

Will she be safe? A critical analysis of risk assessment in domestic violence cases

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Abstract

This article describes the emergence of risk assessment and management tools in the UK police response to domestic violence over the past few years and considers the potential and pitfalls of a risk management approach to domestic violence. The development of risk assessment and risk management, and the targeting of resources on high risk domestic violence cases, require a more strategic approach to domestic violence than was previously typical. The main purpose of risk assessment and management is to improve the protection of and interventions for families who are experiencing domestic violence, and to target interventions on those who present the highest risk. As risk is necessarily an unknown, risk assessments are social constructs, and yet they have significant practical and emotional implications for those deemed to be both at risk of being harmed and at risk of harming others. Therefore, the efficacy of risk assessment and management tools deserves critical attention. With risk and crime prevention there is always a balance amongst various interrelated factors, such as: deprivation of liberty; safety of all parties; availability of resources; and reduction of quality of life for perpetrators and their children. This article is based on analysis of policy documents, arrest statistics, a sample of 35 domestic violence victim safety plans, and interviews with senior police officers. It will draw on these resources to consider the extent to which police risk assessment and management in cases of domestic violence gets the balance right.

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1. Introduction

1.1. *The nature of the beast*

Across the world, partner violence accounts for a significant proportion of female murder victims (between 40 and 70% in Australia, Canada, Israel, South Africa and America) (Krug et al., 2002, p. 93). Women are most likely to be raped by men they know: 54% of rapes are committed by intimates, and 29% by other known individuals, with 50% of cases involving repeat offences by the same person (Walby & Allen, 2004). In the United Kingdom, intimate violence accounts for approximately one-fifth of violent crime, claiming the lives of two women every week (Simmons & Dodd, 2003), while domestic homicide accounts for approximately 35% of all homicides in England and Wales (Richards, 2003a). Data gathered by the British Crime Survey shows that 45% of women experience intimate violence at least

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once in their lifetime, with 13% of women being victimised in the twelve months prior to interview. Whilst some experience of intimate violence is quite widespread, a minority of people is subject to extreme levels of violence and coercive control, with frequent attacks resulting in serious injuries (Walby & Allen, 2004).

Studies of intimate violence reveal immediate and lasting mental and physical health effects, particularly for those who experience severe and chronic abuse. In addition to physical injury, victims of intimate violence suffer depression, eating and sleeping disorders, self-harming behaviours, low self-esteem, chronic physical disorders, and some even attempt suicide (Follette et al., 1996; Krug et al., 2002). Children within the family, especially those who routinely witness abuse, frequently exhibit similar behavioural and psychological disturbances as children who are themselves abused (Krug et al., 2002, p. 103). The controlling behaviours which are part of most violent relationships (Hoyle & Sanders, 2000) make victims vulnerable to dissuasion from pursuing criminal justice solutions and thereby contribute to the high attrition rates in the criminal process (Ellison, 2003; Hoyle, 1998). The failure of criminal justice, in particular the police, to provide an effective response for many victims (Hoyle, 1998; Mills, 1998) has led academics to consider alternative responses, including specialised domestic violence court processes (Eley, 2005), and restorative justice (Mills, 2003; Strang & Braithwaite, 2002). Meanwhile, as ‘the chorus of critics of the current crime control focus of domestic violence policies is growing’ (Coker, 2004, p. 1349), some British police services have been undergoing something of a revolution in their response to violence between intimates. In the last couple of years they have implemented a risk assessment and management policy which drives their reactive responses at the scene, when called to domestic disputes, and their subsequent proactive responses.

1.2. The policy and legislative framework

The introduction of risk assessment and management processes has taken place at a time of concerted effort by the British government to raise the profile of domestic violence and improve the response of all agencies. It has over the last few years made clear its intention to take domestic violence more seriously. Various proposals to improve prevention, protection and justice and support for victims of intimate violence culminated in the Domestic Violence, Crime and Victims Act (2004), providing the most significant overhaul of the law on domestic violence since the 1970s.

Amongst many other measures for all victims of crime (including a Code of Practice which requires all criminal justice agencies to provide victims with adequate support, protection, information and advice), this Act makes common assault an arrestable offence, meaning that officers can now arrest a perpetrator without a warrant for a relatively minor act of violence which does not, for example, cause an injury. It gives the police new powers to deal with domestic violence including making it an arrestable, criminal offence to breach a non-molestation order, punishable by up to five years in prison.¹ It enables courts to impose restraining orders when sentencing for any offence, rather than only for offenders convicted of harassment or causing fear of violence. Further, it allows courts to impose restraining orders on acquittal for any offence (or if a conviction has been overturned on appeal) if they consider it necessary to protect the victim from harassment. It strengthens the civil law on domestic violence to ensure cohabiting same-sex couples have the same access to non-molestation and occupation orders as opposite sex couples, and extends the availability of these orders to couples who have never been married or lived together.

The Act is likely to increase the arrest and prosecution rate for domestic violence. However, even before this Act the arrest rate was already increasing, in part due to the implementation of specific crime reduction targets for domestic violence by the government, which now provides resources in response to an increased sanction–detection rate for domestic violence. As a result, chief constables and their superintendents in charge of local command units have put pressure on operational police officers to increase arrest rates (McLaughlin & Murji, 2001, p. 116). Resources have followed the government’s statistical management, with most police forces having increased significantly the number of dedicated domestic violence officers. In Thames Valley Police, the largest non-Metropolitan police service in England and Wales, where just two years ago there was only one specially trained and dedicated domestic violence officer for each police area, making a total of 11 across the force, there are now nearly 90. Domestic Violence officers were once isolated and provided with little support, but they are now part of the force’s high profile Public Protection

¹ Section 10 of the DVCV has recently been superseded by sections 110 and 111 of the Serious Organised Crime and Police Act 2005 which makes all offences arrestable.

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