

**Submission
No 67**

COERCIVE CONTROL IN DOMESTIC RELATIONSHIPS

Organisation: Hunter Community Legal Centre

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SUBMISSION TO JOINT SELECT COMMITTEE

COERCIVE CONTROL

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A. INTRODUCTION

This submission is made to the Parliamentary Joint Select Committee in response to a call for submissions as part of the Committee's inquiry into Coercive Control.

The Hunter Community Legal Centre (HCLC) welcomes this opportunity to provide this submission. However, the HCLC note with concern the limited timeframe for submissions and for the Final Report and suggest that more time is required to enable all stakeholders the opportunity to contribute to this important inquiry.

The particular focus of this submission is on legal issues relating to coercive control and it aims to respond to the areas in the Discussion Paper in which the HCLC has expertise.

The HCLC would welcome the opportunity to provide the Committee with further information in relation to any of the issues raised in this submission.

About Us:

The HCLC recognises the barriers which exist for many people in their interaction with and understanding of the law and our legal system.

These barriers are reinforced by the high cost of private legal services, the restrictions on the availability of Legal Aid, the complexity of the law and legal processes, and the fact that many people are powerless to deal with their legal problems because of social, economic or other disadvantage.

The HCLC aims to address the unmet need for legal services and to eliminate the structural and systemic barriers to justice which exist for many disadvantaged members of its community.

The HCLC was established in 1991 as a not-for-profit community legal centre to provide free legal advice, assistance and representation for those with most need in the Newcastle and Hunter region.

Catchment:

The HCLC catchment covers 10 local government areas with a geographical area of approximately 22,000 square kilometres and a population of over 700,000.

Community Legal Centres generally work within Local Government Areas (LGAs), although Hunter CLC does assist people from all over Australia in family law.

The HCLC also has reciprocal referral arrangement with the Central Coast and Mid-North Coast CLCs to assist clients.

B. RESPONSES TO QUESTIONS IN THE DISCUSSION PAPER

1. What would be an appropriate definition of coercive control?

In a recent review of research on this topic, Hamberger, Larsen and Lehrner¹ identified 22 different ways of defining coercive control.

It can be seen therefore that coercive control operates in a myriad of ways in victims lives with its effects experienced cognitively, emotionally and socially, frequently resulting in victims feeling isolated, with little sense of self-worth or self-esteem.

Importantly Hamberger, Larsen and Lehrner's review of research on this topic points to three primary features of coercive control:

- Intentionality on the part of the abuser;
- The negative perception of the controlling behaviour on the part of the victim; and
- The abuser's ability to obtain control by use of a credible threat.

It is our submission that any definition of coercive control **must** encompass these three primary features. Control is not always coercive² and any definition of coercive control must not criminalise what is otherwise normal intimate partner behaviour.

We further submit that any definition should be limited to behaviour between intimate partners and not more broadly.

2. How should it distinguish between behaviours that may be present in ordinary relationships with those that taken together form a pattern of abuse?

The difficulty with identifying coercive and controlling behaviours as criminal is well captured by Bishop³ who states:

"It's difficult to objectively assess whether coercive control has taken place. The abuser will typically use signals and covert messages to exert and maintain control and often these have meaning only in the context of that particular relationship. For example, the perpetrator may use a specific look, phrase or movement to convey to the victim that they are close to breaking an unspoken 'rule'. But these signals may be hard to classify as abusive in and of themselves. Compliance with demands about dressing, shopping or cooking in a particular way to avoid repercussions may seem voluntary to an outsider with little or no understanding of the dynamics of the relationship."

¹ Hamberger K, Larsen SE and Lehrner A (2017) Coercive control in intimate partner violence. *Aggression and Violent Behaviour* 37: 1-11

² Renzetti C (1992) *Violent Betrayal: Partner Abuse in Lesbian Relations*. Newbury Park, California: Sage Robinson AL, Myhill A Wire J (2018) Practitioner (mis)understandings of coercive control in England and Wales, *Criminology and Criminal Justice* 18(1): 29-49.

³ Bishop C (2016) Why it's so hard to prosecute cases of coercive or controlling behaviour, *The Conversation*, 31 October.

It is our submission that it is the intent of the abuser that is paramount in determining whether the behaviours present in a relationship are either those present in an ordinary relationship or if those behaviours when taken together form a pattern of abuse.

Essentially if the intent of the abuser is to control and dominate their partner then the behaviour is coercive and controlling.⁴

We note that Crossman and Hardesty⁵ add a nuanced understanding to the presence of coercive control in relationships and its manifestation in recognising how control might be experienced as either to working in a relationship or as coercive control. Recognising the difference between these circumstances is critical for legal responses.

3. Does existing criminal and civil law provide the police and courts with sufficient powers to address domestic violence, including non-physical and physical forms of abuse?

It is our submission that the existing criminal and civil law does provide police and the courts with sufficient powers to address domestic violence including non-physical forms of abuse.

An issue arises however where police are unwilling or otherwise refuse to use the existing criminal and civil law against abusers who use coercive and controlling behaviours.

Case Study:

'Kelly' had been in a relationship with her ex-partner. Police applied for an ADVO on her behalf to protect her and her children from her ex-partner. Whilst the ADVO was in place, Kelly made numerous complaints to Police about her ex-partner breaching the ADVO. Most of these breaches involved the ex-partner driving by Kelly's house, which was located in a cul-de-sac, revving his motorbike or Landcruiser and doing burnouts in front of Kelly's house. Police told Kelly that as there was no order on the ADVO preventing Kelly's ex-partner from going a certain distance within her house, he was not breaching the ADVO.

It is our submission that the conduct of Kelly's ex-partner referred to in the case study above, was a clear breach of the ADVO irrespective of whether there was an order on the ADVO which prevented Kelly's ex-partner from going within a certain distance of Kelly's house. However, the police refused to take any action. Had the police charged Kelly's ex-partner then the court could have determined the matter according to law.

Failures of police to use their existing powers to address domestic violence also leads to the further marginalization of vulnerable victims such as Aboriginal and Torres Strait Islander women. Aboriginal victims already face significant impediments to reporting and seeking support for intimate partner violence that include:

- lack of understanding of legal rights and options and how to access supports when experiencing family violence.

⁴ Stark E, Coercive control and the entrapment of women in personal life (2007).

⁵ Crossman K and Hardesty J (2018) Placing coercive control at the center: What are the processes of coercive control and what makes control coercive? *Psychology of Violence* 8(2): 196–206.

- poor police responses and discriminatory practices within police and child protection services.
- community pressure not to go to the police in order to avoid increased criminalisation of Aboriginal men.⁶

It is our submission that the failure of police to respond to reports of intimate partner violence only amplifies these issues.

7. What are the advantages and/of disadvantages of creating an offence of coercive control?

There are, in our submission, disadvantages to the creation of an offence of coercive control.

Efforts to respond to violence against women has fueled criminal justice policy agendas across the globe since the mid-1980s. Throughout this process little thought has been given to alternatives to criminalisation.⁷

At the same time, there is sufficient evidence pointing to the unintended consequences of harnessing the law in this way – particularly for those whom it is believed might be protected by the law.⁸ This evidence is multifaceted and multilayered, ranging from the specific consequences associated with particular legal strategies to the more general question of what response victims (in violent relationships) might want from a criminal justice system and what they might receive in reality.

The creation of any new offence in this field places victims, women in particular, squarely within the domain of criminal justice yet the difficulties faced by victims in dealing with criminal justice systems are both well-known and profound. As Hanna⁹ has commented, the more the criminal law tries to intervene on behalf of women, the more challenges it poses for them. From the point of contact with a frontline police officer, to presenting evidence in court, whether criminal or civil, all present a range of hurdles for women to negotiate.

For many victims, involving the police can lead to additional violence. It is submitted that for Aboriginal and Torres Strait Islander women, disabled women, poor women and other women living on the margins policing and prisons serve only to provide a veneer of safety.

In particular, the creation of a new offence does not deal with any of the well documented concerns victims have for not engaging with the criminal justice process and, as Douglas¹⁰ has observed, may also create new opportunities for what she has termed ‘legal systems abuse’: abusers using the legal system

⁶ Antoinette Braybrook, ‘family Violence in Aboriginal Communities’ 2 DVRCV Advocate 20.

⁷ Goodmark L (2017) Should domestic violence be decriminalized? Harvard Journal of Law and Gender 40: 54–113.

⁸ Douglas H (2018) Legal systems abuse and coercive control. Criminology & Criminal Justice 18(1): 84–99; Tolmie J (2018) Coercive control: To criminalize or not to criminalize? Criminology & Criminal Justice 18(1): 50–66.

⁹ Hanna C (2009) The paradox of progress: Translating Evan Stark’s coercive control into legal doctrine for abused women. Violence against Women 15(12): 1458–1476.

¹⁰ Douglas H (2018) *Ibid*.

to further assert control over their partners.¹¹ Additionally, such abuse can also contribute to the criminalisation of victims, adding to their concerns about engagement with legal processes at all.¹²

Case Study:

Police had applied for an ADVO against 'Terri' on behalf of her partner. Due to Terri's mental illness, Terri was unable to access any support services and oppose the ADVO application at the time and as a result a final ADVO was made against her.

Terri's partner sought a variation to the ADVO that would prevent Terri from being able to live at home. Terri sought the assistance of the HCLC once she had been served with a copy of the application to vary. Terri instructed the HCLC that her partner was physically, verbally and emotionally abusive toward her and had been for some years. Terri instructed the HCLC that the Police had previously applied for an ADVO against Terri's partner and had removed the partners guns from the house. However, Terri was afraid of being left homeless and fearful of her partner and did not pursue that ADVO application further.

Whilst waiting for the application to vary to be heard by the court, Terri's partner called the Police and reported that Terri had breached the ADVO by 'casting a spell on him'. Terri was charged and released on bail with conditions that she not return to the home.

In our submission this case study clearly demonstrates legal system abuse, where Terri's partner used the legal system to gain further control over Terri leading to her further involvement in the criminal justice system.

There is a real risk that should an offence of coercive control be created that women and other vulnerable victims will face the prospect that their abuser will report them to the police and that the police will take punitive action against the victim.

9. If an offence of coercive control were introduced in NSW, how should the scope of the offence be defined, what behaviours should it include and what other factors should be taken in account?

In Australia, there is significant evidence¹³ about the nature and extent of coercive control. However, outside the specialist family violence sector, there is limited understanding of what it is and how best to respond to it.

While some states and territories recognise coercive control under civil law, Tasmania is the only Australian jurisdiction that has introduced specific criminal offences covering elements of coercive

¹¹ Douglas H and Fitzgerald R (2018) The domestic violence protection order system as entry to the criminal justice system for Aboriginal and Torres Strait Islander people. *International Journal for Crime, Justice and Social Democracy* 7(3): 41–57; Douglas H and Nancarrow H (2014) Perils of using law: A critique of protection orders to respond to intimate partner violence. In Johnson H, Fisher BS and Jaquier V (eds) *Critical Issues on Violence against Women: International Perspectives and Promising Strategies*: 77–90. London: Routledge.

¹² Tolmie J (2018) *Ibid*.

¹³ NSW Domestic Violence Death Review Team Report 2015-2017.

control.¹⁴ Research¹⁵ has found the use of these offences (of economic abuse, and emotional abuse and intimidation) has been limited.

To date, neither has resulted in many prosecutions. In a detailed examination of the operation of these offences, McMahon and McGorry¹⁶ suggest several reasons for this, drawing attention to the flaws inherent in their formulation rather than a failure of take-up on the part of legal practitioners. In sum, their analysis suggests that these laws are limited by the fact that:

- Incidents need to be reported within 12 months of their occurrence;
- The legislative drafting suffers from lack of clarity concerning understandings of reasonableness in relation to each of these behaviours;
- There are difficulties in operationalising emotional abuse in the legal context;
- There are overlaps between the offences in terms of what is included/excluded; and
- There are overlaps between these offences and other offences on the statute books, arguably making both redundant.

It is submitted that should an offence of coercive control be introduced in NSW that the issues be avoided.

For the purposes of the English legislation¹⁷, coercive control is defined as behaviour:

“Which takes place ‘repeatedly or continuously’. The victim and alleged perpetrator must be ‘personally connected’ at the time the behaviour takes place. The behaviour must have had a ‘serious effect’ on the victim, meaning that it has caused the victim to fear violence will be used against them on ‘at least two occasions’, or it has had a ‘substantial adverse effect on the victims’ day to day activities’. The alleged perpetrator must have known that their behaviour would have a serious effect on the victim, or the behaviour must have been such that he or she ‘ought to have known’ it would have that effect.”¹⁸

While limited to persons who live together and/or who are in a current intimate relationship, this offence covers a wide range of behaviours¹⁹ and explicitly draws on the work of Stark²⁰, with the key exception that the offence is defined in gender-neutral terms. This stands in contrast to the Scottish legislation introduced in 2018, which recognises the gendered pattern of domestic abuse and also includes ex-partners within its remit.²¹ Unlike laws in England and Wales, Scotland's domestic abuse act puts the focus on perpetrators, not victims: prosecutors must demonstrate a person has engaged in

¹⁴ *Family Violence Act 2004* (Tas).

¹⁵ McMahon M and McGorry P (2016) Criminalising emotional abuse, intimidation and economic abuse in the context of family violence: The Tasmanian experience. *University of Tasmania Law Review* 35(2): 1–22.

¹⁶ *Ibid.*

¹⁷ *Serious Crimes Act 2015* (England and Wales)

¹⁸ Home Office (2015) *Controlling or coercive behaviour in an intimate or family relationship: Statutory guidance framework*. London: Home Office at 2.

¹⁹ *Ibid*

²⁰ Stark E (2007) *Ibid.*

²¹ *Domestic Abuse (Scotland) Act 2018*. See further Burman M and Brooks-Hay O (2018) Aligning policy and law? The creation of a domestic abuse offence incorporating coercive control. *Criminology & Criminal Justice* 18(1): 67–83 and Stark E and Hester M (2019) Coercive control: Update and review. *Violence against Women* 25(1): 81–104.

an abusive course of behaviour intended to cause harm, not necessarily that the victim was seriously affected by it.

In terms of take-up by the criminal justice system, there were just over 9,000 offences of coercive control recorded by the police in England and Wales in the year ending March 2018, out of a total of just over 2 million incidents of domestic abuse recorded for that year.²²

These figures represent a doubling of coercive control offences recorded for 2017, clearly indicative of this new legislation gaining a foothold among practitioners. However, as the data reported by McClenaghan and Boutaud²³ illustrate, the take-up has been patchy with varying levels of implementation by different police forces.

It is our submission that should an offence of coercive control be introduced in NSW that it should be limited to coercive and controlling behaviours between intimate partners and otherwise be modeled on the Domestic Abuse (Scotland) Act 2018 rather than the Serious Crimes Act 2015 (England and Wales).

10. Could the current legislative regime governing ADVOs better address coercive and controlling behaviour? How?

The legislation providing for ADVOs in NSW contains an objects statement and statement of parliamentary recognition.²⁴ Such statements also appear in legislation in South Australia, Victoria and Queensland in varying ways.²⁵ These provisions are seen as providing an important 'contextual framework' for decision-makers as well as serving an educative function for key professionals working in the field.²⁶

The objects of the NSW ADVO legislation are to ensure the safety and protection of people experiencing or witnessing domestic violence, to reduce and prevent domestic violence, to 'enact provisions that are consistent with certain principles underlying the Declaration on the Elimination of Violence Against Women' and to 'enact provisions that are consistent with the United Nations Convention on the Rights of the Child'.²⁷

The statement of what NSW Parliament recognises extends further, tending to be the site where more progressive statements are articulated. For example, Parliament has specifically recognised the

²² Office of National Statistics 2018

²³ McClenaghan M and Boutaud C (2017) Questions raised over patchy take-up of domestic violence law. The Bureau of Investigative Journalism, 24 November.

²⁴ Crimes (Domestic and Personal Violence) Act 2007 (NSW) s 9.

²⁵ Family Violence Protection Act 2008 (Vic) s 1; Intervention Orders (Prevention of Abuse) Act 2009 (SA) s 10; and Domestic and Family Violence Protection Act 2012 (Qld) ss 3–4. Other Australian jurisdictions also have guiding statements, however they tend to be quite limited: Family Violence Act 2004 (Tas) s 3; Domestic Violence and Protection Orders Act 2008 (ACT) s 6; Domestic and Family Violence Act 2007 (NT) s 3.

²⁶ Australian Law Reform Commission ('ALRC') and New South Wales Law Reform Commission ('NSWLRC'), Family Violence – A National Legal Response: Final Report, Report No 128 (2010) 171.

²⁷ Crimes (Domestic and Personal Violence) Act 2007 (NSW) s 9(1).

gendered nature of domestic violence, that it occurs across all sectors of the community, and that it is characterised by an imbalance of power and patterns of abuse, among other matters.²⁸

It is worth noting here that there is a mismatch between the legislative requirements placed on the police when applying for an ADVO and those placed on the court when determining whether to grant an ADVO. The legislation mandates police to apply for an ADVO when certain acts/behaviours have taken place or are likely to take place.²⁹ For the police there is no specific connection to fear or the requirement of future protection. In contrast, a magistrate, when determining an ADVO, is required to consider whether such acts/behaviours have caused the victim/complainant to fear and that those fears are reasonable.³⁰ The police obligation to apply for an ADVO does not make the same connection to 'fear' or even 'future protection'. By leaving these factors absent from the legislation, the obligation to apply for an ADVO retains many of the incident defining features that animates the criminal law and the traditional police response to intimate partner violence. It is our submission that this disconnect needs to be addressed.

It is our submission that the practical aspects of ADVOs could be improved to better address coercive and controlling behaviour.

Firstly, the complaint narrative is insufficient to make out coercive and controlling behaviours.

In NSW, ADVO complaint narratives are either written by the police officer attending the incident, or by a chamber magistrate at a local court. These professionals play a role in 'paraphras[ing]' and 'shap[ing]' a person's account of violence and in this way 'filtering' and translating the experience into a legal format.³¹ In her study of the Victorian protection order system, Hunter places the registrar or chamber magistrate as the 'ultimate author' of the complaint, with the: ...power to rewrite the applicant's story, to highlight and discard elements they regarded as ir/relevant, and to blanch emotion from the scene...[It is] the registrar who filtered the applicant's story and produced a legally acceptable account to place before the court.³²

While the absence of a detailed narrative may not present a problem in 'serious' cases, where the violence used is easily 'visible' and corroborated, it does create problems in 'border cases' (such as those alleging coercive control) that is cases which are complex, contested, or present an awkward fit with the legislation or notions of a 'real' victim. Such cases clearly risk being unsuccessful when the complaint narrative is inadequate.

We submit that this issue could be addressed by providing for a lengthier complaint narrative that allows the applicant to fully detail their complaint in their own words.

A further issue is that there remains an emphasis on incidents. Focus on incidents means that the multiple and repetitive environment of coercive and controlling behaviour is not able to be fully

²⁸ *Ibid* s 9(3).

²⁹ *Ibid* s 49

³⁰ *Ibid* s 16.

³¹ Alesha Durfee, *Domestic Violence in the Civil Court System* (PhD Dissertation, University of Washington, 2004).

³² Rosemary Hunter, *Domestic Violence Law Reform and Women's Experience in Court: The Implementation of Feminist Reforms in Civil Proceedings* (Cambria Press, 2008) at 109.

conveyed to the court. This obviously has an impact on the likelihood of success of an ADVO application where there is coercive or controlling behaviour.

It may also be that the most recent incident holds for the victim certain indicators of what was likely to take place; that is to say that the presenting incident, while perhaps minor or trivial, is read by the victim through the lens of past experience. The precipitating incident is obviously important, but it still needs to be understood in context for it to be intelligible to the court.

Lastly it is our submission that the high workloads that burden the Local Court impede the ability of applicants in ADVOs to convey all the evidence that they want to provide. Hunter suggests that the pressure of caseloads and the lack of time to devote to each case means that cases are ““processed” or “handled” rather than given individual attention’.³³ This has been documented in other jurisdictions.³⁴

Furthermore, emphasis on resolving ADVO applications by way of consent is also problematic and needs to be addressed. The legislation makes it clear that the court may grant consent orders without being satisfied of the matters alleged in the complaint;³⁵ and that the court may only conduct a hearing into ‘the particulars of the complaint’ if it is ‘in the interests of justice to do so’.³⁶ Very few, if any, hearings are conducted into the making of consent orders. Hunter has argued that the notion of ‘consent’ in domestic violence proceedings is problematic.³⁷ While there are a range of benefits associated with the ability to consent to a protection order without the necessity of a contested hearing, there are also a range of disadvantages, for example, such a regime assumes that the parties are equal in their negotiations, that there are no other factors, such as intimidation and threats, that influence the willingness to consent, and it fails to provide a public forum in which the victim’s story is affirmed and the abuser’s actions are clearly denounced.³⁸ As Hunter stated; ‘[c]onsent makes the “problem” of violence disappear from view’.³⁹

While the NSW legislation casts the making of consent orders as requiring some decision on the part of both parties,⁴⁰ in practice this is not how consent is obtained in the Local Court. While some may argue that consent on the part of the victim is implicit in seeking the order, those being the terms on which the victim would agree, and some victims are indeed happy with this process, others express dissatisfaction with the fact that the defendant can effectively ‘deny [their] behaviour’.⁴¹ It is perhaps this additional feature, without admissions, that makes consent orders so problematic, where the object

³³ *Ibid* at 82.

³⁴ Edward Gondolf et al, ‘Court Response to Petitions for Civil Protection Orders’ (1994) 9 *Journal of Interpersonal Violence* 503, 513; Kit Kinports and Karla Fisher, ‘Orders of Protection in Domestic Violence Cases: An Empirical Assessment of the Impact of Reform Statutes’ (1992) 2 *Texas Journal of Women and the Law* 163, 209.

³⁵ *Crimes (Domestic and Personal Violence) Act 2007* (NSW) s 78.

³⁶ *Ibid* s 78(3).

³⁷ Rosemary Hunter, ‘Having Her Day in Court? Violence, Legal Remedies and Consent’ in Jan Breckenridge and Lesley Laing (eds), *Challenging Silence: Innovative Responses to Sexual and Domestic Violence* (Allen & Unwin, 1999) 61.

³⁸ *Ibid* 66–7.

³⁹ *Ibid* 67

⁴⁰ *Crimes (Domestic and Personal) Violence Act 2007* (NSW) Section 78(1)

⁴¹ Rosemary Hunter, ‘Consent in Violent Relationships’ in Rosemary Hunter and Sharon Cowan (eds), *Choice and Consent: Feminist Engagements with Law and Subjectivity* (RoutledgeCavendish, 2007) 162

of the victim's legal action is not only to obtain a protection order but at some level to tell their story, be believed and have some attention focused on the wrong inherent in the defendant's behaviour.⁴²

It is our submission that this issue could be addressed with the appointment of more magistrates to alleviate the high workloads in the Local Court, if not the creation of specialist domestic violence courts to specifically deal with matters involving intimate partner violence. This would allow magistrates the opportunity to take a more considered approach with ADVO applications allowing victims to be heard, their stories affirmed, and attention focused on the wrong inherent in the defendant's behaviour.

12. Would jury directions specifically addressing domestic and family violence be of assistance in criminal proceedings? If so, what should a proposed jury direction seek to address?

It is our submission that a jury direction specifically addressing domestic and family violence would be of assistance in criminal proceedings.

Any event or set of enduring conditions which overwhelm an individual's ability to cope can cause psychological trauma. Victims of intimate partner violence often live in a permanent state of hyper-vigilance where they are constantly trying to do the right thing and second-guess the reactions of an abuser whose expectations may change minute by minute.

This results in a continuing state of siege which may cause the victim to experience ongoing symptoms of trauma.⁴³

For traumatised witnesses, the process of giving evidence in court may trigger a traumatic flashback, panic attack or episode of dissociation where the brain becomes foggy, perceptions are distorted and they become confused and disorientated.

Without information on trauma, the shaking, confusion, disorientation and an inability to maintain eye-contact which often result from these reactions may lead magistrates, judges and the jury to doubt the credibility and veracity of the witnesses' testimony.

The reactions may also be seized upon by the defence barrister and portrayed as suspicious in an attempt to undermine witness credibility. In addition, a witness is required to provide a coherent account in court, but a traumatic experience commonly cannot be recalled as a cohesive memory due to the impact trauma has on the brain's memory processes. Again, this is likely to affect perceptions of credibility.

A jury direction addressing this may assist a jury in being able to give appropriate credence to the witnesses' testimony.

⁴² Hunter, R (2008) *Ibid* at 93-95.

⁴³ Dutton MA, (1993) *Understanding Women 's Responses to Domestic Violence: A Redefinition of Battered Woman Syndrome* Hofstra Law Review Vol 21 Issue 4 at 1191

15. What non legislative activities are needed to improve the identification of and response to coercive and controlling behaviours both within the criminal justice system and more broadly?

“Legislative change cannot on its own lead to improvements. Whatever laws we may have will be only as effective as those who enforce, prosecute and apply them. Improving these practices - through education, training and embedding best practice and domestic abuse expertise – is likely to be more effective than the creation of a new offence alone.”⁴⁴

It is our submission that the non-legislative activities that are needed revolve around consistent and mandatory training to identify and respond to coercive and controlling behaviours for police, lawyers, judicial officers, frontline health workers, child protection workers as well as child and family service workers.

In addition, an extensive consultation process on how to best respond to coercive control is essential.

⁴⁴ Burman M and Brooks-Hay O (2018) Aligning policy and law? The creation of a domestic abuse offence incorporating coercive control. *Criminology & Criminal Justice* 18(1): 67–83.