatic and devastating crime is taking place daily in homes across London, at an increasingly alarming rate.

The story in London

In London, funding shortages are having an impact on the support received by survivors of domestic abuse. As local authorities struggle to cope with the scale of cuts to their funding from central government, refuges for women fleeing domestic violence have been cut across the capital. Between 2010 and 2016 there was a 38% average fall in spending by London boroughs on services helping women suffering from domestic abuse.¹⁰

The Mayor of London, Sadiq Khan, has acted to fill this gap where he can, with an increase in the number of Independent Domestic Violence Advisors (IDVAs) being funded to provide survivors with support through the legal process, as well as emotional and day to day support. The Mayor's Office for Police and Crime (MOPAC) commissioned four rape crises centres and provided £2.5million for



a pan-London domestic violence service alongside separate funding for victim support which specifies that providers will be expected to ensure that their services meet the needs of different groups, including BAME, LGBT, young people, and those with mental health and substance misuse needs.

However, the Mayor has acknowledged that more could be done. Around 1 in 10 offences across London relate to domestic abuse.¹¹ Not only is this crime causing damage to victims and their families but domestic abuse places extra pressures on the police at a time of unprecedented demand and falling funding.

Beyond the pressure of resource, there is no getting away from the human impact of these crimes. Tragically, nine women and three men were killed in domestic abuse incidents in the capital in 2016.¹² Behind every statistic there is a story to be told about a life lost, destroyed, or damaged at the hands of a domestic abuser. It is clear that domestic abuse is a crime that has an unacceptably high risk of repeat victimisation as two in three women that experienced domestic violence in England and Wales last year had previously been victims in the past.¹³

Case study

On the 21st of July, Marvyn Iheanacho, 39, was found guilty of subjecting his girlfriend's 5 year old son, Alex Malcom, to a brutal attack in Mountsfield Park, Catford. Alex suffered fatal head and stomach injuries and died two days after the incident. Iheanacho attacked Alex's mother as she tried to get medical help for her unconscious son. He has a string of previous convictions for violent offences, including attacks on former partners and armed robbery. Across England, Wales and Northern Ireland there are estimated to be 25,000 serial offenders that, like Iheanacho, have attacked more than one intimate partner.¹⁴

Policing of domestic abuse and the law

There is currently no statutory definition of domestic abuse, though this is something which the Government have committed to changing in their 2017 election manifesto. However, the Home Office have produced a definition which is used across government departments and defines domestic abuse as follows:



"any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to psychological, physical, sexual, financial and emotional."¹⁵

In the past few years legislation has improved, becoming tougher on offenders and more supportive to victims. In March 2014, Domestic Violence Protection Orders were introduced.

They enable the police to ban a perpetrator from returning to a residence and having contact with the victim for 28 days, allowing the victim time to consider their options and seek the help they need.

In December 2015, a coercive and controlling behaviour offence came into force, carrying a maximum 5 years imprisonment and fine. This means that patterns of controlling or coercive behaviour that occur during a relationship, between former partners or to family members can still be prosecuted if the behaviour stops short of physical violence. On the 28th July, Nicholas Allen was given a 10 year conviction for manslaughter by sending threats via text, voicemail and Facebook to his ex-partner Justene Reece, resulting in her taking her own life as she struggled to cope with his campaign of abuse. Allen was initially charged with coercive behaviour and stalking but the Crown Prosecution Service later successfully brought a charge of unlawful killing against him.¹⁶ Allen was also a serial offender and had a number of previous convictions for offences committed against women he had dated, stretching back to 1998.

The police already have a number of powers given in legislation to deal with domestic abuse. Perhaps most notably, in 2014, the Domestic Violence Disclosure Scheme, known as 'Clare's Law' (named after Clare Wood who was murdered by her ex-boyfriend in 2009) gave an individual the 'Right to Ask' about whether a new or existing partner has a violent past. A person can ask the police to check their known history of violence or abuse, normally relating to previous convictions or charges, alongside those of other safeguarding agencies such as probation services and social services. The police can then release the information if they feel it is proportionate to do so. Under the 'Right to Know' element of Clare's Law, the police can choose to disclose this information proactively, without a request from an individual. The scheme helps to prevent potential victims of domestic

abuse and gives people the right to find out about the abusive past of current partners.

The Metropolitan Police Service (MPS) has a specialised focus on domestic abuse, coordinated through Operation Dauntless, a continuous improvement initiative with a number of different strands.¹⁷ Op Dauntless+ is one of these strands and involves the MPS tracking between 400 and 500 serial cross-border domestic abuse offenders. However, given the worryingly high number of recorded offences and repeat offenders, this means that the proportion of recorded repeat offenders on this register could be less than 1%.

The police also have generic powers such as Criminal Behaviour Orders (CBO) which can be applied to domestic abusers. Indeed, in March 2017, the first CBO relating to domestic abuse was issued by detectives in Hackney.¹⁸ Kyle Godfrey is subject to a CBO which, among other stipulations, means he must tell the police of any relationship lasting more than 14 days. CBOs can also be used to stipulate that a person reports a change of address. However, given that new conditions need to be attached to every CBO for each offender and that the first application for a CBO was in April 2017, there is room for improvement. Furthermore, current guidance from the Crown Prosecution Service states that:



‘There will be a small number of occasions when it will be appropriate to use a CBO in connection with domestic violence cases. But where there is a named victim and the offence is one which falls within the broad definition of being a domestic incident, an application for a restraining order is more appropriate and can be made on acquittal as well as conviction.’¹⁹



This has the potential to further muddy the waters on the use of CBOs for domestic abuse. As such, we feel that more robust legislation could be introduced to give the police more comprehensive and consistent powers to deal with domestic abusers.

Finally, the police can issue a restraining order following a criminal charge, whether an abuser is found guilty or if they are acquitted. A restraining order has provisions which are specific to the case but may include conditions such as prohibiting the threat or use of violence, communicating with the victim or going to certain places such as the victim’s home or work. Non-molestation orders may be applied for which often have similar conditions, with the main difference being a non-molestation order can be applied for even if a person has not been charged with a criminal offence.

This patchwork of powers is in contrast to the way in which sexual offences are dealt with. To assist the police and protect the public from those who have committed certain sexual offences the sexual offenders register requires certain offenders to:

- notify the police of their personal information such as name, address and bank and credit card details and;
- update the police when these details change in what is commonly known as the ‘sex offenders register.

The notification can be time limited or indefinite and breaching the notification can result in up to five years in prison.²⁰ The conditions of the register are clear, understandable to the public and mean that the police and prosecution do not have to deal with each offence on a case by case basis. Moreover, in an example given to us by the MPS, the stipulations issued as part of a Criminal Behaviour Order were very similar to the conditions attached to those on the sexual offenders register. We feel that creating an equivalent register for domestic abusers would help the police in information gathering and in protecting survivors.

Recommendations

Everyone has a right to feel safe in their own home but this is sadly not the reality for too many people in London. Domestic abuse is a crime that disproportionately threatens women, traumatises children with lasting impact and endangers lives. With more than 20% of recorded violent crimes being recorded as domestic violence cases, it is clear that more needs to be done to stop domestic abuse in all forms.²¹

That is why we are making four recommendations that would help the police to better protect survivors of domestic abuse.

Firstly, we call on the Mayor and MOPAC to work with the Metropolitan Police Service to evaluate the threshold for Operation Dauntless+. There are currently 71,926 victims of domestic abuse in London and across England and Wales 4 in 10 people were victims more than once.²² Furthermore, due to under-reporting, only a fraction of incidents are ever recorded by police. Despite these high numbers, the Met currently track approximately 400 of these serial cross-border offenders through Operation Dauntless+.

Secondly, tracking more offenders will require more resources and if central government are serious about ending domestic abuse, they should provide the Met with the funding they need to expand this operation. The Mayor and MOPAC should continue to lobby central government for increased funds and domestic abuse should continue to be given a high priority in the policing of London.

Thirdly, the current advice provided by the Metropolitan Police Service (MPS) under Clare's Law is that requests made under the 'Right to Ask' scheme must be made in person at a police station. Given MOPAC and the MPS' plan to reduce the number of public access police stations as a way to find part of the £400million of cuts required by government by 2020/21, the police and MOPAC need to explore the options open to victims including online, over the phone and other suitable alternatives.

Lastly, we call on the Mayor and MOPAC to lobby the government for legislative change to force offenders of domestic abuse related crimes to register any change of address or name with their local police force. A similar requirement already exists for sex offenders under part two of the 2003 Sexual Offences Act. The Act requires certain offenders to notify the police of their personal information such as name, address and bank and credit card details and to update the police when these details change in what is commonly known as the 'sex offenders register'.²³ Establishing a similar process for domestic abusers would put the onus on those that commit, or have committed, domestic abuse related crimes to inform the police of their previous offending history and residence.

A register of this kind would allow the police to maintain up to date information about repeat and serious perpetrators, increase understanding and reduce crimes which account for such high demand on police time. Most importantly, it would put the police in a much stronger position to protect the victims and survivors of domestic violence.

References

1. Office for National Statistics, Crime Survey for England and Wales: Statistical bulletin: Crime in England and Wales: year ending Mar 2017, accessed 09/08/17
2. Metropolitan Police Service, Freedom of information request April 2017, accessed 09/08/17 and Office for National Statistics, July 2017, Crime Survey for England and Wales: Annual Trend and Demographic Changes accessed 08/08/17
3. Office for National Statistics, July 2017, Crime Survey for England and Wales: Annual Trend and Demographic Changes, accessed 08/08/17
4. Professor Marianne Hester, (2009), Who Does What to Whom? Gender and Domestic Violence Perpetrators, accessed 09/08/17
5. Office for National Statistics, 2016, Intimate personal violence and partner abuse, accessed 09/08/17
6. NICE, Broken Rainbow (UK) National LGBT Domestic Violence Service, accessed 09/08/17
7. Women's Aid, Women from Black, Asian and ethnic minority communities, accessed 09/08/17
8. Metropolitan Police Service, Freedom of information request April 2017, accessed 09/08/17
9. Evening Standard, September 2016, Revealed: shocking rise in domestic abuse of women in London, accessed 09/08/17
10. The Independent, March 2017, London refugees have funding slashed as rates of domestic violence soar, accessed 01/08/17
11. Mayor of London, March 2017, Police and Crime Plan 2017-21, accessed 01/08/17
12. Metropolitan Police Service, Freedom of information request April 2017, accessed 09/08/17
13. Office for National Statistics, July 2017, Crime Survey for England and Wales: Annual Trend and Demographic Changes, accessed 08/08/17
14. Association of Chief Police Officers, 2009, Tackling Perpetrators of Violence Against Women and Girls, accessed 09/08/17
15. Home Office, March 2016, Domestic Violence and Abuse Guidance, accessed 01/08/17
16. The Guardian, July 2017, Stalker jailed for manslaughter of former partner who killed herself, accessed 09/08/17
17. HMIC, 2014, The Metropolitan Police Service's approach to tackling domestic abuse, accessed 08/08/17
18. Family Law Week, April 2017, Criminal behaviour order issued to man jailed for domestic violence, accessed 08/08/17
19. Crown Prosecution Service, Criminal Behaviour Orders, accessed 08/08/17
20. House of Commons Library, July 2017, Registration and management of sex offenders, accessed

01/08/18

21. Office for National Statistics, Crime Survey for England and Wales: Crime in England and Wales: Appendix Tables, Table A6, accessed 09/08/17
22. Metropolitan Police Service, Freedom of information request April 2017, accessed 09/08/17 and Office for National Statistics, July 2017, Crime Survey for England and Wales: Annual Trend and Demographic Changes accessed 08/08/17
23. House of Commons Library, July 2017, Registration and management of sex offenders, accessed 01/08/18