

**Submission
No 55**

COERCIVE CONTROL IN DOMESTIC RELATIONSHIPS

Name: Professor Iain Brennan

Date Received: 28 January 2021

Evidence submission to Parliament of New South Wales Joint Select Committee on Coercive Control

Professor Iain Brennan, University of Hull, Hull, UK
28th January 2021

I am a Professor of Criminology at University of Hull, UK. I am a chartered research psychologist and I hold a PhD from Cardiff University, UK. I have been researching different forms of violence, including domestic abuse, since 2004 and I have published more than thirty journal articles, chapters, reports and books on these topics.

Summary

1. This written evidence to the New South Wales Joint Select Committee on Coercive Control summarises an ongoing research project to (i) describe the number of recorded crimes, arrests and police outcomes for offences of controlling or coercive behaviour in the first four years of the legislation in England and Wales and (ii) determine if police training can contribute to the use of this legislation by police officers. The purpose of the submission to the Select Committee is to provide information about what has emerged in England and Wales. Although jurisdictions and legislation differ, I hope that this submission can assist the committee to anticipate the outcomes of criminalising coercive control but I offer no opinion on the merits of criminalising coercive control.

2. With the exception of results relating to the effect of police training, all results described here are preliminary, are currently in preparation for publication. Accordingly, they have not yet been peer-reviewed. The results of the police training evaluation are peer-reviewed and were published in the journal *Policing & Society* (Brennan, Myhill, Tagliaferri & Tapley, 2021).

3. The submission addresses, in part, six questions in relation to England and Wales in the years after the commencement of the Serious Crime Act (2015), which criminalised coercive control. For convenience, these questions and an abbreviated answer are provided here. Further details on research methods and conclusions are presented later in the document.

a) To what extent have victims used the law criminalising coercive control?

Numbers and rates of recorded crimes of coercive control approximately doubled each year between 2016/17 and 2018/19. However, in 2018/19, coercive control accounted for just 3% of all recorded domestic abuse offences. While a rigorous estimate of the proportion of reported abusive relationships that feature coercive control does not yet exist, it is likely to far exceed 3%, suggesting that this offence is grossly under-reported and/or under-recorded.

b) To what extent have police used their new powers of arrest for coercive control?

In the three years of arrest data available that were collected, numbers of arrests for coercive control ran approximately parallel to the trend in recorded offences. However, the trends began to diverge in 2018/19, with the number of arrests decreasing relative to offences from approximately 53% in 2016/17 to approximately 33% in 2018/19. However, it is too early to know if this reflects a change in police behaviour.

c) Is it more difficult to evidence coercive control than other forms of domestic abuse?

Compared to other domestic abuse offences, the relative risk of a coercive control case being discontinued because of evidential difficulties when a victim supported action was

approximately 1.5, i.e. this outcome is 50% more likely for coercive control than for other domestic abuse. In absolute terms, approximately one in three coercive control cases were concluded this way. This indicates that police and prosecutors in England and Wales face significant difficulties in collecting evidence of coercive control or at least face difficulties in collecting evidence they believe to be sufficiently strong to charge an offender.

d) Is there evidence that victims are less willing to support coercive control prosecutions

Compared to other domestic abuse offences, the relative risk of a coercive control case being discontinued because of evidential difficulties when a victim did not support action was approximately 1.09 in 2016/17, but by 2018/19, the relative risk was less than 1.01, or less than a 1% difference in risk. This indicates that victims of coercive control are as willing to proceed with a case as are victims of other types of domestic abuse. While this is encouraging, it is noteworthy that approximately 50% of domestic abuse cases end this way, indicating high rates of attrition for all domestic abuse cases.

e) Are coercive control offences less likely to result in a charge/summons for an offender than are other domestic abuse offences?

Compared to other domestic abuse offences, the relative risk of a coercive control case resulting in a charge or summons for an offender was 0.5, i.e. half as likely. In absolute terms, the proportion of coercive control cases that resulted in a charge or summons was 9% in 2016/17 dropping to 6% in 2018/19.

f) Can training improve police response to coercive control?

Training a very large proportion of police officers and staff (>75% of eligible officers and staff) in gender dynamics and a victim-centred understanding of domestic abuse and coercive control – the Domestic Abuse Matters training programme – was associated with a 40% increase in coercive control arrests (~3 arrests per force per month). This effect lasted approximately eight months before rates of arrest returned to pre-training levels (adjusting for the overall national increase in arrests).

Overview of data and methods

4. The submission is based on a combination of data on recorded crimes, arrests and police outcomes of those recorded crimes. The recorded crimes and outcomes data were obtained from the Home Office. As arrests for coercive control are not collected centrally, this information was collected by the research team.

5. Arrest data: Using freedom of information requests, we obtained monthly counts of arrests for coercive or controlling behaviour from 36 of the 43 territorial police forces in England and Wales for the 45 months between January 2016 (first full month following commencement of the Serious Crime Act (2015)) and September 2019. These 34 forces cover 46.3m people; 73% of the population of England and Wales. The data set of arrests is open access, usable under CC-By Attribution 4.0 license and is available here: <https://osf.io/vx789/>

6. Recorded crimes for 37 of the 43 territorial police forces for each month between January 2016 and September 2019 were obtained from the Home Office. These 37 forces account for 51.3 million people; 86% of the population of England and Wales.

7. Police outcomes were recorded for all the crimes recorded. There are 23 potential outcomes from a recorded crime, some of which are extremely rare in personal crimes and,

therefore, not relevant to this offence. Relevant outcomes are charge/summons, discontinuation of the case due to evidential difficulties (victims supports action), discontinuation of the case due to evidential difficulties (victim does not supports action). The two discontinuation outcomes are commonly known as Outcome 15 and Outcome 16, respectively.

8. The Home Office does not routinely publish outcomes disaggregated by type of domestic abuse, such as coercive control. Consequently, the data were obtained through a special request. However, outcomes for all domestic abuse are routinely published. Combining the two data sets permitted us to compare outcomes for coercive control with outcomes for all other domestic abuse offences. As some cases take many months or even years to reach an outcome, it is likely that these calculations have modest imprecisions, but I believe the overall conclusions to be accurate indicators of the trends in outcomes.

9. We used the arrest data to estimate the effect of whole-force police training ('Domestic Abuse Matters', developed by SafeLives and the College of Policing) on arrests for coercive control. Using a two-way fixed-effects model we compared 14 trained forces before and after receiving training, adjusting for trends in 19 untrained forces. We tested our initial findings using a variety of robustness checks and also used an event study to model the length of the effect of training. The study was pre-registered on Open Science Framework (<https://osf.io/j4cr8>) and conducted independently of the training providers. The data, statistical code and an open access pre-print of the study results are available here: <https://osf.io/vx789/>.

Trends in recorded crimes, arrests and police outcomes

10. Recorded crimes: In the 45 months of the study timeframe, 32,464 crimes of coercive or controlling behaviour were reported to 37 police forces. The 37 police forces have a combined catchment population of 51.32m people, which is a rate of 63.2 recorded crimes per 100,000 population over the 45 months or 1.4 crimes per 100,000 per month. However, this statistic obscures the steady increase in recorded crimes over time, as illustrated in Fig. 1. In January 2016, the first full month in which coercive control was an offence, the rate was 0.2 crimes per 100,000, but peaked at 2.7 crimes per 100,000 in January 2019. Annually, the number of recorded crimes more than doubled: 2,711 in 2016, 6,907 in 2017 and 12,201 in 2018. The data set only contains data for nine months of 2019 and the later months did not include all crimes as many were likely to be unresolved at the time the data were returned (in 2017/18, 11% of domestic abuse offences did not have an outcome 100 days after being recorded (Office for National Statistics, 2018)).

11. Arrests: Trends in arrests followed a similar pattern to those of crimes. In the 45 months of the study timeframe, 12,271 arrests were made across 30 police forces. The combined catchment population of these forces was 43.61m, which is a rate of 28.16 arrests per 100,000 population or 0.62 arrests per 100,000 population per month. As with crimes, these statistics hide the steady increase in rates of arrest over time. In January 2016, the rate of monthly arrest was 0.14 per 100,000 but this peaked at 1.08 arrests per 100,000 population in July 2019. Annually, the number of arrests doubled from 2016 (1,431) to 2017 (2,888) and then continued to increase at a slower rate, adding 40% more arrests in 2018 (4,027 arrests) compared to the previous year. Data for 2019 only includes the first nine months of the year, but was on course to further increase the rate of arrest (3,925 arrests up to September 2019, inclusive).

12. Inter-force variation in arrests: As demonstrated by the interquartile ranges in Figure 1, there was considerable inter-force variation in the number of recorded crime and arrest, but

it is important to note that forces have considerable variation in populations. Figure 2 presents the number of crimes and arrests expressed as a rate (per 100,000). Adjusting for population within a force does little to affect the overall trends in crimes and arrests. However, the wide interquartile ranges that remain in relation to arrest, but not crime, highlights the considerable variation in how police addressed coercive control in the first 40 months of the legislation.

13. Trends in arrests relative to other all domestic abuse: In 2016/17, coercive control accounted for, on average, 1.2% (Standard deviation 2.1%) of all domestic abuse arrests. In 2017/18, this proportion rose to 1.9% (Standard deviation 3.2%) and 2.8% (Standard deviation 3.1%) in 2018/19. During this three-year time period, for the 24 forces that reported domestic abuse arrests and returned useable data on coercive control arrests, domestic abuse arrests rose by 6.9% before falling back to 2016/17 numbers (a net two-year increase of 0.6%). In the same time period, arrests for coercive control rose by 66.8% from 2016/17 and 2017/18 and then a further 39.1% from 2017/18 to 2018/19 (a net two-year increase of 131.9%).

Outcomes

14. The distribution of outcomes for coercive control crimes are detailed in Table 1. The Home Office outcomes framework is designed to accommodate all crime types. As some outcomes, such as a warning for possession of khat, are likely to only be applicable to cases of coercive control in very rare cases, the data have been aggregated to groups of outcomes: Charge/summons; Out of court (formal and informal); Evidential difficulties (suspect identified; victim supports action); Evidential difficulties (victim does not support action); and Other.

15. Table 1 presents outcome summary statistics derived from three years, 2016/17, 2017/18 and 2018/19. The distribution of outcomes for offences of controlling or coercive behaviour are also presented compared to the distribution of outcomes for domestic abuse cases in general.

16. Relative risk of charge/summons: Rates of charge/summons were considerably lower for controlling or coercive behaviour than for domestic abuse in general. The relative risk for charge/summons was between 0.50 and 0.52 for each of the three years tested.

17. The risk of a case being discontinued despite the victim supporting police action was between 35% and 47% higher for coercive control crimes than for domestic abuse in general.

18. Differences between controlling or coercive behaviour and domestic abuse in the likelihood of a case being discontinued because of a victim withdrawing support were also observed but the relative risk – between 1% and 9% – was less emphatic than for outcome 15s.

Effectiveness of police training

19. We used the arrest data to estimate the effect of whole-force police training ('Domestic Abuse Matters', developed by SafeLives and the College of Policing) on arrests for coercive control with the hypothesis that this training would increase arrests.

20. Training description: The Domestic Abuse Matters programme aims to improve the police response to domestic abuse, including the investigation of coercive control offences and to achieve national consistency in the service police forces provide to people experiencing domestic abuse. The programme seeks to achieve this by increasing the

knowledge and understanding of officers, raising awareness of the varied forms of domestic abuse – physical and non-physical – and providing strategies and skills that police officers and staff can use to improve outcomes for victims. The programme includes an assessment of organisational policies relevant to domestic abuse (a ‘health check’), a one-day training event, enhanced training for a small number of selected ‘champions’ and follow-up support provided through an online forum and continuous professional development training events. The most substantial component of the programme and the focus of our evaluation is the one-day training event, which is designed for police officers for whom attending or dealing with domestic abuse is part of their daily role, primarily ‘first responders’. However, the training is open to all police officers and staff. Taking a critical mass approach, the programme seeks to train a minimum 75% of first responders in a police force, but in many forces, a majority of staff, which could be in excess of 2,500 individuals, attend, regardless of their roles. Training such a large proportion of staff is expensive, disruptive and, consequently, unusual in policing.

The one-day training aims to provide several learning outcomes for first responders including identifying coercive control and understanding its impact on victims. Key elements of the training to support the learning outcomes include: understanding coercive and controlling behaviour, abuser tactics in controlling victims and manipulating police, understanding victim decision-making and behaviour, strategies for interviewing victims, gathering and recording evidence in relation to coercive and controlling behaviour and other forms of domestic abuse, the impact of domestic abuse on families and strategies for victim safeguarding. The training is delivered by a combination of police trainers and domestic abuse practitioners in a classroom setting of up to 25 participants. It combines single-person delivery, audio-visual material, group discussion and activities and personal reflection. Testimonials from participants recorded by licensed training providers – currently SafeLives, Women’s Aid and Welsh Women’s Aid – have emphasised the emotionally evocative nature of the training content and audio-visual material, which features a prolonged recording of a domestic abuse incident. By (i) placing an emphasis on gender and overcoming stereotypical or naïve thinking about victim behaviour alongside (ii) teaching skills to recognise, collect and record evidence about coercive control and (iii) supplementing the individual training with the organisational ‘health check’, the programme addresses many of the limitations of typical police domestic abuse training.

21. The overall effect of the training was estimated at a relative risk of 1.41 or a 41% increase in arrests. In absolute terms, this is 3.3 additional arrests per force per month.

22. Using an event study to estimate the length of time that the effect of the training was sustained, we found that the effect dissipated after approximately eight months indicating that to sustain improvements in the use of this law, it is likely that significant resources and organisational change are required.

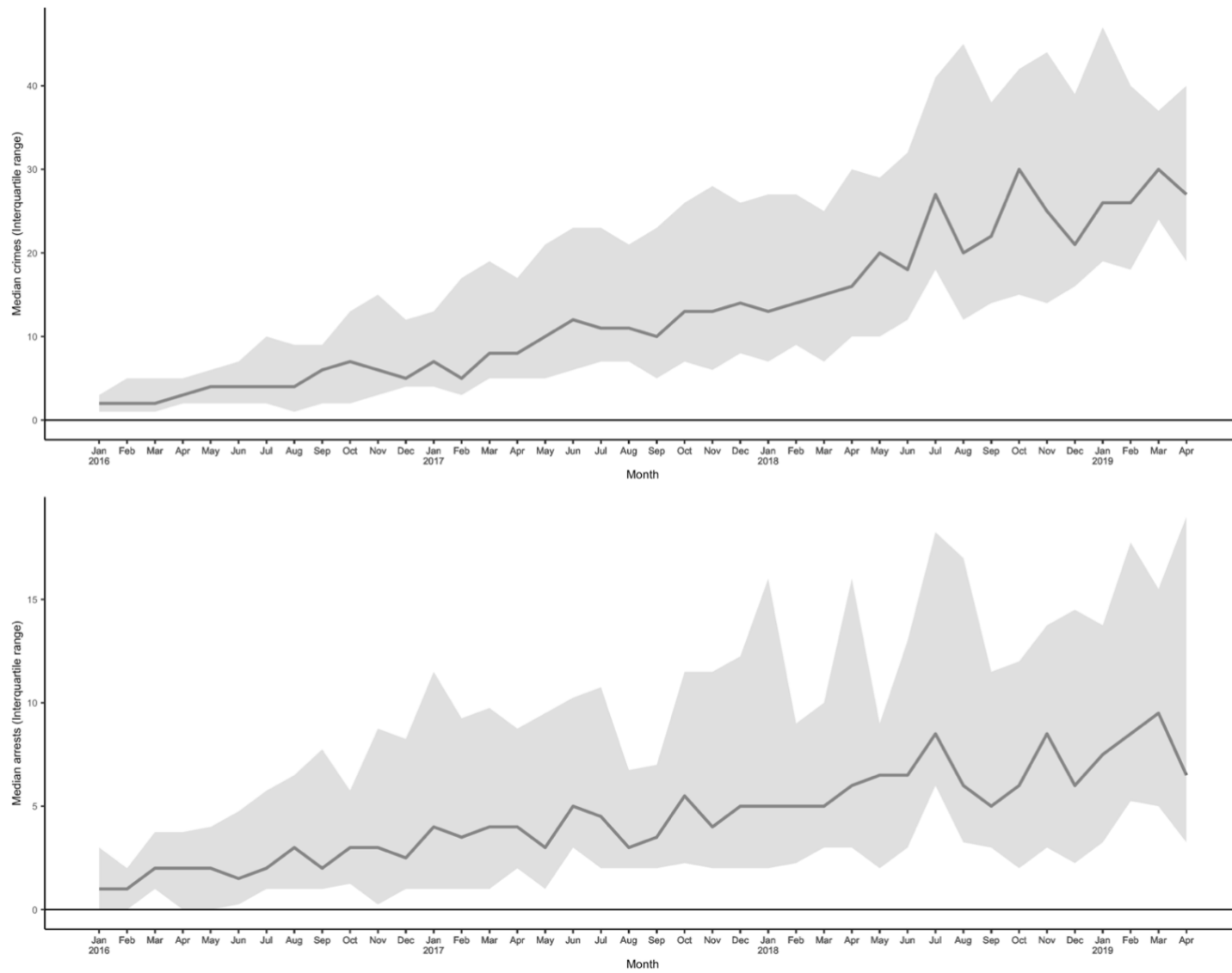


Figure 1. Trends in recorded crimes (upper facet) and arrests (lower facet) including interquartile ranges

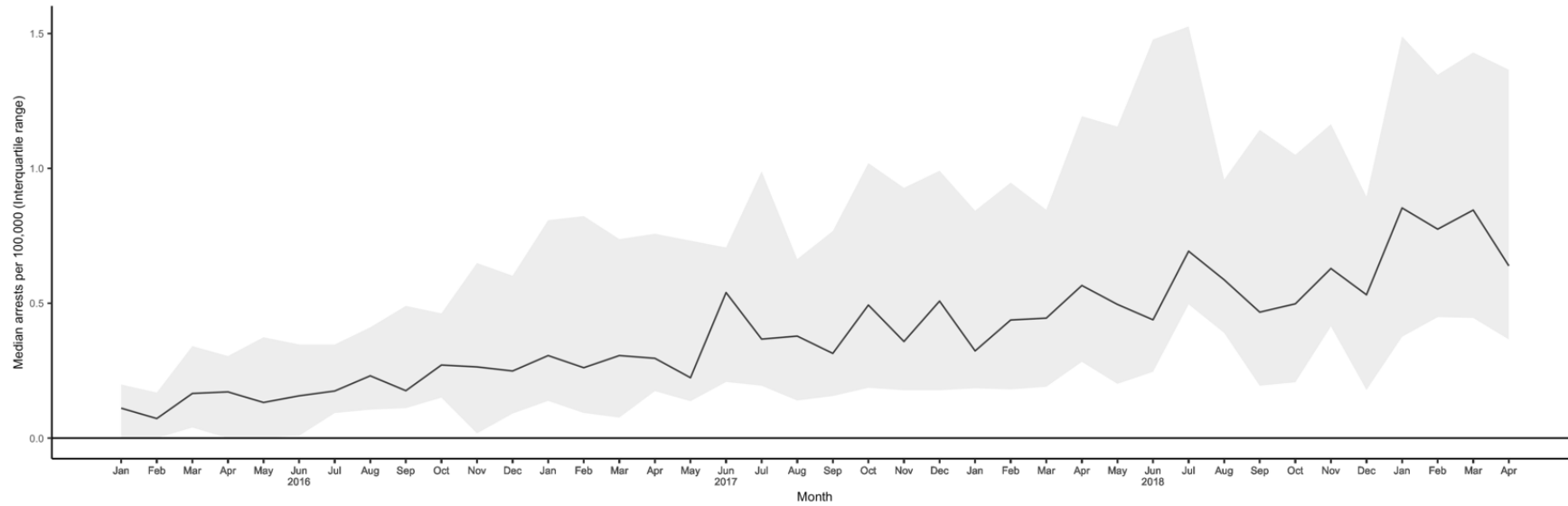
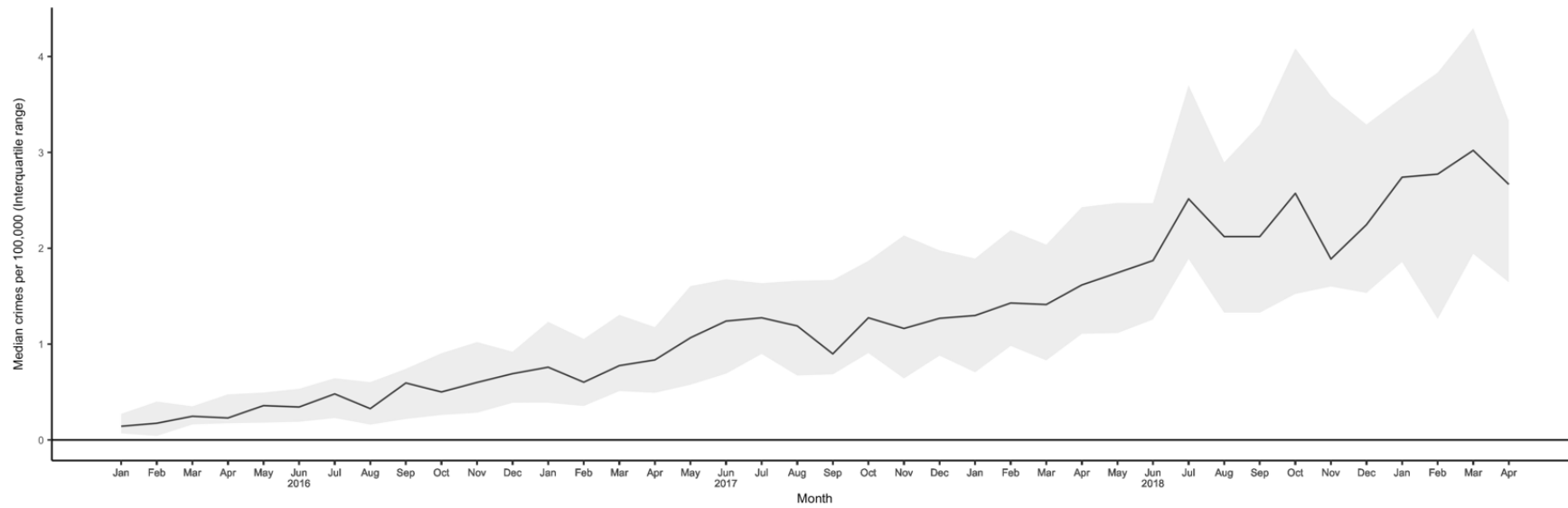


Figure 2. Trends in rates (cases per 100,000) of recorded crimes (upper facet) and arrests (lower facet) including interquartile ranges

| Outcome description | 2016/17 | | 2017/18 | | 2018/19 | |
|--|------------------|----------------|------------------|----------------|------------------|----------------|
| | Coercive control | Domestic abuse | Coercive control | Domestic abuse | Coercive control | Domestic abuse |
| Charge/summons | 9.51 | 18.37 | 7.46 | 14.79 | 5.82 | 11.09 |
| Out of court (formal and informal) | 0.58 | 5.41 | 0.38 | 3.90 | 0.30 | 2.71 |
| Evidential difficulties (suspect identified; victim supports action) | 34.01 | 25.21 | 31.78 | 21.56 | 32.62 | 22.56 |
| Evidential difficulties (victim does not support action) | 45.76 | 41.81 | 50.29 | 47.77 | 53.04 | 52.35 |
| Other (including 'not in the public interest') | 1.36 | 2.19 | 1.71 | 1.88 | 1.39 | 2.04 |

Table 1. Proportion of outcomes for coercive control and other domestic abuse

| Outcome description | 2016/17 | 2017/18 | 2018/19 |
|--|---------|---------|---------|
| Charge/summons | 0.52 | 0.5 | 0.52 |
| Out of court (formal and informal) | 0.11 | 0.10 | 0.11 |
| Evidential difficulties (suspect identified; victim supports action) | 1.35 | 1.47 | 1.45 |
| Evidential difficulties (victim does not support action) | 1.09 | 1.05 | 1.01 |
| Other (including 'not in the public interest') | 0.62 | 0.91 | 0.68 |

Table 2. Relative risk of outcomes for coercive control and other domestic abuse

Supporting references

Brennan, I., Myhill, A., Tagliaferri, G. & Tapley, J. (2021). Policing a new domestic abuse crime: effects of force-wide training on arrests for coercive control, Policing and Society, DOI: [10.1080/10439463.2020.1862838](https://doi.org/10.1080/10439463.2020.1862838). An open access version of this paper is available here: <https://osf.io/preprints/socarxiv/d428k/>

Home Office (2020). Crime outcomes in England and Wales: Technical annex. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/901052/crime-outcomes-technical-annex-july20.pdf

Office for National Statistics (2018). Domestic abuse in England and Wales – Appendix tables: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/domesticabuseinenglandandwalesappendixtables>