



Evaluation of the Pilot Domestic Abuse Court

**EVALUATION OF THE PILOT
DOMESTIC ABUSE COURT**

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Scottish Executive Justice Department 2007

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EXECUTIVE SUMMARY

This report presents the findings of an evaluation of a pilot domestic abuse court which was established in Glasgow in October 2004. The evaluation was commissioned by the Scottish Executive and took place from October 2004-October 2006. It involved a range of methods including: a literature review; interviews with organisations, victims, witnesses and offenders; examination of court records; statistical evidence; and court observation. It examined the process of development and implementation of the model, the outcomes, and cost-effectiveness of the initiative. Comparisons were also made to the operation of traditional courts. Full details of the methodology are provided in Annex A of the main report.

THE DEVELOPMENT OF THE COURT AND NATURE OF THE MODEL

The development of the pilot domestic abuse court in Glasgow followed a recognition of the need to address problems in dealing with domestic abuse through traditional courts. This, along with a number of other factors, influenced the establishment of the pilot. These factors included: a commitment from the judiciary; international developments; an increasing focus on victims of crime; the number and nature of domestic abuse cases; the experience of specialist drug courts; and recommendations and interest from both the National Group to Address Violence Against Women and Glasgow Violence Against Women Partnership.

The model adopted in Glasgow involved the designation of a specific court (Court 13) in Glasgow Sheriff Court as a domestic abuse court. The court heard all domestic abuse summary criminal cases within “G” Division of Strathclyde Police, with the exception of East Renfrewshire, covering an area in the south side of Glasgow¹. It sat daily at 10.00am and 2.00pm when there was business, having the powers available to other Sheriffs in Summary Courts, but hearing only domestic abuse cases, perpetrated by men or women against men or women. The court covered all stages of the criminal court process, with its own programme, including first appearance custody cases, intermediate diets and trials, as well as reviews and deferred sentences.

A range of organisations were involved in delivering the pilot. These included: the police; a new “ASSIST” service providing support to victims; Victim Information and Advice (VIA); Victim Support Scotland (VSS); a dedicated Procurator Fiscal (PF) depute; four dedicated Sheriffs; the social work service; and a small number of other organisations. Their involvement is discussed in detail in Chapter 1 of the main report.

The aims of the pilot

The aims of the pilot were consistent with those commonly linked to specialist court approaches to domestic abuse, and included the following:

- Increase effectiveness and efficiency in dealing with cases of domestic abuse.
- Increase victims’ and witnesses’ participation in cases.

¹ Although the court is still operating, the report refers to the period of the evaluation, hence the use of the past tense.

- Increase victims' and witnesses' satisfaction with the criminal justice system.
- Improve the co-ordination of information across the criminal justice system.
- Reduce attrition rates.
- Reduce repeat victimisation and recidivism.
- Determine the costs and benefits of a specialised court to deal with domestic abuse.

THE FINDINGS

The evaluation generated a large amount of data, presented in Chapters 2-4 and Appendices B, D, E and F of the main report.

The process

The overall process of developing and implementing the pilot was successful, in terms of the structure, roles, preparation, monitoring and evaluation and this is described in Chapter 2 of the main report. Key factors which contributed to effective practice in the development and implementation process appeared to be: commitment and support from the highest level and throughout organisations; effective multi-agency working; identification and adoption of appropriate processes, protocols, standards, guidance and procedures and ongoing development, information collection and review.

A small number of concerns and issues arose in the development and implementation of the pilot, some of which appeared to have had little overall impact on the implementation of the pilot. Those which appeared to have had an impact on the pilot, on particular organisations, or on victims appeared to be: the lack of focus at the start on victims, which delayed the start of the pilot until support to victims could be put in place; the level of resources, which impacted particularly upon the provision of support to victims and the CHANGE programme; and aspects of the nature of the court, such as limited links with civil processes and other safety issues, which impacted on victims.

The criminal justice response to domestic abuse in the pilot

Overall, it was clear that the pilot made a number of improvements to the process / practice for dealing with domestic abuse and there was a high level of satisfaction with the criminal justice response, which is described in Chapter 3 of the main report. In terms of characteristics of cases, 1403 new cases called in the domestic abuse court over the evaluation period, with a steady increase in new cases since October 2004. Accused persons were overwhelmingly male (94%) and victims female (85%). Around a quarter (24%) of SPRs identified that children were present during an incident, and witnessed it. Victims experienced a wide range of forms of abuse.

The criminal justice response was seen to have been effective, and had many benefits compared to traditional courts, including improved outcomes such as: a higher proportion of cases in which there was a guilty plea at some stage (81% compared to 73%); a higher proportion of guilty pleas at the first appearance (21% compared to 18%), a higher proportion of pleas changed to guilty at or before the intermediate diet (54% compared to 45%), a higher

conviction rate (86% compared to 77%) and a lower level of case attrition (10%, compared to 18%). The speed of processing cases was much faster in the domestic abuse court than the comparison courts, with an intermediate diet held within 29 days in 76% of cases (compared to 20%), and nearly three quarters of cases calling reaching a trial diet in 6 weeks, compared to only 13% in the comparison courts.

There were differences in the pattern of disposals, with probation being the most commonly used disposal in the domestic abuse court, compared to fines in the comparison courts. There was a greater use of conditions of probation, particularly the CHANGE programme and alcohol counselling. There were also some improvements to evidence and provision of information to the PF and the court.

The key factors which contributed to effective practice in the criminal justice response appeared to be: specialist staff with specific expertise in domestic abuse, including PFs, Sheriffs, SCS and ASSIST staff; an appropriate response by all of these organisations, based upon a shared understanding of domestic abuse, and the use of a robust and consistent approach; the provision of good evidence and information to the PF and the court; and fast-tracking of cases.

A small number of concerns appeared to have an impact on the pilot, on particular organisations, or on victims. These were: some variations in approaches to domestic abuse and some instances of inappropriate attitudes or responses, which impacted upon victims; some limitations to the use of enhanced evidence and other measures, which impacted on the work of the court; and the level of availability of the CHANGE programme, which constrained the development of work with perpetrators and their partners.

Victims' and witnesses' experiences

The pilot had a positive impact upon the experiences of victims and witnesses, with a high level of satisfaction. The experience of the specialist court process appeared to be considered better than the experience of traditional courts. Victims and other witnesses had a range of needs at different stages and ASSIST provided support to 1383 victims over the two years. The service was well-received, with generally positive perceptions of the support provided to victims and their children. A number of victims received support in the pilot who had not received support in similar circumstances in the past.

The key factors which contributed to effective practice in the response to victims and other witnesses (in addition to those mentioned above in relation to the criminal justice response), appeared to be: a victim-centred approach, with an emphasis upon safety, supported by appropriate processes such as risk assessment and safety planning, information and the provision of independent support to victims at all stages by an organisation with expertise in domestic abuse.

A small number of concerns were raised relating to aspects of the experiences of victims and witnesses, and those which appeared to have had an impact on the pilot, on particular organisations or on victims were: some gaps in the provision of support and information to some victims and witnesses, and gaps in provision to some alleged offenders, at various stages, which impacted on their experiences; aspects of victims' and witnesses' safety and protection which impacted on their experiences; and a gap between the resources available

for the ASSIST service and the level of demand, with consequent variations in the level of service which could be provided and the actions which were taken².

The costs of the domestic abuse court pilot

In terms of the costs of responding to domestic abuse, it was found that the pilot domestic abuse court was more expensive than a “traditional” Sheriff summary court in some key respects. These included, for example, the cost of dedicated staff (£80,000 for a Procurator Fiscal Depute), the provision of a support service (around £400,000 for the ASSIST service) and the costs arising from the higher number of cases proceeding to trial. There were also a range of wider impacts, for example, in relation to: the availability of both staff and Sheriffs to carry out other work; the speed with which other matters could be processed; access to the CHANGE programme in other areas; and the physical resources available to Glasgow Sheriff Court. These wider impacts could not be quantified.

It was also stressed, however, that wider issues must be considered, as there is a high cost for victims and society from domestic abuse. By reducing the impact on victims, and by potentially helping to reduce the overall level of abuse, there may be significant cost savings in the medium to long term. Many suggested that the extra level of cost was justifiable in the light of the demonstrable benefits, such as improved conviction rates and support to victims.

The impact of the domestic abuse court pilot

The impact of the pilot is described in Chapter 4 of the main report. Overall, it clearly had a positive impact upon almost all of its original aims.

There was evidence of increased effectiveness of the response to domestic abuse, with the increased level of guilty pleas, higher rate of conviction and reduced case attrition, as well as apparent effects on some offenders, through an emphasis on “seriousness”, consistency, accountability and the use of some disposals. There was evidence of increased efficiency, with faster processing, development of an appropriate and consistent response based upon expertise and increased multi-agency working, and supported by the process and appropriate information sharing.

There appeared to be an improved likelihood of participation and a high level of satisfaction amongst victims and witnesses, with general improvements to victims’ experiences, improved protection, safety and well-being, and better information and support, with ASSIST seen to have contributed to this.

There has clearly been improved co-ordination of information and provision, with many developments to multi-agency working and the development of formal and informal links, protocols and procedures to enable this.

The pilot had an impact on case attrition and convictions, as: the proportion of cases not called or deserted and not subsequently re-listed was lower in the domestic abuse court than in the comparison courts; a higher proportion overall resulted in a conviction; and a higher proportion of trials resulted in a finding of guilty.

² Prior to the publication of this report, it was agreed that ASSIST would be funded until October 2007. This included the provision of additional funding for increased staffing.

The only aim about which it is impossible, after two years, to reach a conclusion is that relating to recidivism. This was recognised by most stakeholders, and several noted that the impact upon this may be very long term, and the pattern may be complicated by the increased reporting of repeat incidents. However, Annex F notes a number of ways in which the court may impact upon this in the future.

The pilot helped to determine the costs and benefits of a specialist court approach to domestic abuse, as noted above, although there were some costs and benefits that could not be quantified. Although, in some respects, it was more expensive than a “traditional” Sheriff summary court, and had some “knock-on” effects on other business, there is also potential for the specialist court approach to provide benefits in the longer term relating to the wider societal cost of addressing domestic abuse.

Overall, there was overwhelming support for a specialist court approach to domestic abuse amongst participants of all types, a high level of support for the pilot project to be rolled out across Glasgow and for the roll-out of a specialist court approach to tackling domestic abuse in the rest of Scotland.

IMPLICATIONS AND THE WAY FORWARD

All of the findings provided useful lessons for the way forward, both in terms of the future work of the pilot, which it has been agreed will continue until October 2007, and in terms of wider developments to tackle domestic abuse in Scotland. These are discussed in Chapter 5 of the report.

Implications for the pilot

On the basis of the findings, a number of actions are suggested which could be taken during the forthcoming period of the pilot. Some relate to the *structure, management and roles* and include: taking stock of, and clarifying the roles and operation of all of the multi-agency groups and organisations; addressing any issues identified; and clarifying where the pilot fits in taking the strategic approach to domestic abuse forward, ensuring appropriate communication.

It is also suggested that: resource issues should be highlighted, and potential sources of support identified; a safety audit of the court should be conducted and action taken; and there should also be further consideration of how to increase links to the civil justice process. It is also important to continue to develop the good practice which has been promoted through the pilot, through, for example, continuing general and specialist training, appropriate information-sharing and wide discussion of relevant research information.

Some of the suggestions relate to the *criminal justice response* to domestic abuse, and include: ensuring consistency in attitudes and approaches to domestic abuse, in accordance with the overall model; continuing to increase the use of other evidence to support prosecutions; and ensuring, as far as possible, that reports to the court are provided as a matter of priority by the relevant organisations.

Suggestions are also made about opportunities to address some of the protection and safety concerns through the criminal justice response, through, for example, aspects of the use of orders; ensuring that ASSIST staff are made aware of, and input to, bail appeals; developing awareness of civil remedies and other actions. Some ways in which it may be possible to improve victims' and witnesses' experiences of attending court are also identified.

It is suggested that there is a need to review and increase the capacity of the social work service to deliver the CHANGE programme to perpetrators, and for evaluation of perpetrator programmes in Scotland. The need to review practice and remind practitioners of the appropriate response to domestic abuse is highlighted, and there may be scope for the development of written good practice information and guidance.

Some suggestions relate to the provision of information and support to *victims and witnesses*. These include: attempting to increase the numbers who consent to ASSIST; reviewing and increasing the capacity of ASSIST; and maintaining its independence as an advocate for victims. It is noted that it is important to ensure that key information is passed to victims who decline ASSIST, other witnesses and alleged offenders. Other suggestions include to identify opportunities to develop additional support and enhance the capacity of services, as well as to recognise and address the needs of witnesses for information and support. A range of other specific actions are also suggested which might increase the information and support available during the pilot.

It is suggested that there should be strategic discussion between all organisations providing support to victims, in order to identify gaps and responsibilities, and to identify the best way forward, depending upon organisations' remit and the nature of service users particular to each organisation.

Broader implications

It is clear that there is considerable support for rolling out a specialist court approach to domestic abuse among stakeholders. The findings can provide lessons for any future developments, recognising that any roll-out would not necessarily involve the direct replication of this model and would need to be set within the overall context of broader summary justice reform.

It is suggested that the findings of the pilot indicate that a specialist court approach should include:

- Commitment and support from the highest level and throughout organisations, with a shared understanding of domestic abuse, based upon a "zero tolerance" approach.
- Effective multi-agency working.
- Identification and adoption of appropriate processes, protocols, standards, guidance and procedures.
- Specially trained and / or dedicated criminal justice staff with specific expertise in domestic abuse, including PFs, Sheriffs and SCS staff.
- An appropriate response by all of these organisations, based upon the shared understanding, and the use of a robust and consistent approach.
- The provision of good evidence and information to the PF and the court.

- Fast-tracking of cases.
- A victim-centred approach, with an emphasis upon their safety, supported by appropriate processes, such as risk assessment and safety planning, information, clear links to civil courts and the use of appropriate disposals.
- The provision of independent support to victims and their children at all stages by an organisation with expertise in domestic abuse.
- Ongoing development, information collection and review, reflecting good practice and equality.

It is also vital that there are adequate resources to develop and sustain the work.

A range of good practice suggestions are made about how these key elements might be embedded into any provision which develops. These include: the development of an overarching national structure and a national action plan for any roll-out; national guidance, service standards and protocols, based upon the experience of the pilot; the provision of relevant training to the police, judiciary, PF, SCS and other key participants; the adoption of the national definition and a shared understanding of the appropriate response to domestic abuse; and the identification of the general implications of a specialist court approach.

It is suggested that there should be a structure and appropriate forum in each local area, with input from all relevant local stakeholders at the planning stage. This could develop details of a local model, identify its feasibility and consider in detail how it would be implemented. The forum would require to identify appropriate arrangements for court processes and for the provision of enhanced support to victims.

There would also be a need to identify the mechanisms for ongoing oversight of all aspects of the work, including the legal / procedural aspects and support to victims and children, to include all relevant participants. The arrangements for ongoing multi-agency input and information sharing and the roles and responsibilities of all organisations should be specified, and appropriate protocols developed. There would be a need for mechanisms for the regular review of the operation of the initiative. There would be a need for its aims to be specified clearly and to have a clear commitment to the chosen model from the highest level within the organisations involved.

There would also be a need to identify the potential costs of provision and the detailed funding requirements, and to explore its feasibility. The pilot suggests that it would be important to consider issues relating to capacity and the impact on other aspects of services as well as the costs.³ It would also be important to identify potential sources of funding and to co-ordinate funding applications, as well as to ensure that there were appropriate resources to develop and sustain the work.

The pilot also suggests that there would be benefits in undertaking appropriate preparation with all of those involved in provision, including particular training for some of the specialist staff and the completion of a safety audit in relation to court and any other premises used to provide support services prior to the start.

³ In terms of Glasgow Sheriff Court specifically, it would be important to consider the specific capacity issues which have been identified.

There should also be continuing training, information sharing and practice developments as any model is implemented, as well as clear mechanisms for data collection and sharing, and for evaluation and monitoring.

In terms of the nature of the provision, it is suggested that there is a need for a widespread recognition of the seriousness and criminality of domestic abuse, and the implications for individual services' responses. This, in turn, requires the adoption of recognised good practice by all agencies. The police, for example, should take a consistent and appropriate approach, with the presumption of arrest and remand, good evidence-gathering and ensuring access for victims to follow-up support, and PPs and Sheriffs should take a robust approach to prosecution and disposal in domestic abuse cases and provide a clear and consistent message to perpetrators and victims, with consistent sentencing, availability of appropriate programmes and other disposals and early identification of breaches of orders. It would be essential that staff involved in any specialist domestic abuse court model have specific expertise in responding to domestic abuse.

There is a need for enhanced evidence-gathering and the use of material such as 999 tapes and photographs wherever appropriate, as well as the provision of timely and detailed SPRs and other reports, as well as information from the service providing support to the victim being provided to the court.

There is also seen to be a need for: clear procedures to ensure the early identification, tracking and priority of domestic abuse cases and clear links between the criminal and civil justice processes. The process should have the victim at its centre, with the use of: multi-agency risk assessment, safety planning and risk management; bail with appropriate special conditions; consideration of other aspects of victims' and witnesses' safety at all stages; and means of considering the needs of children involved.

Overall, good practice would indicate a need for the provision of full information to victims, witnesses, alleged offenders and relevant agencies at all stages. The pilot demonstrated the importance of provision of specialist independent advocacy and support, by providers with a detailed understanding of domestic abuse, at all stages, linked to other provision and forming part of an overall strategic approach. Work with victims involved with a specialist court should link to other work with victims who do not have contact with the police or court. All of the service provision and data collection undertaken should reflect good practice in equalities issues.

The report concludes that all of the information gathered and presented can help to inform the identification of the way forward in the future.

CHAPTER 1 INTRODUCTION AND BACKGROUND

1.1 A pilot domestic abuse court was established in Glasgow Sheriff Court in October 2004 as part of a commitment in Scotland to tackling domestic abuse. The pilot was an initiative led by the Sheriff Principal for Glasgow and Strathkelvin⁴. The court is part of Glasgow Sheriff Court and hears domestic abuse summary criminal cases from G Division (covering the south side of the city). The court deals with all stages of a case. This report presents the findings of an evaluation of the pilot, commissioned by the Scottish Executive, which was carried out during the period from October 2004 to October 2006.

THE RATIONALE FOR A DOMESTIC ABUSE COURT IN GLASGOW

1.2 There has been an increasing emphasis in the UK in recent years upon the development of specialist court responses to domestic abuse⁵ following similar developments in other jurisdictions⁶. The pilot specialist court approach in Glasgow was based, in part, upon the recognition of some of the issues which had emerged in other jurisdictions, relating to the rationale for a domestic abuse court and the potential benefits of such an approach.

1.3 The rationale for the development of specialist court approaches⁷ has been based upon the increasing recognition of domestic abuse, and problems with the following:

- Lack of understanding amongst some practitioners in the criminal justice process of the complex nature of domestic abuse, the impact of this upon the victim's role and the implications for the criminal justice process.
- Slowness in dealing with domestic abuse through traditional courts, with the legal system struggling to process cases efficiently and appropriately.
- Issues for victims of domestic abuse in the court process, difficulties of participation and lack of support.
- Lack of severity in sentencing, the nature of the charges and concerns about the lack of "seriousness" with which domestic abuse has been viewed in the criminal justice system.
- Involvement of a range of agencies, but fragmentation of the response to domestic abuse and a lack of co-ordination of provision.
- Difficulties in prosecuting domestic abuse, along with high attrition and withdrawal rates.
- Lack of impact of traditional courts upon reducing domestic abuse and preventing further victimisation.

1.4 These factors have been shown to affect both victims' experiences and the outcomes of the legal process (e.g. attrition rates and convictions). There has been a growing recognition that domestic abuse requires additional advice and support, specialised services and sensitive court processes which recognise these issues.

⁴ This was undertaken initially in consultation with the Chief Constable of Strathclyde Police.

⁵ It is recognised that, in most jurisdictions, the specialist courts are referred to as "domestic violence courts". The use of "domestic abuse" in this report reflects the terminology used in Scotland.

⁶ Annex B provides a fuller outline of some of the relevant literature relating to the development and evaluation of domestic abuse court models.

⁷ It is recognised that the measures described include specialist courts and the use of fast track systems, all of which comprise a specialist approach to domestic abuse through the court process.

1.5 The need to address such problems was recognised in Glasgow, and, along with a number of other factors, influenced the establishment of the pilot domestic abuse court. These included: a commitment from the judiciary; international developments; an increasing focus on victims of crime; the number and nature of domestic abuse cases; the experience of specialist drug courts; and recommendations and interest from both the National Group to Address Violence Against Women⁸ and Glasgow Violence Against Women Partnership.

THE NATURE OF DOMESTIC ABUSE COURTS

1.6 There was considerable preparation for the development of the pilot in Glasgow, including examination of literature relating to other court models, and detailed examination of models in England and Wales, prior to identifying the approach to take.

1.7 There are a number of different models of specialist approaches to domestic abuse in adversarial systems. A specific court may be designated as a domestic abuse court, or domestic abuse cases may be “clustered”. Alternatively, cases can be “fast-tracked” through the mainstream court system. There are differences between models in which issues specialist courts will deal with, including some or all aspects of criminal matters only, civil matters only, or both criminal and civil matters.

1.8 There are also variations in how legal personnel are used, and in the overall number of judges / sentencers and prosecutors who may be involved with each system, and the extent to which their remit extends beyond domestic abuse. Often, specialist courts have designated judges and staff who build up particular expertise, although it is also possible for a specialist approach to involve all personnel.

1.9 There are also variations in approaches to disposals, although it has been suggested that specialist courts often share a focus on the need to stress the seriousness of domestic abuse and to change the behaviour of the offender. Some courts take a very specific therapeutic, problem-solving, preventive and/or restorative approach to work with perpetrators and victims, and there is often an emphasis on improving outcomes for victims, defendants and communities. A further common feature of specialist approaches is the provision of a victim-centred approach, with access to victim and witness support and advocacy services, and a strong emphasis on victim safety.

1.10 Specialist court responses also generally involve attempting to deal with domestic abuse quickly, as well as taking a multi-agency, integrated approach to service provision. In the context of these potential models, the existing literature identifies many positive suggestions about good practice in specialist provision, which include the following⁹:

- A co-ordinated response, and multi-agency partnership working.
- Clear guidelines, policies and protocols.
- Identification of cases.
- Provision of appropriate and “enhanced” independent victim support, advocacy, information and services.

⁸ The Legislation Working Group made a specific recommendation to the group and to the Minister that a feasibility study be set up relating to the establishment of a domestic abuse court in Scotland.

⁹ It is not suggested that this is an exhaustive list, but it indicates some factors identified as enhancing provision.

- Committed and trained staff with clear roles.
- Risk assessment and risk management.
- Appropriate court facilities.
- Judicial monitoring and accountability of offenders.
- Appropriate perpetrator programmes.
- Addressing children's interests.
- Effective procedures.
- Integrated data collection and distribution.
- Addressing equality and diversity issues.
- Management of community expectations.
- Identification of resources.

1.11 The lessons learned from the experiences of other jurisdictions helped to inform the development of the pilot domestic abuse court in Glasgow.

The pilot domestic abuse court in Glasgow

1.12 The specialist domestic abuse court model which developed in Glasgow comprised the designation of a specific court (Court 13) in Glasgow Sheriff Court as the domestic abuse court. The court heard all domestic abuse criminal cases within "G" Division of Strathclyde Police, with the exception of East Renfrewshire, covering an area in the south side of Glasgow. It sat daily at 10.00am and 2.00pm when there was business, having the powers available to other Sheriffs in Summary Courts, but hearing only domestic abuse cases, perpetrated by men or women against men or women. The court covered all aspects of the criminal court process for domestic abuse cases, with its own programme, including first appearance custody cases, intermediate diets (intended to be four weeks after the initial plea), and trials (intended to be within six weeks), as well as reviews and deferred sentences.

The aims of the pilot domestic abuse court in Glasgow

1.13 A number of goals have been identified as emerging frequently for specialist court approaches to domestic abuse, and these are detailed in Annex B. The aims of the pilot domestic abuse court in Glasgow were consistent with these, and there was a widely shared view of the issues which the pilot was intended to address. The aims included the following:

- Increase effectiveness and efficiency in dealing with cases of domestic abuse.
- Increase victims' and witnesses' participation in cases.
- Increase victims' and witnesses' satisfaction with the criminal justice system.
- Improve the co-ordination of information across the criminal justice system.
- Reduce attrition rates.
- Reduce repeat victimisation and recidivism.
- Determine the costs and benefits of a specialised court to deal with domestic abuse.

The organisations involved

1.14 A range of organisations were involved in delivering the specialist court pilot in Glasgow.

The police

1.15 The police provided the first response to a domestic abuse incident, and their role involved attending and gathering evidence; ensuring the safety of the victim and children; identifying whether the victim consented to a referral to the ASSIST service; making such a referral where this was the case; reporting the case to the Procurator Fiscal (PF) and providing subsequent support to the victim via the Family Protection Unit (FPU) if required. Current police policy is to arrest and detain the alleged offender as the normal course of action where there is enough evidence, with release only in exceptional circumstances.

1.16 Part of the police role also involved making referrals to the social work service and the Children's Reporter as standard. During the course of the pilot, the police began using the Vulnerable Persons Database to generate automatic reports to the Children's Reporter, which helped to focus attention on the impact of domestic abuse on children.

ASSIST, Victim Information and Advice and Victim Support Scotland

1.17 A new "ASSIST" service was developed to provide support to victims of domestic abuse involved with the pilot and their children. The service also had a role in co-ordinating partnership working. ASSIST generally received referrals from the police, then contacted victims by telephone. Advocates provided a central point of contact for victims, and gave advocacy support, practical support and information at all stages, including discussing the outcomes of a court hearing. The service also undertook a process of risk assessment and safety planning with victims, and signposted victims to other relevant services. Advocates provided information to update the PF, and developed a routine of ensuring that a member of staff attended court, both to feed information back to victims and to provide information as requested by the court.

1.18 From July 2005, a Children and Young Persons' Advocacy Worker made contact with any client with children, whether the children were present during the domestic abuse incident or not, and offered them a service. This could include individual support to the child, and support to the child through the non-abusing parent, and took a range of forms, depending on the issues raised and the age of the child. This included, for children under 16 cited, assessment for special measures and the provision of support at court.

1.19 Victim Information and Advice (VIA) exists to provide case-specific information to victims of certain categories of crime, witnesses and their next of kin; provide information about the criminal justice system; and identify any other needs and make onward referral as necessary. One of the categories of victim pro-actively contacted by VIA is victims of domestic abuse. In the specialist court pilot, this was done by making close links with ASSIST, sharing information and enabling ASSIST to provide in-depth support. VIA retained a role in providing information to victims and notifying them of the outcome of hearings. In some circumstances, it was agreed that ASSIST would provide the outcome information. Detailed information about the next stages of the court process, and roles and

responsibilities was provided by VIA, with ASSIST providing detailed on-going information, emotional support and other support.

1.20 Like VIA, Victim Support Scotland (VSS) adapted its existing role for the pilot, with little direct involvement in cases by the Victim Service where an ASSIST referral was accepted, and most provision being through the Witness Service. (In other areas, the police make referrals to VSS to give victims access to advice, information, support and help with criminal justice procedures.) In the pilot area, however, the need to avoid duplication with ASSIST was recognised and, as with VIA, the services discussed the appropriate response. The Witness Service continued to provide its existing service to the pilot court, with support available in the court building. The service offered a pre-court visit, as well as emotional and practical support to witnesses during their time at court, and could also, as in other courts, accompany witnesses into the court and sit with them if the Sheriff, PF and defence agreed.

The Procurator Fiscal, Sheriffs and Scottish Court Service

1.21 The court had a dedicated PF depute with responsibility for the court, supported by other staff. During the pilot, following receipt of cases from the police, domestic abuse cases were identified, fast-tracked and marked by the PF (i.e. the decision taken whether to proceed) on the day of receipt. Warrants were also fast-tracked. The pilot involved in-depth marking of cases, with the collection of additional information and the early development of lists of witnesses. Ordinarily, the dedicated depute marked domestic abuse cases, although this sometimes involved other deputies. The dedicated depute was also involved in the preparation and prosecution of cases in the court. A further aspect of their role involved advising police and ASSIST about their work, in terms of the information needed, constraints, rules of court and evidence etc.

1.22 The domestic abuse court had four dedicated Sheriffs hearing cases, and these Sheriffs had a background in family court work. It had originally been intended that two would sit in the court, but within less than a month of the pilot's operation, a third became involved and this rose subsequently to four due to the volume of business. A small number of other Sheriffs were involved, albeit less frequently. Their actual role in practice was very similar to that of Sheriffs in other courts.

1.23 The Scottish Court Service's (SCS) role in the pilot involved overseeing the running of the court procedures and systems. The court had a dedicated clerk whose responsibilities included: administration and preparation of the court; setting dates and issuing bail orders; obtaining pre-sentencing reports; recording the outcome of cases on the SCS computer system; informing VIA of the outcome of cases; and providing information about impending cases to ASSIST. Breaches of orders¹⁰ were also raised by SCS, and staff were involved in dealing with any issues relating to getting the accused to court from custody. There was a direct telephone line from the court to Legal Aid, to enable quick access to this. SCS could also make equipment available to support vulnerable witnesses in giving evidence.

The social work service

1.24 The social work service's role involved providing the court with pre-sentencing reports (Social Enquiry Reports and assessments of suitability for probation or the CHANGE

¹⁰ Including, for example, probation, community service and bail orders.

programme) and delivering the CHANGE programme, focusing on perpetrators' behaviour and partners' safety. The service also had a role in supervising some offenders in the community. A separate part of the service undertook work with children and families, as necessary.

Other organisations

1.25 Other organisations also had a role in the pilot. The Glasgow Violence Against Women Partnership had a key role in developing strategic work to address domestic abuse and other forms of violence against women. It was suggested that the Partnership had an important role in broadening involvement in the pilot, and in the establishment of the structure for support to victims. Other organisations involved in the pilot included those providing other support to women experiencing domestic abuse (such as Women's Aid and the Glasgow Women's Support Project). Castlemilk Law and Money Advice Centre also became involved in running a surgery for ASSIST.

1.26 The Scottish Children's Reporter Administration considered their role to have been limited, noting that they received referrals about children present where domestic abuse incidents took place, but did not treat these any differently to other cases.

THE WIDER CONTEXT OF WORK TO ADDRESS DOMESTIC ABUSE

1.27 The development of the pilot domestic abuse court took place in the wider context of other relevant work in Scotland. There have been many developments in work to address domestic abuse in the last 10 years, including the formation of national and local partnerships and the publication of a National Strategy to Address Domestic Abuse in Scotland¹¹. There has also been an increasing focus on the needs of victims, with the creation of a national partnership, the publication of a Scottish Strategy for Victims and an extension of the work of both VSS and the Witness Service.

1.28 There have also been a wide range of improvements to the response to domestic abuse with improved training being seen to have led to a greater degree of understanding of the issues. There have also been a range of protocols developed, leading to improvements in joint working between services. One key development with a direct impact on the work of the pilot was the adoption of a presumption of arrest where there is corroborated evidence that a crime has been committed.

1.29 Although not yet in place, a series of summary justice reforms is taking place. These reforms are designed, in part, to improve the speed of administration of justice. Clearly, it is too early to speculate on the impact of the reforms. Overall, it is clear that the domestic abuse court pilot was consistent with the overall strategic approach to addressing domestic abuse and other forms of violence against women in Scotland and with other work taking place.

¹¹ A fuller exposition of the wider context is presented in Annex E.

THE EVALUATION

1.30 The evaluation examined the process, outcomes¹² and cost-effectiveness of the domestic abuse court pilot, and involved the use of a range of methods. Full details of the objectives and methodology are provided at Annex A. A brief outline of the methodology is given below.

Methodology

1.31 In summary, the main methods used were as follows:

- A review of existing literature on specialist domestic abuse courts.
- A review of documentary materials about the development of the court and related issues.
- Three sets of interviews with key stakeholders focusing on the implementation and impact of the court. This included around 20 interviews in 2004 and 2005, and around 30 in 2006.
- 102 interviews with victims¹³ whose cases were heard in the domestic abuse court.
- 26 interviews with other witnesses who were cited to appear in cases calling in the domestic abuse court.
- 33 interviews with offenders, 24 of whom were sentenced in the domestic abuse court.
- 15 interviews with victims whose cases were heard in other courts.
- The examination of 1182 case files held by the PF for G Division.
- Data from the Scottish Court Service on all cases calling in the domestic abuse court, and more than 1800 domestic abuse cases calling in other courts within Glasgow Sheriff Court.
- Data on more than 5,400 incidents reported in G Division, drawn from Strathclyde Police's Vulnerable Persons' Database.
- Data provided by ASSIST on the pattern and nature of referrals, an analysis of ASSIST weekly bulletins as well as data contained in the evaluation carried out of ASSIST by Amanda Robinson (Robinson, 2006).
- Observation of the court one day each month.
- 4 individual submissions from members of the National Group to Address Violence Against Women.

The report

1.32 The report is in five chapters, with six annexes.

- Chapter 1 has provided an outline of the nature of the pilot domestic abuse court in Glasgow and the rationale for its development.
- Chapter 2 describes the process of development of the pilot.

¹² Where reference is made to "outcomes" in the report, this clearly refers to those outcomes which are known. Any reference which is made to the potential impact of the court on longer term outcomes is identified as such.

¹³ This report refers to "victims" of domestic abuse as this is a term which is widely used. It is important, however, to recognise that this can imply passivity and lack of control, and its use here should not be taken to indicate this view of women who experience domestic abuse.

- Chapter 3 presents the data relating to the operation and outcomes of the pilot during the two year period.
- Chapter 4 identifies the impact of the pilot.
- Chapter 5 identifies the conclusions which can be drawn from the data, and the implications of these.
- Annex A details the methodology.
- Annex B gives a brief overview of some relevant literature.
- Annex C presents a bibliography.
- Annex D provides statistical tables of the work of the court.
- Annex E details the wider context for domestic abuse in G Division.
- Annex F is a discussion of cost issues.

OVERVIEW

1.33 Although specialist domestic abuse courts are a relatively recent development, and there are some limitations to the evidence available, there is a growing body of material to suggest that they can have an impact upon a range of issues. The overall findings of evaluations have generally been positive¹⁴, although some constraints have also been highlighted and these issues are discussed in more detail in Annex B.

1.34 The purpose of this evaluation of the Glasgow pilot was to explore the process, outcomes and cost-effectiveness of the model in Glasgow in detail, and the performance of the court in relation to all of its aims is considered in the remainder of this report.

¹⁴ It should, however, be borne in mind that the research cited involves the consideration of a number of different models of provision in different jurisdictions, and different methods of assessment.

CHAPTER 2: THE DEVELOPMENT OF THE PILOT

2.1 Having outlined the nature of the pilot domestic abuse court model in Glasgow, this chapter examines aspects of the structure and the process of development and implementation¹⁵.

THE PLANNING AND IMPLEMENTATION STRUCTURE

2.2 The overall structure for planning and implementing the new approach comprised a Steering Group, supported by two other Working Groups: an “implementation” group; and a group focusing on support to victims, which subsequently became the ASSIST Multi-Agency Advisory Group (MAAG). There was general satisfaction with this structure, although it was suggested that there had been some lack of clarity about the roles of the three groups at times, as well as some problems with communication between them. There were some differences of view about the optimum configuration of the groups, in terms of the number required, but the value of having a structure through which to consider both the operation of the court and provision to victims was acknowledged, as was the importance of input from the Sheriffs.

The Steering Group

2.3 The Steering Group was established by the Sheriff Principal, and this group’s role was to bring all of the agencies together to develop the pilot and to consider strategic issues. It was also seen to have had a role in: providing advice; monitoring progress; identifying and addressing emergent issues; and helping to ensure the accountability of all of the agencies involved. The group continued to meet, albeit irregularly, during the operation of the pilot, despite a change of Sheriff Principal. Amongst stakeholders who expressed a view, most were satisfied with its operation.

2.4 A small number of issues were raised, including that some respondents were unsure about the group’s role, operation and terms of reference and, later in the pilot, about whether it continued to meet. It was also suggested that there had been a lack of representation from services to victims on this group in the earlier stages, although the Co-ordinator of ASSIST and a representative of Glasgow City Council Regeneration Service were invited to participate at a later stage. Some practical issues were also raised, including a lack of warning about meetings, or issues about the mode of operation. The main issues, however, at the time of this report, were seen to be the need for clarity about how the group would be taken forward, and its role in overseeing the structure in the coming months.

The Implementation Group

2.5 The “Implementation Group” was chaired by a Sheriff and dealt with operational issues. It met sporadically throughout the pilot period and, at the time of the evaluation, had not met for some time. One respondent noted that the group only met if issues arose, although it was suggested that it was not always clear how “issues” were identified, nor how these could be raised. As with the Steering Group, most stakeholders who expressed a view were satisfied with the group, and it was noted that it was particularly useful to those with no other means of accessing some of the bodies represented on it. The only issues raised with this

¹⁵ Data in this chapter is drawn largely from three sets of interviews with stakeholders, and examination of documentary material about the court and services.

group related, as with the Steering Group, to the clarity of its role and the lack of involvement of organisations supporting victims at an early stage.

The Multi-Agency Advisory Group (MAAG)

2.6 A third group was responsible for overseeing the development of the ASSIST service and other aspects of support. The group became the ASSIST MAAG and was meeting every two months at the time of the evaluation. In the original terms of reference, this group also had a clear role in considering issues relating to perpetrator services, although its more recent terms of reference were more clearly focused on ASSIST and the domestic abuse court, with a link to perpetrator services via one of the members.

2.7 Although there was overall satisfaction with this group amongst the stakeholders, and it was suggested that the group had had a crucial role in ensuring that organisations worked well together, it also attracted the largest number of comments.

2.8 Some of the comments focused on the planning stages before it became the MAAG, and prior to the development of ASSIST, and particularly on its membership. It was suggested that the early group did not have sufficient representation from: organisations providing support to victims; those involved in providing perpetrator programmes; the court; and the PF. As the pilot progressed, however, a number of additional services were included, and this was viewed as a positive development, although there remained some issues about membership and attendance. For example, it was suggested that there remained limited involvement from the Children's Reporter, and that the Sheriffs were still not involved. It was also noted that some organisations faced time or resource constraints in attending, and that there had been a number of personnel changes amongst MAAG members.

2.9 Issues were also raised about a lack of clarity in the early stages about the role and leadership of this group. Although some were resolved as the work developed, and it was suggested that a recent development day had been useful in clarifying some aspects of the MAAG's role, there was evidence of some tensions relating to the level of input from different organisations. Concerns were raised, for example, about the level of shared ownership and responsibility for work by different participants. A small number of respondents noted that there remained confusion about whether the group's role related only to ASSIST, or more broadly to services working together, with one stakeholder suggesting a need to broaden the recognition of the role of support organisations other than ASSIST in tackling domestic abuse. Two stakeholders raised concerns about what they saw as a continuing lack of focus on perpetrator / partner work.

2.10 Some respondents suggested that there had been a lack of communication and information flow between this group and the Implementation Group. Although it was suggested that communication did improve, it was also suggested that it might have been useful to hold some joint meetings, or for designated members of each group to report back regularly.

2.11 A concern was also expressed about the status of the MAAG, and its more limited involvement in key discussions and decisions. It was also suggested that, at times, the focus of the MAAG had been upon operational, rather than strategic issues, with a lack of clarity about the locus of responsibility for taking forward any further work to develop the specialist

court approach. The MAAG, at the time of the final fieldwork, recognised the need to be involved in strategic issues, and was considering the way forward, but there was a suggested need for “more robust communication” with Glasgow Violence Against Women Partnership and clarification of roles in relation to the wider consideration of domestic abuse in Glasgow.

FUNDING / RESOURCES

2.12 Where services incurred costs for the pilot, most of these involved reallocating resources or changing priorities, but new funding was required for the development of support to victims and an application was made in April 2004. Funding was provided by the Scottish Executive and by Glasgow City Council and Glasgow Community Safety Partnership, as well as in-kind resources from other agencies. A separate trust in England funded an independent evaluation of the ASSIST service¹⁶. A small amount of funding was transferred from the Scottish Executive Justice Department Criminal Justice Joint Working Fund to the Crown Office and Procurator Fiscal Service (COPFS) to cover additional costs relating to the pilot.

2.13 Some stakeholders identified issues with the funding, including that: the application for what became ASSIST was made later, and the process took longer, than expected; and the level of funding was less than anticipated at the start, although the costs had been underestimated initially. The July 2004 Steering Group was advised that there would be fewer Advocacy Workers than anticipated, and no Children’s Worker¹⁷. The perceived lack of sufficient resources for the ASSIST service, which was seen to have constrained the level and length of support which could be provided to victims, persisted throughout the evaluation period¹⁸.

2.14 The other unanticipated major resource issue which arose related to the provision of social work services to support the court. In October 2003, it was agreed that the Criminal Justice budget for Social Work would resource this, and in December 2004, the service had identified additional resources for three teams, to increase the number of workers trained to deliver the CHANGE programme, with a particular focus on G Division (the area covered by the pilot). It had also been intended to increase the number of partner support workers and to add a bail supervision worker.

2.15 It became clear, however, that the funding implications for the social work service had not been fully recognised, and, therefore, the anticipated increase in support for the court could not be provided. As a result, the level of social work input was much lower than anticipated. Although domestic abuse court cases referred to the CHANGE Programme were given priority, the provision of this was constrained. It also had an impact upon the delivery of CHANGE programme for men sentenced in other courts in Glasgow.

ROLES AND RESPONSIBILITIES

¹⁶ Robinson, A. (2006). “Advice, Support, Safety and Information Services Together (ASSIST): The Benefits of Providing Assistance to Victims of Domestic Abuse in Glasgow.” Cardiff: Cardiff University.

¹⁷ In the course of the pilot, the number of Advocacy Workers increased and funding was provided by the Scottish Executive for a Children and Young Persons’ Advocacy Worker.

¹⁸ Prior to the publication of this report, it was agreed that ASSIST would be funded until October 2007. This included the provision of additional funding for increased staffing.

2.16 Almost all of the stakeholders were satisfied with their own role and that of other organisations, with a very small number of exceptions. The high level of commitment, along with the identification of good practice from elsewhere, was seen to have been beneficial.

2.17 More than two thirds of stakeholders stated that they had received or undertaken some preparation for the initiative, which generally involved discussions with others and information gathering / sharing, although a small number had attended specific training. It was also noted that there had been a small number of information sharing events at an early stage. Almost all stakeholders who had undertaken preparation found this to have been useful, and it was stressed that it had been important for participants to have a shared understanding of domestic abuse. A small number suggested that there could have been more training for key participants prior to the establishment of the court.

2.18 Although preparation was considered to have been generally appropriate, some suggested an initial lack of clarity of responsibility, particularly in the provision of support to victims and witnesses, and the potential for duplication. It was suggested by some that insufficient account was taken at the outset of those already providing support to victims and although the situation was seen to have improved by the end of the evaluation period, largely through discussion between those involved, it was suggested that there was a need for some further discussion. This did not, however, appear to have impacted upon the overall operation of the pilot.

2.19 It was also suggested that there had been some early concerns about the sharing of information between organisations involved in the pilot, which had subsequently been resolved. The only other concern was about the potential impact of changes to key staff, although again this did not seem to have had a particular impact.

2.20 The overall roles of most remained largely unchanged over the course of the operation of the pilot, although there was a “bedding down”, and some changes were implemented as the pilot continued to develop. A number of respondents stressed the need to continue to learn from examples of good practice. Perceptions of the specific roles of key organisations are discussed below.

Police

2.21 There was overall satisfaction with the role of the police. The types of action outlined in Chapter 1 were seen to have made a key contribution to the specialist court approach. It was suggested that the provision of a very focused message from the force, alongside the early involvement of the Family Protection Unit (FPU), helped to promote consistency of approach.

2.22 Only a small number of concerns were raised. One stakeholder suggested that the policy of arrest and custody may deter some victims from contacting the police, although another suggested that this routine action may mean that victims felt more able to return to the criminal justice system subsequently. The only other issue raised was the onus upon the police to make referrals and follow other procedures. However, while it was noted that some of the procedures involved could be time consuming and administratively intensive for the police, it was suggested that much of this was not peculiar to the specialist court. It was also noted that there had been some streamlining of forms, and the overall view of the police role

was that it constituted an appropriate approach to domestic abuse. The actual operation of the police in the pilot, and perceptions of their involvement, are discussed in Chapter 3.

ASSIST, VIA and VSS

2.23 The role of ASSIST developed throughout the pilot, and it is impossible to detail all of the changes, but the work expanded and new processes began, such as the use of risk assessment. There were also some staffing changes. A Children and Young Persons' Advocacy Worker (CYPAW) was appointed in July 2005. The ASSIST Co-ordinator changed during the period, and a Skillseeker also joined the project. There was some expansion of office space and discussion of the development of a police secondment during the first year, which was imminent at the time of the final evaluation.

2.24 There was, as will become clear in Chapter 3, a high level of satisfaction with the ASSIST service¹⁹, although a number of issues were raised relating to its development. Stakeholders identified that, at the outset, prior to its launch, there had been a lack of focus on the development of support to victims, although it was noted that many organisations had worked hard to highlight the need for this. The absence of such a service at the outset, however, led to a delay in the start date for the pilot court from June to October 2004.

2.25 In the early stages of implementation there were also some practical concerns, such as the provision of appropriate and accessible accommodation for the service, and some teething problems with the provision of equipment.

2.26 As the work progressed, some further issues were raised. For example, it proved challenging to delineate adult and child advocacy, although it was considered that this had been largely addressed by the end of year 1, with the clarification of the Children and Young Persons' Advocacy Worker's role and the establishment of procedures to support this. There were also some concerns during the pilot about the status and recognition of ASSIST, although staff were allowed to sit in the well of the court, rather than the public gallery, later in the pilot. This was seen to have had clear benefits in facilitating communication, increasing confidentiality and improving the safety of the ASSIST staff. It was noted, however, that there remained variations in the extent of organisations' recognition of ASSIST.

2.27 A major concern throughout the evaluation related to the resources available and the capacity of ASSIST to cope with the level of demand, and the consequent pressures on staff. There were a number of strands to this, relating to the number of clients requiring support and some aspects of the work. For example, the attendance of ASSIST at court was seen to place a high demand on resources, and one stakeholder suggested that this was not necessary, although the service considered that it had a number of benefits for victims and the court, including gathering enhanced information for safety planning and clarifying issues, as required. There were also pressures as a result of providing, in some instances, a wider range of support over a longer period than envisaged, where other relevant support was not available.

2.28 Other developments, such as the organisation of the Multi-Agency Action Planning (MAAP) process, also increased demands. The ASSIST evaluation noted, for example, that

¹⁹ This was also found by Robinson (2006) in the evaluation of the ASSIST service.

resource and other constraints made it impossible to complete risk assessments for all service users, with 65% of referrals being assessed. Some aspects of sentencing, particularly the use of deferred sentences, also meant that ASSIST worked with some victims for much longer than the twelve week period envisaged at the outset. ASSIST also faced some specific problems with staff illness during the second year of the pilot, but these had recently been largely resolved at the time of the final evaluation interviews.

2.29 Concerns were raised that these constraints made it impossible for Advocacy Workers to provide the level of support envisaged, nor to provide follow-up and continuing support. It was also suggested that ASSIST was in contact for a longer period with only a small nucleus of women (e.g. repeat victims or those with children) leading to differential levels of provision and to only a small number having an opportunity for face to face contact, a form of support which was seen as beneficial. At a wider level, concerns were also raised about the contrast between the level of provision to victims in the pilot area and support services to those in other parts of Glasgow.

2.30 It was suggested in the 2006 interviews with stakeholders that there was a need to continue to monitor the demands upon ASSIST, and to try to identify ways of increasing capacity. It was suggested that some of the court work could perhaps be undertaken by trained volunteers, and suggestions were also made for increases to staffing. The location of responsibility for management of the service had recently changed at the time of the final evaluation. A small number of stakeholders stressed the need, in taking developments forward, to ensure that the independence of ASSIST as an advocate for victims was maintained.

2.31 No specific issues were raised about the roles of VIA or VSS, other than the general issue raised relating to the need for clarity of the roles of all of the organisations involved in providing support to victims.

The Procurator Fiscal, Sheriffs and Scottish Court Service

2.32 There were two changes of dedicated PF depute during the period of the evaluation, after one year and after two years. There were no particular issues raised with this, but it was suggested that there had been increased awareness of domestic abuse amongst other PF staff across the Division during the evaluation period. Only a small number of issues were raised by stakeholders, with the suggestion, for example, that the PF had faced some resource constraints (particularly lack of time) and that there had been a larger number of non-dedicated deputies involved in attending court as the pilot progressed, although only deputies who had received specialist training, guidance and supervision were allocated to the court. Amongst the benefits of the provision of a dedicated PF were seen to have been to: enable the development of specific expertise in relation to domestic abuse; provide a clear point of contact for cases and for multi-agency working; enable efficient and effective fast tracking; and provide a consistent approach to the prosecution of domestic abuse cases.

2.33 The main difference in the role of Sheriffs from their role in traditional courts was their actual level of involvement in, and knowledge of cases, as well as, indirectly, the information available to them, the fast-track approach and the provision of a “strong message” about domestic abuse. The benefits of dedicated Sheriffs were similar to those relating to dedicated PFs, in terms, for example, of developing increased specialist

understanding of domestic abuse and providing the opportunity to deal consistently with the same offender. As will become clear, there were many positive comments about aspects of the approach taken by the Sheriffs. Again, few concerns were raised, although it was suggested by some that the level of commitment, in terms of Sheriffs' time, had been more than expected, which had a knock-on impact on other business in Glasgow Sheriff Court.

2.34 Few issues were identified in relation to the role of the SCS, although it was noted that there had, on occasion, been a shortage of trained clerks to support the court, although new clerks had since been trained. Some problems were also identified in the delivery of alleged offenders from custody. These were perceived to have sometimes been the result of issues facing RCS²⁰, such as staffing, or with the layout of the court, which is some distance from the holding cells.

Social work service

2.35 A number of concerns were raised in relation to the role of the social work service from the start, and most of these focused upon the constraints to the role in relation to the delivery of the CHANGE programme. At the earliest stage, there were delays in the implementation of this, and one of the respondents suggested that the focus on the development of the ASSIST service (whilst vital) had perhaps overshadowed discussion of work with perpetrators. There were also seen to have been staffing issues for the social work service, and the first CHANGE group involving men sentenced in the domestic abuse court did not begin to meet until 2005.

2.36 Concerns about the capacity of the service to deliver the CHANGE programme and partner work to the extent required, and the consequences of this for the operation of the court, persisted throughout the period of the pilot, and there remained problems with staffing levels. It proved impossible to run enough groups, and a waiting list developed. It was suggested that some perpetrators who had been through the court waited for a year, when they should have been on the programme within weeks. By the end of the pilot period, the waiting time to access a CHANGE programme was approximately 6 months. It was also suggested that the partner work had not developed sufficiently, nor when it was needed, because of delays in perpetrators' entry to the programme. It was also noted that the prioritisation of the specialist court meant that there had been limited access to the CHANGE programme and partner work from other areas, unless perpetrators were assessed as being particularly high risk.

2.37 A number of stakeholders expressed frustration and disappointment with this situation and one suggested that pilot had identified that the social work service was not structured to deliver the provision required. Others suggested that there had not been sufficient resources to meet the demand, particularly the extra staff to ensure delivery of programmes. A small number of stakeholders suggested that there had been a lack of recognition of the volume of cases which would be heard in the domestic abuse court.

2.38 Some respondents suggested that these issues had reduced the effectiveness of the court and pointed to a need for improved capacity to deliver programmes for men and to develop partner support work, with a continuing need for multi-agency discussion about these services. It was suggested that there remained a need for more staff resources, although

²⁰ The company providing prisoner escort services.

it was noted that the service had been restructured, with a probation team for each of 5 designated areas of the city. One respondent suggested that it would be useful to have a dedicated domestic abuse social worker in the court, in order to address social work issues immediately.

Other organisations

2.39 In relation to concerns or suggested developments to the roles of other organisations, it was highlighted that the Children's Reporter did not receive information about case outcomes, which it was suggested might have had a bearing on their decisions. It was identified that there may be a need for stronger links between the Children's Reporter and the court, with participation in the MAAP and a clearer understanding of the impact of domestic abuse. Health services and education were also identified as services whose involvement could increase. It was also suggested specifically that Scottish Women's Aid could usefully have a greater role in strategic discussions. The perceived need to address specific gaps in provision was also highlighted.

LINKS AND LIAISON

2.40 As noted, the pilot required the development of new arrangements for co-ordination and multi-agency working. Although much of this took place through the Steering Group and Working Groups, a number of other links were also developed. A number of stakeholders highlighted the key role of ASSIST in the co-ordination of services. It was clear from the weekly bulletins that ASSIST undertook a considerable amount of networking, including: reciprocal visits with other local voluntary organisations; regular meetings with police, PF, Witness Service and others; contact with Women's Aid services across Scotland; provision of training for staff of other organisations; receipt of training; attendance at conferences and seminars; hosting visits; and publicity. For some time, ASSIST also ran an open afternoon. One stakeholder suggested, however, that, as the demands on the organisation increased, there was some tension between service delivery and co-ordination roles

2.41 There were also additional groups which met. These included Multi-Agency Action Planning (MAAP) meetings, facilitated by ASSIST. These meetings brought agencies together to consider "high risk" cases and this process was generally considered by stakeholders to have been a very useful development. The importance of balancing the purposes of making the perpetrator "visible" and addressing the victim's help-seeking was acknowledged. It was noted, however, that not all cases were included in the MAAP process, as those which were "high risk" had to be prioritised.

2.42 A Procurator Fiscal Liaison Group also met every 6-8 weeks, bringing together the police, ASSIST and the PF. Members of this group mentioned that it had worked particularly well, with good relationships between participants.

2.43 There was a high level of satisfaction with the arrangements which were in place for multi-agency working, although a small number of concerns were raised. It was suggested by one stakeholder that culture change in some organisations remained at a somewhat superficial level, which could, for example, constrain the MAAP process. Another noted that there were sometimes difficulties in getting the right people from some services to attend meetings. As

the pilot progressed, there was some concern expressed about the level of involvement of some organisations in multi-agency working, and their engagement with this process.

2.44 It was suggested that there was variation in the level of understanding and involvement of some organisations in relation to domestic abuse, and specific issues such as the impact of this on children and young people. Some respondents identified that multi-agency working was less well-developed at a strategic level, although this was changing. One stakeholder suggested that there had been limited input from the Scottish Executive in what was seen to be a “significant national project” which required “100% backing”, although it was also suggested that the Scottish Executive had “come more to the fore” as the pilot progressed.

2.45 One respondent suggested the need to “refresh” multi-agency working, reviewing and enhancing policies, procedures and practice in order to avoid complacency. It was noted that it was important to continue to emphasise the key role of a range of organisations in the pilot, for all of them to recognise their role and to ensure that they provided the services required at all stages in the process. The need for ongoing training for all of those involved was identified by a number of stakeholders.

Protocols, standards, guidance and procedures

2.46 A range of protocols, standards, guidance and procedures were also developed relating to the involvement of the range of organisations in the pilot. Some were developed at the start, while others were developed and amended, as required, as the work progressed. Some of these were developed specifically for the pilot, while others were developed more generally, but considered relevant. There were: information sharing protocols; action planning protocols; communication and referral protocols; and good practice guidance (e.g. for police officers and marking guidance for PFs). The ASSIST bulletin was also identified by a number of stakeholders as a useful means of sharing information.

2.47 Almost all of the stakeholders stated that they were satisfied with the protocols and arrangements for information sharing. The need to maintain robust procedures for information sharing was stressed, along with the need to ensure that some organisations were not “out of the loop”. It was suggested that all participants needed to be aware of their own roles in information sharing, and to understand the information provided by others.

THE NATURE OF THE COURT

2.48 The overall nature of the court and the procedures and practices were widely considered to have been appropriate, with only a small number of issues raised. Some of these were practical issues, such as an early problem in finding a courtroom from which to run the court. There was also a need to change the Legal Aid regulations to allow this to be available for a client’s solicitor of choice rather than the duty solicitor. These issues were, however, resolved at an early stage.

2.49 Some of the issues related to the actual arrangements for cases. One stakeholder suggested that staff spent a lot of time in the court when business was not taking place, and a number of witnesses mentioned delays on the day of the trial. This was also identified during observation, although it was noted that such delays could be a feature of all courts and this

court tried to keep “down time” to a minimum. One stakeholder noted that, as the pilot progressed, morning slots in the court were being used increasingly for deferred sentence diets, which tied up PF time. Conversely, however, it was suggested that police officers spent less time in court waiting to give evidence.

2.50 One stakeholder suggested that the level of commitment to the domestic abuse court may have made it more difficult to schedule other matters elsewhere, with a danger that attempts could be made to have other issues heard in the court, which may dilute its focus.

2.51 Some safety issues at the court were also identified by victims, other witnesses and some stakeholders, in the form of opportunities for the alleged offender and / or their family to have contact with witnesses, who may be victims. Some individual examples were given, and it was suggested that it would be helpful to conduct a safety audit and / or identify ways of addressing some of the issues. It was also suggested that there should be separate entrances and exits for victims and witnesses, and for alleged offenders. A small number of respondents suggested that the court should hear cases in private.

2.52 In terms of the geographical coverage of the court, almost all of those who expressed a view stated that they were satisfied with the area covered by the pilot. The nature of the area, as large and diverse, containing different forms of housing and a high level of domestic abuse offences, was seen to have been appropriate for a pilot. A number, however, noted that other areas needed to be included subsequently, and some were dissatisfied with the “postcode lottery” of provision. One stakeholder identified that their remit covered more than one division, making provision more complex, with different procedures for those who were, and were not, involved with the domestic abuse court.

Links to civil issues

2.53 The focus on summary criminal issues was generally considered appropriate for the pilot, although there were some concerns expressed²¹. Some stakeholders suggested that there had been a lack of discussion in the establishment of the court about whether it could consider both civil and criminal issues²². The need for close links between civil and criminal matters continued to be raised throughout the evaluation. There were mixed views of whether they should, or could, be combined, and a number of stakeholders had a range of reservations about this. Many, however, stressed the need for some form of enhanced linking and increased access to protection for victims.

2.54 A number of reasons were highlighted for the need for close links between criminal and civil matters. One of the main issues highlighted was that, although domestic abuse is a criminal matter, it has many implications for civil issues, such as custody, contact and residence, interdicts etc. As such, it was stressed that there is a need to ensure that Sheriffs hearing civil matters are fully aware of criminal proceedings and vice versa.

²¹ Issues relating to solemn matters were also raised, with a concern expressed that there was not a “specialist court” approach taken to these issues, but it was noted that such considerations were outwith the remit of this evaluation.

²² It had been decided at the outset that this would involve legal and procedural complexities, and the domestic abuse court should deal only with summary criminal complaints. It would, however, have the history relating to any civil domestic abuse matters where possible, and it was considered that the involvement of Family Court Sheriffs would improve such information.

2.55 Examples were given of some cases where Sheriffs did not seem to have been made aware of relevant issues. It was also suggested that a lack of information could lead to a lack of opportunity for consideration of the impact of domestic abuse on children, and that courts appeared generally reluctant to deny access / contact to fathers, whatever the circumstances.

2.56 There was also a general concern expressed about the protection of victims at the end of a case. At this point, bail conditions would generally be removed and there are limitations to the use of Non-Harassment Orders (NHOs)²³. It was stressed by a number of stakeholders that there is a need, therefore, for both victims and those providing advice, to be aware of civil measures of protection.

2.57 The implications of all of these issues for victims' safety were highlighted. It was noted that the outcome of a pilot involving integrated criminal and civil provision in Croydon would provide valuable information in the future.

MONITORING AND EVALUATION

2.58 A number of the organisations involved with the pilot maintained statistical information about their work, and the findings of these sources of information have been included in this report. Two major evaluations were conducted relating to the pilot: this evaluation for the Scottish Executive, and, as noted earlier, a separate evaluation of the ASSIST service, funded by an English trust and commissioned by Glasgow City Council.

2.59 Stakeholders were generally satisfied with the arrangements for the collection of monitoring information. Positive comments related largely to organisations sharing their information, and to those involved receiving the information which they required to carry out their own roles. Only three stakeholders suggested that they did not have access to information which they would have found useful (in one case, police data; and in the others, very specific pieces of data). One respondent suggested, however, that court statistics were "a bit dense" and that it would have been useful to have had some explanatory information.

2.60 It was suggested that there should be ongoing discussion of evaluation information with the MAAG, to inform strategic issues. Some organisations identified a need for timely decision making, on the basis of information from the monitoring and evaluation process, to enable forward planning, as it was suggested that a lack of clarity about the future of the court beyond the pilot phase had made future planning difficult.

OVERVIEW

2.61 Overall, it is clear that there was a high level of satisfaction with the structure of the court, and the process of development and implementation of the pilot was successful. Many

²³ The use of NHOs is limited in law and NHOs were not originally created specifically to offer protection to victims of domestic abuse. For an NHO to be granted, there must first be a conviction in relation to a "course of conduct" which amounts to harassment, in effect, evidence proving at least two incidents. The incidents must be reported together or sufficiently close in time to allow the prosecutor to libel them together in a single charge. Only where there is a guilty verdict in respect of a charge involving harassment can an application be made. Thereafter the decision to grant an NHO is a matter for the court.

of the issues raised were resolved in the course of the pilot and the overall structure which developed was clearly appropriate.

Structure, development and implementation - strengths and benefits

2.62 In summary, the positive findings relating to the structure, development and implementation of the pilot were as follows:

- There was a high level of commitment to the pilot from the start, with support from the highest level.
- The Steering and Working Groups provided a mechanism through which legal / procedural issues and support to victims could be considered.
- A range of organisations had a role in the pilot, and there was general satisfaction with these roles.
- The preparation of organisations for their involvement in the pilot was appropriate and a range of useful protocols, guidance and procedures developed.
- The pilot increased and enhanced multi-agency working, with ASSIST having a key role in this.
- Many services did not require additional funding, but additional resources were provided where there was a specific gap.
- The overall nature of the court in terms of the procedural arrangements, the area covered and the matters considered was appropriate.
- The range of statistical monitoring information kept during the period was useful.
- The pilot continued to evolve during the evaluation period and raised the profile of domestic abuse.

Structure, development and implementation – concerns and issues arising

2.63 In summary, the concerns and issues arising with the structure, development and implementation of the pilot were as follows:

- A perceived lack of clarity of some roles, and some communication issues, relating both to the different planning groups and some individual organisations, as well as some concerns about duplication, particularly in relation to the provision of support to victims. These did not appear, however, to have had a significant impact upon the pilot.
- A lack of early inclusion in the decision making structure of some organisations providing support to victims, and a lack of early consideration of issues for victims, which delayed the start of the court.
- Aspects of the operation of individual multi-agency groups and the involvement of organisations in these, with issues including their ethos, status, membership, accessibility, strategic focus, level of participation, consultation and engagement. These issues did not appear to have had a significant impact on the pilot.
- Aspects of obtaining funding for the pilot, in terms of the timing of the applications and the level of resources provided.

- The level of resources for ASSIST and the capacity and workload of the service, which constrained the provision of support to victims and led to differences in the level of service which could be provided to different groups of victims and variations in the actions taken, which were seen to have implications for victims' safety.
- The level of social work resources and the capacity and workload of the service, which constrained the availability of the CHANGE programme and work with perpetrators and their partners.
- A lack of clarity about the locus of strategic responsibility for taking forward this initiative, and for wider consideration of domestic abuse, although this was being addressed by the end of the evaluation.
- Some concerns with safety, including some practical issues and aspects of the nature of the court, such as limited links with civil processes, which impacted on some victims' experiences.
- Some gaps in monitoring information, although there was a generally positive view of information sharing.

2.64 Overall, however, the structure, development and implementation of the pilot were seen to have been successful.

CHAPTER 3 OPERATION AND OUTCOMES

3.1 Before identifying the specific work undertaken through the specialist court pilot, it is useful to set this in its overall context by summarising briefly the situation relating to domestic abuse in G Division. A picture of the cases going through the pilot domestic abuse court is then presented, as well as the actions taken and perceptions of the process.

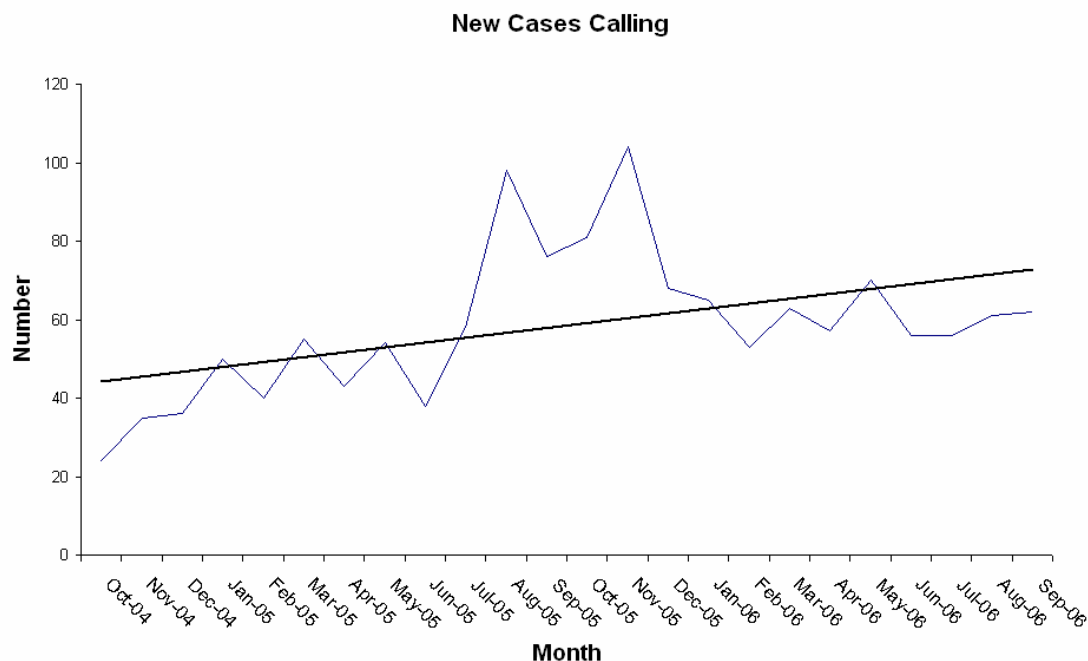
3.2 The material in this chapter is drawn from interviews with victims (102 G Division and 15 other areas), witnesses (26) and offenders (33), and from the examination of PF records (1182 cases), SCS (1409 cases), ASSIST (1700 referrals) and Strathclyde Police data (5490 incidents).

DOMESTIC ABUSE IN G DIVISION AND THE USE OF THE DOMESTIC ABUSE COURT

3.3 Over the two years of the evaluation, Strathclyde Police responded to 5490 alleged domestic abuse incidents in G Division, excluding East Renfrewshire. Of these, around 46% were considered to have involved a crime being committed, and 44% of the total recorded incidents were recommended by first responding officers for reporting to the PF. A full summary of this data is presented at Annex E.

3.4 During the period of the evaluation, 1403 new cases called in the domestic abuse court, with some variation by month, as the chart below indicates.

Chart 1 New cases calling



Source: SCS COP²⁴

²⁴ The Scottish Court Service's computerised case management system.

3.5 An average of around 40 new cases called each month in the first 6 months (October 2004-March 2005), rising to 61 in the second 6 months, and 71 in the period from October 2005-March 2006. In the 6 months from March to September 2006, the average was 61 cases. There was a sharp increase in the number of cases calling from June 2005 until the end of 2005, at which time the number of cases stabilised, with the peak for any single month being 104 in November 2005. None of the relevant stakeholders were aware of a particular reason for this.

THE CHARACTERISTICS OF CASES

3.6 The data provided considerable information about the characteristics of domestic abuse cases during the evaluation period.

Accused persons and victims

3.7 From data provided by SCS, it was found that the overwhelming majority of accused persons (93%) were male (Table 1, Annex D). A similar pattern was found in the paper files examined, where 1091 cases (92%) had male accused and only 91 cases had female accused (8%). It was found that 6% of accused persons in the comparison courts were female, suggesting a slightly higher proportion of women accused in the domestic abuse court. The figures may reflect the extent to which offences where a woman was the accused person were recorded as domestic abuse in other courts. It was also suggested that the enforcement of a pro-arrest, “zero tolerance” policy for all incidents involving partners and ex-partners may have unintended consequences for the prosecution of some women with a long history of experiencing domestic abuse²⁵.

3.8 Almost all (96%) of SPRs contained information about the victim or victims²⁶. The remainder consisted of breaches of orders or bail offences which involved no contact with the victim. The majority of victims were female (85%)²⁷. The SPRs also indicated that, in a large majority of the cases reported, the victim was female (90%). A total of 35 cases involved same sex relationships (around 3%) (Table 2, Annex D)²⁸.

²⁵ It was suggested that, in some cases, there may be specific issues underpinning women’s actions which require a more detailed and complex understanding of what constitutes “domestic abuse”. While zero tolerance is clearly an appropriate response to domestic abuse, it was noted that, without a clear understanding of what constitutes domestic abuse, behaviour could be taken out of context, identified as domestic abuse, and dealt with robustly. This highlights a definitional issue, in terms of whether domestic abuse simply constitutes any incident which takes place between people in a particular set of relationships, or whether it is defined as a pattern of behaviour of a particular type. Although, as Annex E indicates, there was some difference in the likelihood of women being recommended by the first responding officer for a report to the PF, there were also examples identified by stakeholders of remaining concerns relating to this. It was also noted that there could also be issues for ASSIST in supporting women who were the accused person in one case and the victim in another.

²⁶ The majority of data relating to this was drawn from case files. Although SCS data contained slightly more cases, it had no information about victims or incidents.

²⁷ Amongst victims interviewed, 91% were women and 9% men.

²⁸ In terms of the ethnicity of both victims and alleged offenders, the only source of this is Strathclyde Police’s Vulnerable Persons Database. There are limitations to this, as it deals with reported incidents, not cases which proceed. However, on the basis of reports, the pattern of victims and alleged offenders was similar, with 92% white, around 6-7% Asian, 1% Black and a very small number identified as either mixed race or Chinese.

3.9 It was found that around half of all alleged offenders and victims were not co-habiting at the time of the incident²⁹. Around a quarter were co-habitees and a quarter spouses. (Table 3, Annex D.)

Involvement of other victims

3.10 In 205 cases (17%), more than one individual victim was named in the charges libelled at the start. This does not, however, represent the true picture of victimisation, particularly of children, as many complainers made it clear that they did not want their children to be named in a charge, or to appear in court as a witness. In only three cases from the files did the accused person commit an offence with more than one partner over the period of the pilot. There were many more occurrences of offences against children and parents of a partner or ex-partner, although it would be reasonable to assume that the possibility of the same perpetrator committing offences with different victims would increase over time.

3.11 Around a quarter (24%) of SPRs identified that children were present during an incident, and witnessed it in some way, including where children were identified as victims. However, this is likely to be an underestimate, as SPRs identified that those involved in an incident had children under 18 from a current or previous relationship in more than half of the cases. Amongst the victims interviewed³⁰, almost three quarters had children living with them at the time of the incident, and just under half of these stated that their children had been involved in the case in some way, representing just over a third of victims interviewed overall.

3.12 Although it is very difficult to identify an exact figure for the number of incidents which involved children, a wide range of examples of ways in which children were involved were identified, including: hearing, or being the target of, shouting or abusive language; witnessing assaults or being assaulted; becoming involved in the aftermath of an assault (for example, to provide first aid, to attempt to remove the attacker or to call the police); and having toys or property destroyed. It was not always clear from the SPR who called the police³¹, but it is clear that, in a significant minority of cases, children did so.

Previous histories

3.13 The 1182 cases examined via PF case records covered a total of 903 individual alleged offenders, of whom 74% had previous convictions at the point of their first appearance in the domestic abuse court³² (Table 4, Annex D). In a total of 333 cases, the alleged offender was on bail at the time of the offence (28%).

3.14 It is difficult to obtain an exact pattern of previous offending in relation to domestic abuse³³, but Table 5, Annex D, extracted from the schedules of previous convictions tendered (or available to be tendered) on an alleged offender's first appearance gives an indication of

²⁹ Some element of judgement was required to identify a "primary" victim in a small number of cases.

³⁰ In this chapter, references to victims interviewed relate to those involved with the pilot court, unless otherwise specified.

³¹ This is not formally recorded (and the caller may be unknown in any event). However, the narrative in the SPR may mention children's involvement in this way.

³² Clearly, those who made more than one appearance may have had additional convictions by that time.

³³ Largely for technical reasons due to recording prior to 2004.

this. The highest numbers of previous offences were for breach of the peace, crimes of dishonesty and assault. It is difficult to be specific in relation to domestic abuse, as, for convictions prior to 2004, there is no effective way of identifying these. Although around 100 examples were identified of alleged offenders having previous convictions which appeared to relate to domestic abuse, this greatly understates the actual level of previous domestic abuse. It is likely that many past breach of the peace or assault charges will relate to domestic abuse, while material presented in SPRs also suggested that there were numerous cases in which either abuse had been unreported, or there was no corroboration of reported events. Amongst the victims interviewed, a very high proportion (84%) had experienced domestic abuse before, most by the same perpetrator.

The nature of the incidents

3.15 The SPRs provided a wealth of information about the nature of domestic abuse amongst the cases covered by the court.

Location of incidents

3.16 Data relating to the locations of offences suggested that 85% were committed in a home environment. As many as 45% of offences were committed in a home belonging to a victim which was not, at that point, being shared with the alleged offender. A total of 76% were committed in the victim's home or a joint home (Table 6, Annex D).

Types of abuse

3.17 Many victims experienced more than one form of abuse, including: threats, verbal and emotional abuse; physical abuse; and damage to property. Threats, verbal abuse and emotional abuse were identified as being experienced in the largest number of cases, being identified in a total of 823 case files (70%) and by just over three quarters of the victims interviewed. Examples included verbal abuse and public shouting, threats to kill or injure with weapons, and other threats. From the detailed accounts in the SPRs, evidence was identified of threats being uttered against: victims; children; pets; friends or family; and new partners. Threats of violence were common and there were around 50 cases where a threat to kill was recorded. Where the SPR contained a summary of an interview with an alleged offender, they commonly sought to minimise their threats by suggesting that they were "joking", or "angry", and had had no intention of carrying them out.

3.18 A large majority of SPRs identified the use of swearing and loud, or otherwise threatening modes of speech. In a small number of cases, this was identified as being racist, sexist or homophobic, although only a tiny number of cases actually specified this in the charge, or used these as aggravators. Alleged offenders often arrived at the homes of victims, demanded entry and, when refused, became abusive.

3.19 In a number of cases involving threats, the alleged offender used a mobile phone, particularly text messaging, as a way of threatening victims. In other cases, messages were left on victims' answering machines, and in a small number of cases, e-mail was used³⁴. Often calls were placed late at night, or involved repeated calls, with some cases involving 20

³⁴ Although there are offences available under the Communications Act (2003), this was used only in a small number of cases in preference to breach of the peace.

or more calls over a variety of periods. In a handful of cases, alleged offenders issued a threat in a greetings card. In a small number of cases, alleged offenders tried to encourage victims to either harm themselves, or to commit suicide. Also in a small number of cases, alleged offenders threatened to kill or harm themselves, or to start / re-start using drugs or alcohol. In many cases, threats were a prelude to physical violence, or damage to property.

3.20 A total of 541 cases (46%) involved physical violence, and a similar proportion of interviewees described physical violence. The range of violence used in cases brought before the court and amongst the interviewees was considerable, and in many cases, the attacks were sustained over an extended period. Examples included stabbing, slapping, kicking, punching, being hit with objects, and having a victim's head hit against a wall or surface.

3.21 A significant number of victims were injured. In 361 cases (31%), SPRs mentioned that the victim had sustained physical injuries, and this is likely to be an underestimate. It is also likely that, although some SPRs stated that there were "no visible" injuries, these may have taken time to become visible. Injuries included bruising, tissue damage (mostly swellings) and lacerations (by some distance the most common), fractures and bloody noses. There were 10 examples of bite wounds and around 5 examples of stab wounds, as well as many examples of other experiences and injuries. Additionally, it was impossible to estimate the number of victims who suffered distress as a result of the incidents. More than 200 charges of assault to injury, or assault to severe injury were libelled³⁵. It was also noted that a number of police officers were injured, and 117 charges were libelled relating to resisting arrest.

3.22 In 345 cases (29%), SPRs mentioned damage to property³⁶ and some of the victims interviewed described property violence, such as having their room or garden wrecked, damage to doors, cars and other items. The examples most often mentioned in SPRs, which only provided significant detail where alleged offenders were specifically charged in relation to the damage, were damage to cars, mobile phones, clothing and double glazing units. There were a number of examples where an alleged offender had forced a door, and, in a small number of cases, alleged offenders specifically targeted items of a personal or sentimental nature, such as ornaments, or photographs of deceased relatives.

Factors highlighted

3.23 Some SPRs described particular factors in the lives of those involved, such as: leaving or recently having left a partner; seeking or obtaining a divorce; bereavement; holidays; or unemployment. SPRs also described the immediate circumstances at the time of the incident, often identifying that the abusive behaviour began with a focus on a particular issue. While it would be impossible to give a comprehensive breakdown of these, the most common were: children; drugs or alcohol; infidelity; money; one partner wishing to either break off, or re-start a relationship; and property (often after a break-up). A number of SPRs described mental health problems for one or other partner. In 504 cases (43%), police identified that the

³⁵ It is worth noting that the most physically violent domestic assaults would be progressed either as Sheriff and Jury or High Court cases, so this is not a definitive number for G Division over the period of the pilot.

³⁶ Both Sheriffs and police officers noted in interviews that SPRs may not be able to convey the scale or impact of the damage caused by some offenders in the course of an incident, and indicated that a digital camera pilot, which commenced in one sub-division towards the end of the pilot period, may be helpful in illuminating this issue.

alleged offender had consumed enough alcohol to merit mention. In 43 cases, police identified issues relating to drugs in the offence itself. In some other cases, alleged offenders, and victims, were identified as drug users.

3.24 There were found to be some variations in the information included in SPRs in the issues covered and in their presentation. It would be fair to suggest, however, that a small number of SPRs appeared to offer a judgement on some of the above issues, which may indicate a training need. The basis of the domestic abuse policy framework in Scotland suggests that the circumstances described above neither “cause” or “mitigate” the abuse, responsibility for which rests with the perpetrator.

THE POLICE RESPONSE

3.25 As noted previously, the police provided the first response to a reported incident, and nearly three quarters of victims interviewed stated that they called the police themselves. In almost a fifth of cases, the police were called by a child or another family member, and a very small number of victims identified that the police had been called by others, including neighbours, friends, co-workers or the alleged offenders themselves.

The actions of the police

3.26 The actions taken by the police reflected the role identified in Chapter 2, and the most common actions described by victims, witnesses and offenders were: attending the incident; taking statements from all of those involved (including from children in 13% of cases); arresting, removing and detaining the alleged offender in custody. A small number of victims, however, also noted that they had been asked whether or not they wanted to make a complaint, which suggests some variation in police officers’ approach. Several stakeholders stated that the presumption should always be to proceed, and there is a clear emphasis in ACPOS³⁷ policy on taking action and not making this the responsibility of the victim. Other police actions identified in some cases included: offering medical attention; providing additional information to the victim; gathering other evidence; or taking the victim to another location.

3.27 Most of the victims, witnesses and offenders generally recalled receiving some information from the police at this stage, although it appears that it was often fairly basic. Over three quarters of the victims and other witnesses, and around two thirds of offenders remembered the police telling them something about what would happen next, although there was a significant minority who stated that they did not. Where information was provided, it generally involved being told that the alleged offender would be arrested, detained in custody, charged and taken to court. A small number of victims remembered receiving further details about, for example: the presumption of arrest; the involvement of the PF; the speed of the process; the use of special conditions of bail; and other forms of advice or information³⁸.

³⁷ The Association of Chief Police Officers in Scotland.

³⁸ As a matter of policy, the police should provide information about ASSIST, Victim Support and Women’s Aid. The comments in this paragraph are based on victims’ recollections of the aftermath of the incident, and it is possible that information was provided, but victims did not recall this later.

3.28 There appeared to be little information provided about the domestic abuse court. More than four fifths of victims suggested that they were not told about the domestic abuse court, along with most of the offenders and nearly two thirds of witnesses. Just over two thirds of victims, however, remembered having been told about ASSIST by the police, and a very small number remembered having been told about other forms of support (e.g. VSS, Women's Aid, social work, housing, Children 1st, VIA or the Family Protection Unit). This was consistent with the pattern in the PF files, where a total of 853 (72%) identified that ASSIST was offered, either by the first responder, or subsequently by Family Protection Unit officers. Of these, 573 SPRs (67%) identified that victims accepted a referral³⁹. Only a small proportion of SPRs (7%) noted that victims were offered access to other services at the time of the incident (generally VSS, although Women's Aid was also mentioned in a small number of cases). There was little evidence of information being provided to other witnesses or to offenders about support.

Views of the police response

3.29 There was a high level of satisfaction with the police response amongst victims, other witnesses and stakeholders. More than three quarters of victims and a similar proportion of other witnesses were satisfied with the actions the police took. Amongst victims involved with the traditional court process, less than two thirds were satisfied with the police response⁴⁰. The main area of difference in police action in the pilot area appeared to have been in their proactive approach to securing access to support for victims via ASSIST. However, when the reasons for victims' views were explored in more detail, these helped to identify the key factors in a positive police response.

3.30 Where there were positive views of the police response, the provision of information, support and follow up were amongst the common reasons for such views, alongside other developments to the police approach to domestic abuse across Scotland, including: the police taking action by arresting, charging and removing the alleged offender (with some contrasting this with a lack of action in the past); the speed of the response; and the attitude or manner of the police (e.g. in terms of taking the issue seriously, reassuring, caring and believing the victim). The attitude of the police was the most common reason for a positive view by other witnesses.

3.31 There was some evidence to suggest that not only was there a high level of satisfaction with the police response, but that this had improved. A very high proportion of victims involved with the pilot (84%) had experienced domestic abuse before and, of these, nearly three quarters had had contact with the police on a previous occasion. Just under two thirds of this group suggested that the police had acted differently this time, and the majority of these considered that the actions taken were better because of the changes. Again, the three main changes identified were: the provision of better support; the arrest, charge and removal of the alleged offender; and a willingness to take the issue more seriously. Although these changes may reflect broader improvements to police practice, it was suggested that they may

³⁹ This is a lower proportion than actually accepted referral to ASSIST, as the SPRs only reflected the position up to the point at which the case was reported to the PF.

⁴⁰ This was not a "control" group per se (as it would have been impossible to identify sufficient numbers of victims to opt-in), but the in-depth interviews in other areas offered an interesting comparator. While it is recognised that the findings are not statistically significant, the experiences of this group provided an indication of some issues where there may be differences in views between victims involved with the specialist court and other courts.

also be associated with an increased focus upon domestic abuse and good practice within the pilot area.

3.32 A small number of victims identified criticisms of the police actions, and these were often the converse of the reasons for the positive views, and included: a lack of information; a lack of action; action where the victim did not want this (in a small number of cases); slowness of response; and problems with the attitude or manner of the police. Two victims identified significant variation in attitude between different police officers who dealt with their cases. The existence of variations in police attitudes was also recognised by a number of stakeholders.

3.33 Two thirds of offenders made negative comments about the police response, including that it was “unfair”. A small number suggested that the response was one-sided and favoured the victim; that it was inappropriate or unnecessary in terms, for example, of their arrest and remand; and that they did not receive an explanation or an opportunity to speak. Some identified more specific individual complaints.

3.34 A small number of other issues were raised by stakeholders. It was suggested, for example, that there may have been some complacency by some police officers in the later stages of the pilot. A further issue raised was that there had been one period during which the level of referrals to ASSIST from the police had dropped, but this had been addressed. One respondent also suggested that there was still some lack of clarity, in some cases, about support arrangements.

3.35 The importance of the police response was highlighted by the finding that the majority of victims said that the police response had affected them in some way, and the most common comments were that they felt safer, more reassured and supported, as well as recognising that they were not to blame and that domestic abuse was a crime. A very small number of victims reported negative effects of police action which they perceived to have been problematic.

3.36 A number of suggestions were made by a range of respondents about how to develop the police response further, including: the need to continue to remind police officers of the appropriate and consistent response to domestic abuse and to develop their understanding; the need to ensure that victims and witnesses’ needs were always identified; the need to provide appropriate information to victims and witnesses on all occasions, including the availability of specialised support services and organisations; the need to ensure that all victims were told about ASSIST; the need for consistency and continuity; and the need to ensure a quick response to all domestic abuse cases.

Information and evidence to the PF and the court

3.37 The pilot also provided the opportunity for the police to develop improvements to evidence-gathering, and for developments to the information provided to the PF and court, and it was suggested by some of the stakeholders that this had been the case.

3.38 In terms of the information to the PF, although there were some variations in the information presented, there was generally a considerable amount of detail given, and the police prioritised the reports relating to these cases. The PF, from an early stage in the

evaluation, recognised the improvements to the information from the police which resulted from their close liaison. One of the stakeholders linked this to the level and speed of guilty pleas, and one also noted that agents received a list of the witnesses and statements for a case quickly.

3.39 The provision of information from ASSIST to the PF and to the court, such as up to date information on the victim's situation, any specific issues, and whether they still wished support from ASSIST, was identified as unique to this court. There was considerable evidence from observation to suggest that the Sheriffs were generally keen to receive this, and the stakeholder interviews suggested that it was considered valuable. The only circumstances in which it was found to have been more difficult for ASSIST to provide this was where they had been unaware that a case would be called.

3.40 A further development to evidence and information was a sub-divisional pilot involving the use of photographic evidence in G Division from mid 2006, to capture evidence at the point of attendance. It was suggested that there had been positive initial feedback on this, and a number of stakeholders noted its value. There was some evidence of photographic evidence being used, although it was also suggested by some stakeholders that enhanced evidence-gathering across the pilot area as a whole had perhaps not taken place to the full extent envisaged. A small number of victims also observed that the police had not collected additional evidence when they attended, and it was clear from the files that some victims had been invited to have their injuries photographed, but had declined to do so. It was suggested by two stakeholders that, in their view, photographs or medical reports had not been available in as many cases as might have been expected. In order to address these issues, the need for the consistent use of other evidence to support prosecutions was stressed.

Charges

3.41 Of the 1403 new cases which called in the domestic abuse court in the 2 years of the evaluation, a total of 53 different charges were libelled. Breach of the peace and assault (in its various forms) were the most common (see Table 7, Annex D). Almost three quarters of cases involved breach of the peace charges, and almost half involved assault charges in some form.

3.42 Alleged offenders faced only one charge in half of all cases (see Table 8, Annex D). A further third faced two charges and 11% faced three. A total of 5% faced 4 or 5 charges, with the remainder facing a larger number. In one case, an alleged offender faced 18 charges, but this was as a result of a number of offences committed at different times being combined under a single PF reference.

3.43 In the vast majority of cases (all bar two of the cases read), alleged offenders appeared from custody, either as a result of being arrested following the incident or following the execution of a warrant. In one case, it was not clear why the alleged offender was released on an undertaking. In the other case, the alleged offender was released by police having sought medical advice. In both cases, these alleged offenders appeared in court as required.

Information and support pre-court

3.44 During the period following the arrest and charge of the alleged offender, victims, witnesses and offenders faced a range of issues. The most common concern for victims and other witnesses was fear. This included fear of the alleged offender or their family members, and fear of going to court, in terms of facing them, giving evidence and the potential outcome of the court⁴¹.

3.45 Other issues raised by smaller numbers of victims included health concerns; issues relating to their children such as the impact on the children, safety and contact issues; housing concerns; employment issues, and, in a few cases, concerns for the alleged offender's welfare. The ASSIST Children and Young Persons' Advocacy Worker identified that children also faced a range of issues at this stage, including coping with their experiences and concerns about what would happen in the future. The most common types of support which victims required at this stage were: information; reassurance; and someone to talk with who would listen to, and believe them. A small number identified a need for specific support, such as mental health, housing, support with children, legal or financial issues and protection.

3.46 Offenders' main concerns were the general impact of being detained in custody, with most experiencing this. Most suggested that this had had a general negative impact on them, often describing the overall unpleasantness of the experience. Some pointed particularly to feeling shame and embarrassment, others shock or panic. Specific concerns focused upon issues such as: the impact on their employment; their relationship with their partner; contact with their children; their health; their immediate circumstances; and the uncertain outcome of the process, particularly in terms of whether or not they would be imprisoned.

Provision of information and support

3.47 The main source of information and support to victims in the pre-court period was the ASSIST service⁴², and 80% of the victims interviewed had had contact with ASSIST. Smaller numbers recalled having some contact with other services, including VIA (39%); VSS (34%); Women's Aid (17%) and others (35%). A total of 1383 referrals were made to ASSIST⁴³ during the period, and data provided by Strathclyde Police suggested that 74% of all victims identified accepted a referral. Of these, virtually all were made either by the first responder or by the police Family Protection Unit. A small number of other referrals were made by the PF, VIA and VSS. Referrals ebbed and flowed over the two year period (see Chart 2, Annex D). The highest number of referrals in a single week was 24, in June 2006, and the lowest was 5, in November 2004. Overall, the trend in the number of referrals was upwards, from around 12 per week in the first weeks, to around 14 per week by October 2006.

3.48 It was clear from interviews that this was the first time that many of the victims who had experienced domestic abuse before had received support. Overall, almost two thirds had had previous contact with the police about domestic abuse, but only 16% of them had received support in similar circumstances in the past. However, more than three quarters of those with previous contact with the police received support from ASSIST on this occasion,

⁴¹ It was interesting to note, however, that this differed for male victims. Although the number of male victims interviewed was small (less than 10% of the victims interviewed) none of the males stated that their concerns included fear, perhaps highlighting one aspect of the gender differences in the experience of "domestic abuse".

⁴² For details of the specific evaluation of the ASSIST service, see Robinson, 2006.

⁴³ Taken from data provided by ASSIST. From ASSIST weekly bulletins, it was identified that there were a further 39 referrals which related to cases heard subsequently in a solemn court (where ASSIST had no locus to provide support).

which is a large rise in such provision. This appears to bear out the perception by some stakeholders that the pilot provided access to support for many victims for the first time.

3.49 The forms of support provided at this stage were explored in the interviews. A large proportion of victims stated that they received information about what was happening with their case in the period following the incident, and by far the largest proportion of those who did stated that this came from ASSIST. A small number had received information from other sources, often additionally. These included: the police; VIA; the PF; VSS (often in the form of a leaflet); Women's Aid; the court; a solicitor; and the Probation Resource Unit. The main types of information received were: feedback about what had happened in court; dates of further hearings; the progress of a case; the criminal justice process generally; information about being a witness; and other support which could be provided. It was interesting to note that only around half of the victims interviewed whose cases had been heard in other areas stated that they had received any information at this stage, generally from the police or VIA, and there were a number of criticisms even where it *was* provided, such as lateness of receipt, or its limited / basic nature.

3.50 As well as information, victims in the pilot area identified a range of other forms of support which they had received, again generally from ASSIST, whose support included: advice about a range of issues; practical support; links to other agencies; and emotional support. A small number of victims had received "general reassurance" or support from VIA and VSS. The FPU and Women's Aid had also provided support to a very small number, as well as housing and social work services and some other providers. In traditional court areas, however, only a small proportion of respondents had had contact with any support agency.

3.51 The ASSIST weekly bulletins reported that the service made referrals to nearly 100 other organisations, or parts of large organisations, over the two years to October 2006. The most common, as measured by the number of weeks a service was identified in the weekly bulletin, were, as might be expected, Women's Aid and the Witness Service (see Table 9, Annex D). The other organisations mentioned included: rape and sexual abuse survivors' organisations; VSS; addiction and counselling services; health services; housing and homelessness services; various rights-based organisations; and services for both children and their parents.

3.52 Although there was a high level of provision of information and support to *victims* in the pilot area, this was not found to have been the case for other witnesses, nor for offenders. Few other witnesses interviewed remembered receiving information after the incident and most stated that they had received no support. Where information was provided, it related generally to what was happening, or to court dates. For some other witnesses, the only information which they remembered receiving was their citation.

3.53 There was also found to have been little information or support provided to alleged offenders after the incident, until they had contact with a defence agent, which was sometimes not until the time of their first court appearance. Additionally, although more than three quarters remembered having had advice at the stage of their court appearance, a third did not feel that it had been useful. Two offenders had had contact with a social worker, one of whom stated that they were told that, in the domestic abuse court, they would be assumed to be guilty unless they could prove otherwise.

Views of information and support pre-court

3.54 There was a high level of satisfaction amongst victims with the provision of information and support in the period following the incident. Almost all of the victims who had received information (97%) were satisfied with this. Conversely, the majority of those who did not receive information were dissatisfied, underlining the importance of provision.

3.55 Of the victims who had used the ASSIST service, all but one were satisfied with the action taken and the stakeholders were also satisfied with the way in which support had been provided to victims in the pilot. A number stated that the court would have been less effective without this provision. Amongst the relatively small number of victims who had used aspects of provision by other services, often alongside ASSIST, between the incident and court, the majority were satisfied with the actions taken.

3.56 A small number of stakeholders and victims expressed concerns about the support provision pre-court, and these included the point made in Chapter 2 about the perceived variations in the level of support to different victims. Additionally, one respondent suggested that there was a gap across a number of services in meeting the needs of those whose first language was not English, although another stated that more effective work was being done towards the end of the pilot to recognise the needs of ethnic minority communities. Some issues were raised which related to specific individual problems with individual services, in terms of the perceived lack of action, or inappropriate action by the providers. One victim suggested that they felt that ASSIST was geared to those who wanted to leave their partners.

3.57 Some gaps in support to children and young people were highlighted, including: difficulties in identifying some children and young people requiring support; the refusal of support by some victims, or the stage at which support was accepted; difficulties in provision of support to children in some circumstances; and lack of action, or inappropriate action by relevant services.

3.58 Many of the other witnesses, most of whom did not receive information, stated that they had been dissatisfied with this, and one felt that they had been “totally neglected”. Many suggested that they would have preferred to have been kept up to date with progress, and almost two thirds stated that there was additional information or support which they would have liked to receive that was not offered to them. This related, most commonly, to information about progress with their case, and their own role as a witness. Almost a third of offenders also stated that they would have liked to have received additional information during the period that they were in custody, prior to their initial appearance in court, particularly about the court and procedures.

THE COURT PROCESS

3.59 The actual court process was examined, from initial pleas to disposals and, overall, slightly more than 81% of cases calling in the domestic abuse court resulted in a plea of guilty to one or more charges. This was higher than for cases involving domestic abuse calling in the comparison courts (73%). The patterns for the stages at which guilty pleas were made are presented in Tables 10 and 11, Annex D.

Initial pleas

3.60 At the first appearance from custody, or following execution of a warrant, alleged offenders pleaded not guilty to one or more charges in around 79% of cases in the domestic abuse court, although the levels of such pleas varied considerably from month to month. The peak month was February 2006, when alleged offenders pleaded not guilty in 89% of cases. Conversely, in July 2005, alleged offenders pleaded not guilty in only 52% of cases. The overall figure of 21% of guilty pleas at this stage was slightly higher than for the comparison courts (18%).

3.61 The reasons given at interview by alleged offenders for pleading guilty at this stage included: the recognition that they had been guilty; the receipt of legal advice; to prevent a partner or child having to give evidence; to try to get help; to “get it out of the way”; to avoid being remanded; or because a solicitor had negotiated a change to the charges. Reasons for pleading not guilty included: perceived inaccuracy in the charge, or a belief that they were not guilty (the most common reason); advice from a solicitor (including to avoid being remanded); and trying to “tough it out”. One of the victims noted that their partner had been advised by a defence agent to plead not guilty against his wishes. They felt this had undermined the process and their likelihood of addressing the issues. The most common feeling amongst victims when a guilty plea was made at this stage was relief and sometimes surprise, although some simply noted that it was the truth, and one did not want the perpetrator to plead guilty.

3.62 Most of the victims in the pilot area stated that they heard about what happened in court from ASSIST. A small number identified other sources of information, including: the police; solicitor; the PF / court (via letter); VSS; VIA; and the Probation Resource Unit. Two respondents noted that they went to the court themselves for the custody hearing, and another that they themselves phoned to identify the outcome. A small number of respondents stated that *no-one* had told them what had happened, and a number remained unsure about the outcome.

The use of bail

3.63 Where an offender pleaded guilty at their first hearing in the domestic abuse court and their sentence was deferred, almost a quarter were remanded in custody (22%) and a further 6% returned to custody. Bail was allowed in 66% of cases, and offenders were ordained to appear at a sentencing diet in 5% of cases. In about three quarters of cases where an offender pleaded guilty and bail was allowed, special bail conditions were imposed. In the comparison courts, the pattern was different. Fewer (17%) were remanded in custody while awaiting sentence (and a further 2% returned to custody). Bail was allowed in 63% of cases, but there was a much higher proportion of offenders (19%) ordained to appear at a sentencing diet.

3.64 Where the alleged offender pleaded not guilty at their first hearing in the domestic abuse court, bail was allowed or continued in most cases (81%). Bail was refused in 13% of cases, and alleged offenders were returned to custody in a further 5%. Alleged offenders were ordained to appear at subsequent hearings in less than 1% of cases. Again, this differed from the comparison courts, where 5% of cases resulted in the alleged offender being ordained to appear. The pattern was otherwise similar, with bail being allowed or continued in 83% of cases (slightly higher), refused in 11% of cases (slightly lower), and a further 1% resulting in an alleged offender being returned to custody (lower).

3.65 In the large majority of cases in the domestic abuse court and the comparison courts where there was a not guilty plea and bail was allowed, special conditions were attached preventing the alleged offender from contacting the victim and, in some cases, children. Similarly, in virtually all cases, the bail conditions specified a location which the alleged offender could not approach. This was usually a street or group of streets, although sometimes a specific house. There was evidence in the PF files of enquiries being made to ascertain whether or not an address was too close to the victim's or, where the alleged offender was co-habiting with the victim, to identify accommodation.

3.66 It was not clear in how many cases appeals against remand were lodged as these were not always in the case files. Where submissions were present, the PF argued the case for remand, and, in all cases, recommended that, should the appeal be allowed, special conditions should be applied. In all cases studied, where an appeal was allowed, this was subject to the same types of special conditions as would have applied had bail been granted originally.

3.67 Where alleged offenders were released on bail, the majority of victims interviewed were satisfied with the decision. Where special conditions were imposed, the majority were satisfied with these, with the main reason relating to a perception of safety. Around a third of victims, however, were dissatisfied with bail or special conditions, and these reasons also centred primarily on safety. A number of victims gave examples of how conditions had been breached, and a small number believed that the response to this had not been sufficiently strong. A small number of victims wanted to see the alleged offender, and a number of offenders stated that the conditions had caused difficulties for them, for example in getting belongings or seeing their children. One stakeholder raised a very specific issue relating to bail appeals, where ASSIST was not always made aware of these and could not provide information to the court or victim, although it was also noted that VIA intimated the outcome of hearings to victims. It was suggested that a formalised procedure for these circumstances should be developed. Another stakeholder suggested that there may be a need for further guidance and training for police officers on their responses to breaches of bail.

Changed pleas

3.68 A number of cases involved changes to pleas, with a further third of cases in the domestic abuse court (33%) involving changed pleas after the custody hearing or warrant, but before or at the intermediate diet, compared to 27% in the comparison courts. There was, therefore, a demonstrable difference in the rate of guilty pleas by the intermediate diets, with 54% being settled by this stage in the domestic abuse court, compared to 45% in the comparison courts. A further 26% of cases involved changed pleas at the trial diet compared to 28% in the comparison courts. (Table 11, Annex D.)

3.69 Reasons given by offenders for changing their pleas were often similar to those identified for initial guilty pleas, and victims and witnesses reported a range of views of changed pleas. These included relief, but also confusion due to a lack of information and, in some cases, anger (e.g. because charges had been changed, time had been wasted, or they did not have an opportunity to give their views in court).

Trials

3.70 A total of 260 cases (19%) reached the trial stage with a not guilty plea. Of these, a total of 140 were not called or deserted and not subsequently re-listed. In addition, SCS data suggests that a not guilty plea was accepted to all outstanding charges in 11 cases. It was clear from case files that this generally occurred where the PF accepted that there was little prospect of one or more witnesses appearing. There was a marked difference between the domestic abuse court and comparison courts in the number of cases which were not called or deserted. In the domestic abuse court, around one in ten cases (10%) were not completed, compared to around one in six in the comparison courts (18%). (Table 12, Annex D.)

3.71 A total of 109 cases were identified which went to trial in the domestic abuse court (8%). It was difficult to obtain reliable evidence from PF files on who gave evidence, but it seems that the victim did so in the majority of cases, with many fewer trials recorded as involving defence witnesses. Although police witnesses were cited in virtually all cases proceeding to trial, there were only a very small number in which PF records suggested that police gave evidence.

3.72 Half of the victims interviewed stated that they had attended court on the day of a trial, although only 20 had to give evidence. Similarly, the majority of other witnesses had to attend court, although only a very small number were required to give evidence. Almost three quarters of the victims who attended stated that they had concerns about this. Most of these related to fear either of contact with the alleged offender and / or their family, or of the court process and evidence-giving. The highest number of victims, and a number of other witnesses reported being fearful, nervous or uncomfortable, and a number were very concerned about their safety in, or after the court. Some witnesses also noted that they had been confused or unaware of what was happening on the day. Almost all of the victims and almost two thirds of other witnesses who attended court felt that they needed support on the day, and this was generally someone to be with them.

3.73 The majority were found to have received support, either from ASSIST, which supported the largest number of victims, or the Witness Service, which was the main source of support to other witnesses. There was little overlap or duplication, with victims and witnesses generally citing one or other organisation. Some victims also received support from other sources, such as friends or family, and the main forms of support were found to have been talking / listening, and information-giving, although the support was sometimes relatively limited. It was interesting to note that the pattern of support was different amongst the victims whose cases were heard in other courts, where family and friends were the main source, with only a fifth who received support from the Witness Service.

3.74 A small number of stakeholders suggested that they had concerns that victims who did not wish to pursue cases felt pressured by the court to do so and that the use of warrants to compel witnesses to appear was not appropriate in these circumstances, although there was no suggestion that this was unlawful, or that the PFs or Sheriffs involved had acted improperly.

3.75 In terms of children and young people appearing as witnesses, the files indicated that children who were cited as witnesses were generally assessed for screens where it was clear that a trial was likely to proceed. From a total of 10 children who gave evidence in the period between August 2005 and October 2006⁴⁴, 2 had no special measures at their own request.

⁴⁴ Detailed information is not available for period prior to this.

Amongst the others, while all had screens in place, a range of other support measures were also put in place. Each had a support person, generally the Children and Young Persons' Advocacy Worker from ASSIST. Five children who used screens sat in the witness box, while three sat at the table in the well of the court. In 2 cases, none of the participants wore gowns or wigs. In one case, while all participants wore their gowns, only the Sheriff wore a wig. CCTV was not available in the court due to the necessary set up times and the impact this would have had on the processing of cases.

3.76 It was noted that, while children appearing as witnesses may wish a family member, or, for example, the new partner of a parent to support them, the preference of the prosecutor may be for a professional support person. It was also noted that defence agents, in some cases, objected to a family member being the support person, requiring a professional support person to be used. In one case, the defence unsuccessfully objected to the role of the Children and Young Persons' Advocacy Worker from ASSIST in supporting a child giving evidence. No evidence was available of the involvement of any expert witnesses in the court.

Victims' and witnesses' experiences

3.77 Victims and witnesses were generally positive about their support at court, with the majority of witnesses stating that this had made a difference to them. The majority identified that they were reassured, and some stated that they felt stronger, and less nervous. A number of victims in the pilot court group (16) could compare their experiences to a previous attendance in a traditional court, and three quarters of this group stated that they had never had support at court before. In the small number of cases where victims had received support at court before, all considered the support to have been better this time, with an increased level of support. Only one of the other witnesses had appeared at court before in relation to a similar incident and they had received no support on that occasion. They, too, considered their experience this time to have been better. Almost all of the victims whose cases were heard in other areas stated that they would have liked additional support at court, and several mentioned the benefit of a "domestic abuse worker".

3.78 More generally, of the victims from the pilot area who had previous experience of other courts, over three quarters stated that they had found their experience on this occasion to be better, even where there remained difficulties in their own situation. A number of reasons were given for these views, including that: they felt more supported; there was a better atmosphere; the PF and Sheriff were more considerate or listened more; it was quicker; and it was more professional.

3.79 Although the experiences of children and young people were not examined in detail, almost all victims (91%) who identified that their children were involved in a case, stated that they were happy with the way they were treated. The main reason for this related to an appropriate or helpful approach by services in dealing with them. This contrasts with less than a third of victims in the traditional court process whose children were involved being happy with their treatment.

Actions of Sheriffs, PFs and defence agents

3.80 Around two thirds of victims who could comment were happy with the actions of the PF, and a similar proportion was happy with the actions of the Sheriff, as were most of the

offenders. The majority of offenders were not happy with the actions of the PF. It was also interesting to note that most of the respondents in comparison areas were satisfied with the actions of the Sheriff and the PF.

3.81 The reasons for positive views of the PF and / or Sheriff by victims tended to focus upon their approach, their attitude and the actions taken. Several offenders stated that they felt that the Sheriff had been “fair”, although a small number stated that they did not find the court process to be fair, or believed that the specialist court was biased in favour of the complainer. One additional issue which emerged from victims in the pilot court, however, was that many of them were happy with strong comments made by the Sheriff about the consequences for the future of the perpetrator continuing the abuse. Where there were negative views of the Sheriff, the most common reason related to the actual disposal, whereas, with the PF, there were also some negative views about a perceived lack of communication with the victim, negotiation of the charges, or the way that the case was presented in the court. Clearly, while PFs have an obligation to consider pleas and to accept them where it is in the public interest to do so, this may not accord with the wishes of the victim, who may be dissatisfied as a result.

3.82 Although most of the offenders were happy with their defence agent, there was a very low level of satisfaction with defence agents amongst victims. Just over two thirds were not happy with defence agents and, in a small number of cases, interviewees noted that the Sheriff had intervened. The most common reasons for dissatisfaction were where victims felt that the defence agent had misrepresented the incident, implied the victim was lying, or behaved inappropriately. Victims sometimes suggested that this had had a very negative impact upon how they felt. One stated that the defence agent had suggested that the abuse was her fault for leaving the offender.

3.83 Some examples of defence agents apparently seeking to undermine the court, or demonstrating a lack of awareness of domestic abuse, emerged from the interviews with offenders. For example, one stated that their defence agent said that it was a “kangaroo court”. Other comments attributed to them included: that the charges had been exaggerated; that the court tried not to put people in jail, but used courses instead; that everything was against the alleged offender because it was domestic abuse; and, in one case, that they shouldn’t have been in court, as what they did was relatively minor. The ASSIST bulletins and stakeholders provided other examples of concerns, such as, in some cases, defence agents’ apparent inappropriate views of domestic abuse or attempts to minimise the violence. Concerns were noted that a number of the “myths” about domestic abuse were voiced, such as that it was caused by alcohol, mental illness, stress, the victim etc. These issues were sometimes identified during observation as apparently being presented by a defence agent as mitigating factors for the behaviour of the offender⁴⁵.

Concerns and improvements

3.84 Despite generally positive views of many aspects of the court experience, the majority of victims and other witnesses who attended court stated that there were ways in which the process could have been improved for them. Over a third of victims stated that there was additional support that they would have liked to have received, as did half of the witnesses,

⁴⁵ The methodology notes that defence agents were invited to give their views of the pilot in this evaluation, but did not do so.

and both groups raised the need for more information (e.g. on the day). Other suggestions included: ASSIST support in the Witness Room; support in private; the reduction of delays; additional emotional support; increased safety; opportunity for communication with the PF⁴⁶; contact between witness and victim; improvements to the experience of giving evidence such as the use of screens or special measures⁴⁷; improvements to disposals; support after the court appearance; and support with other problems such as housing and longer term safety. One of the stakeholders believed that there should be crèche provision at court. The general need to continue to develop support to victims and witnesses was also highlighted by a number of stakeholders.

3.85 It was also noted that it remained difficult for victims of domestic abuse to give evidence, for a number of reasons, including: the complex nature of domestic abuse and the issues victims face because of this; the “public” nature of the court and the specific difficulties in facing the alleged offender in the court.

FINDINGS AND DISPOSALS

3.86 The findings of the court and the disposals were also examined. Overall, taking all stages into account, slightly more than 86% of cases in the domestic abuse court resulted in a conviction. This compared favourably to the comparison courts, where the corresponding figure was 77% (see Table 12, Annex D). Only 10% of cases were not called or deserted, compared to 18% in the comparison courts.

Outcomes of trials

3.87 Of the 109 cases which proceeded to trial, a total of 71 (65%) resulted in an offender being found guilty of one or more charges. This was a marked difference from the figure of 42% for the comparison courts. A total of 37 cases were recorded as resulting in the alleged offender being found not guilty or being acquitted where there were no charges on which they were found guilty. In addition, a further one charge was recorded as not proven.

The use of disposals

3.88 Of cases which ended with a plea or finding of guilty, a total of 245 (21%) were deferred to allow for good behaviour reports to be obtained and there were mixed views of the use of this amongst victims. Some cases were deferred for other reports, such as SERs, CHANGE assessments etc. and it was clear from observation and examination of records in relation to the availability of reports that, on some occasions, the provision of reports required a number of deferrals while these were awaited.

3.89 By the end of the period covered by this research, a total of 1088 cases calling in the domestic abuse court had reached a disposal. The pattern of disposals is set out in Table 13, Annex D. The most common disposals were: a probation order (34%); admonished (28%);

⁴⁶ This is currently being addressed by COPFS, and it is expected that contact between deposes and victims will take place before court wherever possible.

⁴⁷ The progressive implementation of the Vulnerable Witnesses (Scotland) Act 2004 will extend the provision of special measures to children in summary cases by April 2007, and vulnerable adult witnesses in summary cases by April 2008.

imprisonment (18%); and fine (18%). Only 4% resulted in Community Service Orders, and other disposals comprised very small proportions of cases.

3.90 There was found to be a marked difference in the pattern of disposals between the domestic abuse court and the comparison courts (Table 14, Annex D). In the comparison courts, the most common disposals were fines (43%), with a much higher proportion receiving these than in the domestic abuse court (18%). A slightly lower proportion than in the domestic abuse court were admonished (25%) and probation orders were used much less frequently (16%, compared to 34% in the domestic abuse court). A very slightly lower proportion were imprisoned (17%, compared to 18% in the domestic abuse court).

Probation

3.91 Probation was the most commonly used disposal in the domestic abuse court. A total of 342 separate orders were imposed, covering 332 cases. More than 50% of all orders were for two years or more (Table 15, Annex D), compared to 34% for two years or more in the comparison courts. In 240 cases calling in the domestic abuse court, additional conditions of probation were imposed with, in some cases, more than one condition per case.

- 82 cases resulted in a condition of attendance at alcohol counselling, with a further 15 specifying the Alcohol, Crime and Education programme (ACE).
- 73 cases resulted in a condition of attendance at the CHANGE programme.
- 10 resulted in a condition of attendance at drug counselling.
- 5 women were sentenced to probation with a condition that they attend the 218 project.

In a small number of cases, other forms of counselling were specified as a condition. A total of 22 offenders were sentenced to probation with a condition that they undertake unpaid work.

3.92 There was a higher proportion of cases in which offenders were sentenced to probation with a condition to attend the CHANGE programme in the domestic abuse court (7%) than in the comparison courts (4%). The proportion of cases receiving probation with the condition to attend alcohol counselling was also higher in the domestic abuse court (10%) than in the comparison courts (4%).

3.93 Over the period from October 2004 to October 2006, a total of 8 CHANGE groups were run by Glasgow City Council social work service, 6 of which accepted offenders from the pilot domestic abuse court. 44 offenders sentenced by the domestic abuse court attended programmes during the period, although the last of these groups, involving 8 offenders from the domestic abuse court, only began in October 2006. This suggests that 60% of those from the domestic abuse court whose sentences included this had the opportunity to participate by the end of the pilot period.

3.94 Amongst those on the CHANGE programme, from the offenders interviewed in the pilot area, it was found that, for most, this was their first domestic abuse charge, and slightly over a third had been charged before in relation to this. Amongst those in other areas on the CHANGE or a similar programme, more than two thirds had been charged previously

relating to domestic abuse. A much higher proportion of those on the CHANGE programme in the pilot area had pleaded guilty at their first hearing than the figure for the court overall.

3.95 The highest level of satisfaction with disposals amongst victims was with the use of probation, where around three quarters were satisfied. Reasons for this included that the perpetrator might get help or have time to consider their behaviour. Slightly under a third of the offenders interviewed in the pilot area on probation with the CHANGE programme felt that their sentence was too harsh.

3.96 Although this evaluation was not an assessment of the CHANGE programme, it was noted that most, although not all of the offenders were generally positive about their experiences of the actual programme. Comments included that it had made them think and open their eyes; provided them with alternative ways of dealing with issues; and enabled them to learn and recognise the impact of their behaviour. Amongst the suggested developments were the increased use of this programme, with the corresponding need for developments in capacity and partner support work. One stakeholder, however, suggested that there were dangers in groups being drawn from a confined locality, and some identified the need for the specific evaluation of the impact of perpetrator programmes.

Imprisonment

3.97 A total of 230 custodial sentences were imposed on 179 offenders and the pattern of sentences imposed in the domestic abuse court is provided in Table 16, Annex D⁴⁸. The data suggests that the sentences imposed in the domestic abuse court were slightly longer than in the comparison courts, with 83% being over 1 month, compared to 64% in the comparison courts. There were mixed views of the use of imprisonment amongst victims, although some of the stakeholders considered this to be an important disposal in emphasising the “seriousness” of domestic abuse.

Fines

3.98 A total of 206 fines were imposed on 176 offenders in the domestic abuse court. The fines ranged from £50 to £2000 (see Table 17, Annex D). It appears that the level of fines imposed by the domestic abuse court was higher than in the comparison courts, with only 57% being £200 or below, compared to 75% in the comparison courts.

3.99 The highest level of dissatisfaction amongst victims was with the use of fines, with more than three quarters being dissatisfied where this was the disposal, with the main reasons being that it was insufficiently strong, or would “solve nothing”. One of the stakeholders noted that a fine could also have a significant impact upon victims as well as offenders. Some of the victims expressed specific concerns that special conditions of bail were then dropped.

Other disposals

3.100 As noted, there was little use of other disposals. Several stakeholders noted that they were disappointed by the small number of Non-Harassment Orders granted, and one suggested that the Crown may have a lack of familiarity with these orders. As noted in

⁴⁸ Due to technical limitations in the data available, it was not possible to ascertain whether sentences were to be served concurrently or consecutively where more than one period of custody was imposed.

Chapter 2, there are limitations to the use of NHOs, and amongst the suggested developments were that wider consideration should be given to developing an order arguably better suited to using in relation to domestic abuse, which would be easier to obtain.

3.101 One stakeholder also expressed reservations about the use of electronic monitoring as potentially a further invasion of the victim by the perpetrator.

Post-court experiences

3.102 There was little evidence of continuing support to victims or witnesses post-court. A very small proportion of victims had received continuing support from ASSIST for a period afterwards, albeit sometimes for a short period. A small number mentioned further support from other agencies, including Women's Aid, the police, social work, VIA and a lawyer.

3.103 A number of respondents, including some victims, suggested a gap in support post-court, after the end of the period when the ASSIST service was available. One of the stakeholders noted that this was a period of heightened vulnerability for victims, and many victims who were interviewed identified the continuing impact upon them of their experiences, in terms of emotional and practical issues. Some contrasted this to the lack of continuing impact on the offender. More than a third continued to experience abuse or harassment of some form, which they were generally dealing with alone. A specific issue raised by several stakeholders was that there could be gaps for victims post-court in the receipt of civil legal protection (for example, if special conditions of bail ceased), when it was suggested that victims could be left vulnerable. The particular need for legal advice, housing and personal support at this stage was identified by a number of victims.

3.104 The lack of long term support provision to address the needs of children and young people was also highlighted. Additionally, several witnesses stated that they did not know the outcome of the hearing, the disposal made, nor whether they would be required again, and mentioned that they would have liked to have had further information about this.

3.105 On a more positive note, the majority of victims in the ASSIST evaluation, and this research, noted that they had not experienced further abuse by the time they were involved in the research. Amongst interviewees in this research, most had had no further contact with the offender, a small proportion had had contact relating to children, but had experienced no abuse, and a small proportion had reconciled.

OVERVIEW

3.106 It is clear that the pilot made a number of improvements to the process / practice for dealing with domestic abuse. There was a high level of satisfaction amongst those most closely involved (i.e. victims and stakeholders) with the operation and outcomes of the domestic abuse court, and a number of ways in which these differed from traditional courts.

Operation and outcomes of the court

3.107 In summary, the findings relating to the operation and outcomes of the court were as follows:

- Over the period, 1403 new cases called in the domestic abuse court, and there was a steady increase in new cases since October 2004.
- ASSIST provided support to 1383 victims over the two years.
- The pilot provided a useful picture of domestic abuse cases in G Division, and about the nature of offences. Accused persons were overwhelmingly male and victims female, and a range of forms of abuse were involved. Children were present and witness to the incident in at least around a quarter of cases.
- The proportion of cases where there was a guilty plea at some point was higher than the corresponding figure for the comparison courts.
- There was a higher proportion of guilty pleas at the first appearance than in the comparison courts and a higher proportion of guilty pleas at or before the intermediate diet.
- The conviction rate in the domestic abuse court was higher than the comparison courts, and there was a lower level of case attrition.
- There was a greater use of remand after a plea in the domestic abuse court than in the comparison courts, and a much lower use of alleged offenders being ordained to appear in the domestic abuse court.
- Cases which proceeded to trial were more likely to result in a finding of guilty in the domestic abuse court than other courts.
- There were differences in the pattern of disposals, with probation found to be the most commonly used disposal in the domestic abuse court compared to fines in the comparison courts. There was a greater use of conditions of probation, particularly the CHANGE programme and alcohol counselling.
- The typical length of probation period was longer in the domestic abuse court than comparison courts, fines tended to be larger, and custodial sentences longer.
- There were examples of positive developments to organisations' responses to domestic abuse, in their practice and in their shared understanding of domestic abuse and its seriousness.

3.108 The findings relating to perceptions of the operation and outcomes were as follows:

- There was a high level of satisfaction with the police response amongst victims, other witnesses and stakeholders, and the suggestion that it had improved. There was also a high level of satisfaction with the actions of the Sheriff and the PF and the ASSIST service.
- There were generally positive perceptions of the support provided to victims and their children and there was evidence that the support provided, coupled with other aspects of the pilot, had an impact upon victims' experiences.
- Victims and witnesses had a range of needs at different stages, and a number of victims received support in the pilot who had not received support in similar circumstances in the past.
- The experience of the specialist court process appeared to be considered better than the experience of traditional courts.
- There were some improvements to evidence and provision of information to the PF and the court.

Operation and outcomes of the court – concerns and issues arising

3.109 In summary, the concerns and issues arising with the operation and outcomes of the pilot were as follows:

- Variations in responses to victims from some police officers and dedicated staff from other organisations, with concerns about instances of inappropriate action and attitudes, and potential inconsistency, which impacted upon victims' experiences.
- Concerns with the actions of some defence agents and their attitudes to domestic abuse, some of which were considered inappropriate, which impacted upon victims' experiences.
- Some limitations to the use of enhanced evidence, such as photographs, which impacted on the work of the court.
- Concerns with aspects of victims' and witnesses protection and safety at various stages, which impacted upon their experiences.
- Issues relating to some victims and witnesses having to attend court although they did not have to give evidence, and concerns about pressure felt by victims who did not wish a case to proceed, although there was no suggestion that the PFs or Sheriffs acted improperly.
- Some negative views of some of the disposals and issues for a small number of victims about a lack of communication, negotiation and changing of charges, or the presentation of the case in the court, although, again, there is no suggestion that this was improper.
- The impact of the policy approach in some instances, such as the prosecution of some women with a long history of experience of domestic abuse, which impacted upon some accused persons.
- A range of gaps in the provision of information and support to some victims and witnesses, and gaps in provision to some alleged offenders, at various stages, which impacted upon their experiences.

3.110 Overall, however, the operation and outcomes were seen to have been very positive and to have addressed many of the problems identified with the traditional court response to domestic abuse. The impact of the pilot is considered further in the following chapter.

CHAPTER 4 THE IMPACT OF THE PILOT

4.1 The previous chapters have identified the impact of the pilot on processes, experiences and outcomes. It also appears to have had a specific impact on a number of key issues, including: the efficiency of the response to domestic abuse; the effectiveness of the response; and the experiences of victims, their children and other witnesses. Some of the key evidence in relation to these issues is summarised below. The evidence in this Chapter is drawn from: three sets of interviews, with 20-30 stakeholders each time; victims (102 G Division and 15 other areas); witnesses (26); and offenders (33); and from the examination of PF records (1182 cases); SCS (1409 cases); ASSIST (1700 referrals); and Strathclyde Police data (5490 incidents).

EFFICIENCY

4.2 There are a number of indicators of improvements to efficiency in dealing with domestic abuse in the court system, amongst which are the speed of the response, the approach, consistency and procedures, and multi-agency working. All of the stakeholders who expressed a view believed that the specialist court pilot had increased efficiency in responding to domestic abuse.

Speed

4.3 There is no doubt that the specialist court had an impact on the speed of dealing with domestic abuse cases, with a clear difference between cases calling in the domestic abuse court and the comparison courts. It was found that an intermediate diet was held within 29 days⁴⁹ in 76% of cases in the domestic abuse court, compared to only 20% in the comparison courts (see Table 18, Annex D). The contrast was also striking with trial diets, with nearly three quarters of cases calling in the domestic abuse court reaching a trial diet in 6 weeks, compared to only one in eight (13%) in the comparison courts (see Table 19, Annex D).⁵⁰

4.4 A high proportion of victims and witnesses (around four fifths) were satisfied with the time it took for their cases to come to court, compared to less than half of the victims in traditional courts. This was also the main area in which there was a clear difference in the level of satisfaction between offenders in the specialist and traditional courts. Almost two thirds of the offenders dealt with by the domestic abuse court were satisfied with the time it took for their case to come to court, whereas only one third of those dealt with by traditional courts were satisfied with this, with some describing lengthy timescales. The fast-tracking of cases was identified by many of the stakeholders as one of the vital components of a specialist court approach.

Approach, consistency and procedures

4.5 It was also suggested by a number of stakeholders that the court had an impact upon the overall approach, consistency and procedures. Some of the differences were seen to be in the level of understanding of domestic abuse, the seriousness of dealing with the issue and

⁴⁹ Although the targets were 28 and 42 days, 29 and 44 days have been used to allow for public holidays.

⁵⁰ As noted in Section 1, the reform of summary justice includes proposals to speed up the administration of justice in Sheriff Summary Courts. It is impossible to speculate what the impact of these reforms will be on typical waiting times in these courts.

the use of disposals as a means of tackling this. The previous chapter demonstrated differences in the disposals used in the domestic abuse court compared to the comparison courts, with much higher use of probation, lower use of fines and very slightly higher use of imprisonment. There was also a higher level of remand following a plea and much less use of alleged offenders being ordained to appear. There was also evidence from observation of a strong message being provided to offenders about the unacceptability of domestic abuse.

4.6 It was suggested that the use of specialist personnel in the court had enabled the development of specialist knowledge about domestic abuse, which led to a more appropriate response. It was evident, during observation, that those most closely involved in the court appeared to share a general understanding of broad issues. There remained some variation, however, with examples from interviews and observation of apparent differences in views, or situations in which the actions or comments may be considered less appropriate. It was also noted that there were some variations in approach when non-specialists were involved.

4.7 Both victims and witnesses stressed the benefits of the court having taken the issue seriously. It was also suggested that accused persons were likely to realise that they could not “play” the Sheriffs, where the same Sheriffs sat regularly. It was suggested that this may link to a greater likelihood of guilty pleas, demonstrated in the previous chapter.

4.8 A number of stakeholders most closely involved with the court stated that it provided a model of how a court should be run, with one describing it as a “Rolls Royce court”. They suggested that this court was better organised, more focused, and generally ran better than other summary criminal courts. Some of the key elements in this were seen to be that: cases were processed quickly; early diets were available; there was “ownership” of cases by staff; there was open dialogue with the defence; and support organisations were involved. A number also noted, more generally, that the pilot had raised the issue of domestic abuse generally, the impact on children and links between domestic abuse and other forms of violence against women with a wider audience. It was clear that there had been considerable publicity for the pilot during the period of its operation which may have increased the “visibility” of domestic abuse and contributed to a view of it being taken seriously.

Multi-agency working

4.9 Additionally, in relation to the efficiency of the court, the pilot clearly increased the level of multi-agency working in G Division from the outset. Stakeholders were clear that the pilot had had an impact on the co-ordination of a multi-agency response to domestic abuse, and there was ample evidence of this, with the development of new arrangements such as: the Steering Group and Working Groups, including the MAAG; the MAAP process; the PF Liaison meetings; and other forums. There were also new protocols developed to enable this type of approach, along with a wide range of informal contacts on a day to day basis.

4.10 Multi-agency working was identified by stakeholders as a key strength of the development process and the implementation of the pilot, and overall views of multi-agency working were highly positive, although a small number of issues were identified in Chapter 2. The Steering Group, Working Groups and other forums were seen to have had a major role in this, but the general level of co-operation and contact outwith the groups was also highlighted.

4.11 It was also suggested that this linked to the use of specialists, as the identification of one point of contact in a service made discussion and co-operation easier, leading to a higher level of information sharing. The ASSIST evaluation also noted that the role of ASSIST in bringing organisations together was “highly valued” and this was reiterated in this evaluation. All of these arrangements were also seen to have improved provision to victims.

EFFECTIVENESS

4.12 There are many measures of the effectiveness of the response to domestic abuse, and the key areas in which it was suggested that the domestic abuse court may have an impact related to: the level and stage of guilty pleas; the level of case attrition (i.e. cases which do not proceed); the level of repeat victimisation and recidivism and the general impact on offenders.

Guilty pleas

4.13 The pilot appears to have had an impact on the proportion of alleged offenders pleading guilty at the first hearing, at or before the intermediate diet, and overall. The proportion of alleged offenders who pleaded guilty at their first appearance was slightly higher in the domestic abuse court than in domestic abuse cases in the comparison courts. The proportion pleading guilty at or before the intermediate diet was also higher than the corresponding figure for the comparison courts, as was the proportion pleading guilty at some point. One of the stakeholders suggested that part of the reason for the higher guilty plea rate may have been the provision of more information from the Crown to the defence agent at an earlier stage. It was also suggested that the speed of processing of cases may have had an impact on this, or that agents, in recognising the lower levels of attrition evident in the court, were advising clients to plead guilty at an earlier stage.

Case attrition and convictions

4.14 There is evidence to suggest that the domestic abuse court pilot had an impact on case attrition. The proportion of cases not called, or deserted and not subsequently re-listed, was lower in the domestic abuse court than was the case in the comparison courts. Similarly, a higher proportion of cases in the domestic abuse court overall resulted in a conviction than in the comparison courts, and a higher proportion of trials in the domestic abuse court resulted in a finding of guilty. The increased level of guilty pleas by the intermediate diet also impacted on the need for victims and witnesses to attend court or give evidence which, in turn was seen to reduce the likelihood of case attrition, as well as impacting on the general well-being of the individuals concerned.

4.15 It was also noted that the standard response from the PF to victims’ letters requesting that the case be dropped reduced the level of attrition. A total of 98 of the files examined (8%) contained letters from victims or agents, or notes of calls made to the PF, and two thirds of these related to appeals from the victim, their agent or, in a small number of cases, another family member, for the case to be dropped. In fourteen cases, letters asked specifically for special bail conditions to be lifted, while falling short of asking for the case to be dropped. There was no evidence from the files that any cases were marked no proceedings as a result of a letter or call. Responses from the PF typically stressed the seriousness of the issue, the

public interest involved, and recommended that the victim seek advice from ASSIST or another agency⁵¹.

4.16 In addition, as will be discussed further below, it also seems that improvements to the police response, and the speed and support inherent in the specialist court approach may make it more likely that cases are reported and less likely that victims are unable or unwilling to give their evidence. One of the stakeholders most closely involved in the court process suggested that a key success had been the inroads made into partners' reluctance to "speak up". It has also been shown that support was provided to some victims who had not engaged with support before, which may make withdrawal less likely. It is recognised, however, that the issues facing victims are complex, and victim reluctance is neither directly measurable, nor is it an indication of a lack of success.

4.17 It should also be recognised, however, that there remained a number of victims who declined support, and it was also apparent during observation and from the interviews that some reconciled. There was evidence to suggest that, without the victim's co-operation, the case did not usually result in conviction, suggesting the need to continue to ensure the collection of other evidence. One stakeholder also noted that it was important to ensure that there was not a high level of adjournment of trials, which could have a negative impact upon attrition.

Repeat victimisation, recidivism and the impact on offenders

4.18 It is recognised that it is impossible, after two years, to provide definitive information about the impact of the court upon recidivism. This was recognised by most stakeholders who stated that it was too early to undertake analysis of this issue⁵². This does not detract from the impact of the court in achieving other objectives, it simply suggests that it is not yet possible to demonstrate the impact on re-offending, either positively or negatively. In terms of the material which is available, while there is a need for caution in interpretation, it is nonetheless of interest to present this.

4.19 The data suggested that, over the two years from October 2004, slightly more alleged offenders appeared on more than one occasion in the domestic abuse court than in the comparison courts. Firm conclusions cannot be drawn from this, however, as many factors might have impacted on this, such as an increased willingness of victims to report further offences, the actions of the police or marking decisions by the PF.

4.20 It was also suggested that the involvement of the same Sheriff and a dedicated PF made it easier to identify and address repeat offending where this did occur. Several stakeholders noted that the impact upon this may be very long term, and the pattern may be complicated by the increased reporting of repeat incidents. Annex F notes a number of ways in which the court may impact upon this in the future.

4.21 In terms of repeat *victimisation*, it was clear that some victims in the domestic abuse court experienced this⁵³. Over the two years, a total of 332 repeat referrals were made to

⁵¹ This approach reflects standard practice in the service, with the addition of a recommendation to seek advice from ASSIST.

⁵² Stakeholders suggested that at least 5, and perhaps 10 years would be required to assess this.

⁵³ No data was available on the identity of the victim in cases calling in comparison courts.

ASSIST and the trend was upwards, along with the overall number of referrals (as set out in Chart 2, Annex D). The ASSIST evaluation and this research noted, however, that the majority of victims (around two thirds in both cases) did not experience further abuse. It seems that the provision of additional support to them, which is demonstrable, must impact upon this, along with the changes to the process described.

4.22 In terms of the wider impact upon offenders, again this is difficult to measure definitively given the short time period involved. The increased level of guilty pleas, however, suggests there may have been some effects. Similarly, the higher rate of conviction and the lower attrition rate mean that more offenders were held to account for domestic abuse. Additionally, a number of clear differences have been demonstrated in other factors which are directly relevant to this, including: the seriousness of the approach; the message given; the speed of processing; and the use of disposals (e.g. probation; the use of the CHANGE programme; and the use of alcohol counselling) which are seen as addressing offenders' behaviour directly.

4.23 It is, however, reasonable to assume that the behaviour of repeat offenders is perhaps the most difficult to change, and there was evidence of continuing offending by some, some repeat victimisation and the persistence of some inappropriate attitudes to domestic abuse. It is recognised that there will remain some whose behaviour will not have changed, who continue to pose a danger, and who remain a cause of concern.

4.24 When the views of offenders were sought, it was found that nearly three quarters considered that their experience of the domestic abuse court would affect their behaviour in the future, with a number stating that they did not want to experience this again⁵⁴. One of the stakeholders suggested that the recognition of the seriousness of domestic abuse could have a particular impact upon first offenders.

4.25 Many of the offenders interviewed also suggested that the actual disposal of the CHANGE programme had had an impact on them. Around four fifths considered that their sentence would affect their behaviour in the future. It is also important to note, however, that, if the CHANGE programme was an important factor in changing offenders' behaviour, then the limitations to its availability and the time taken to access this may have lessened the potential impact.

4.26 Among victims, there were also concerns expressed that some offenders were seen to be "getting away with it" where they were admonished. There were also some concerns expressed about changes to, or the dropping of some charges.

EXPERIENCES OF VICTIMS AND OTHER WITNESSES

4.27 It is clear that the pilot had an impact upon the experiences of victims, their children and other witnesses. Many victims believed that a specialist approach was better for them, and this view was supported by many other respondents, with aspects of the process identified as having had an impact on their experiences. There also appeared to be evidence of the impact of the pilot on the general quality of life of many of the victims, and the

⁵⁴ It should be borne in mind that all of these perpetrators were on the CHANGE programme. It is also acknowledged that these findings need to be treated with some caution, as perpetrators of domestic abuse frequently state that they will not offend again, but this is not always the outcome.

ASSIST evaluation noted that more than half of the service users stated that their quality of life was “much better”. Positive views of the support received were detailed in the previous chapter.

4.28 The ASSIST evaluation also found that reports from the children who were referred to the ASSIST service were also “overwhelmingly positive”, with improved well-being and school performance seen to be linked to attending sessions with the Children and Young Persons’ Advocacy Worker. The CYPAW also provided anecdotal evidence of the positive impact of support upon children and young people, where there had been visible changes to the ways in which they addressed issues. Some of the more specific aspects of the impact on victims, children and other witnesses are discussed below.

Understanding, information and support

4.29 The evidence suggests that the specialist court pilot had an impact on the level of information received by victims. Those with support from ASSIST had access to detailed information about the progress of their cases and the process overall, as well as access to other forms of support. Although, as noted in Chapter 2, there was a concern amongst a small number of stakeholders about potential duplication in provision to victims, it seems that the level of detail in the information and the level of access to support increased. There was a high level of satisfaction amongst victims themselves with the information and support they received.

4.30 In relation to the provision of information throughout the case, a very high proportion overall were satisfied with this. There was a difference in satisfaction between those who did receive support from ASSIST (90%) and those who did not (63%), and a large difference from those in traditional courts (where only 21% were satisfied with information). This suggests that both the pilot as a whole, including the information provided by the police and others and the specific provision by ASSIST, had an impact upon information.

4.31 There was also a high level of satisfaction with the support provided (as detailed in Chapter 3), and it seems that victims in the pilot area had greater support than was the case without ASSIST. A number of key aspects of support were identified as having been particularly valuable, including:

- Attention to the needs of victims and their children, with workers “being there” and the service giving an enhanced level of individual support.
- The approach and expertise of the staff based upon their specific knowledge and understanding of domestic abuse.
- The level and high quality of information and its provision on an ongoing and personal basis.
- Liaison with other services which was beneficial to victims and services.

4.32 Some stakeholders, however, raised a concern about the more limited provision of information and support to victims who declined the support of ASSIST and / or other organisations and, as seen in Chapter 3, the findings also suggested some gaps in the provision of information to other witnesses and offenders.

Protection and safety

4.33 A number of findings suggest that the pilot had an impact upon protection and safety for victims. Overall, more than three quarters of victims stated that they were satisfied with their own protection and safety, compared to less than a third of the victims interviewed from other areas with experience of traditional courts.

4.34 It appears that there were a number of ways in which the pilot affected protection and safety, including through aspects both of the process and the provision of support. In terms of the process, these included: the importance of the approach of the police in taking the accused into custody⁵⁵; the speed of the process; the use of remand; the low number of alleged offenders being ordained to appear; and the use of special conditions of bail⁵⁶.

4.35 Additionally, it was suggested that the Crown was better informed in the pilot court and that Sheriffs had more information on which to make a judgement, as well as being able to make a more detailed judgement than could be done in a busy custody court. It was also evident, during observation, that Sheriffs took account of victim safety issues, for example in demonstrating their awareness of the nature of domestic abuse and in explaining decisions and the implications of these. The potential impact of the process on offenders which was discussed earlier was also relevant to protection and safety.

4.36 The provision of support to victims, risk assessment and safety planning were also identified as impacting on protection and safety. The importance of listening to victims in identifying risk and the value of risk assessment and safety planning in improving safety were highlighted. The ASSIST evaluation found that participants in the Multi-Agency Action Planning process suggested that it had had a positive impact in improving safety for victims who were most vulnerable, although there were some concerns about the workload involved. Where victims were assessed as being “high risk” they were linked, where appropriate, to other support and safety measures, as well as having more intensive support from ASSIST. As noted, the majority experienced no further abuse. Amongst victims interviewed, a higher proportion of those who received services from ASSIST (80%) than those who did not (63%) stated that they were satisfied with their protection and safety. It was also suggested that the provision of support to victims had an impact upon the safety of the children.

4.37 One stakeholder noted that the existence of ASSIST also made more time available for the police Family Protection Unit to focus on other victims of domestic abuse. Some of these victims may not be involved with the court process, but may be at risk and may still be living with the perpetrator.

4.38 Some remaining concerns relating to protection and safety were raised, however, and it was clear that, although there were improvements, a number of victims remained in fear. There were also instances of victims and witnesses feeling vulnerable at court, whilst waiting to give evidence, immediately after the case, or on leaving the court. The use of the same entrance and exit was highlighted. There were also a small number of examples identified during observation of procedures which might have a potential impact upon safety. There were also clear concerns amongst some of the other witnesses about *their* protection and

⁵⁵ This clearly also exists in other areas.

⁵⁶ Again, this is used in other areas, but with a lower proportion of alleged offenders in the community without bail or conditions.

safety, with a relatively high proportion of them (more than a third) who were not satisfied with this.

4.39 The concern about the ending of protection for victims with the removal of special conditions was identified earlier. Limitations to the use of NHOs were noted in this context, as was a potential lack of awareness amongst victims of civil remedies. One stakeholder also suggested that there could be problems where orders failed to protect victims because they did not, for example, cite sufficient places or people. Another expressed a particular concern with protection and safety in the post-court period. It was also noted that there could be problems with alleged offenders contacting victims from jail with threats or requests to drop charges. An example of a letter of this type was found in the examination of records. ASSIST also identified difficulties with repeat offenders via the bulletin. A number of victims provided personal examples of offenders having breached special conditions of bail and other ways in which they continued to be abused. Amongst the victims interviewed, more than a third reported continuing problems with the perpetrator, including various forms of abuse and harassment.

4.40 It is important, therefore, in highlighting the benefits of the domestic abuse court pilot to continue to stress that a number of victims will continue to experience domestic abuse, will not have had access to support and will remain at risk.

Participation and satisfaction

4.41 There also seems to be some evidence to suggest that the pilot had an impact on victims' and witnesses' participation and satisfaction. General satisfaction was found to be high, with four fifths of victims and nearly three quarters of other witnesses stating that they had been satisfied overall with the way their cases were carried out. Only a quarter of victims whose cases were heard in traditional courts were satisfied with the way their cases were carried out. The time taken to come to court, some of the actions taken, and the information and support provided appeared to be the key areas in which the experiences differed between the groups.

4.42 The experiences of victims interviewed who had been in similar situations in the past suggested that the pilot had improved their experiences. It was interesting to note that the level of satisfaction with the way the case was carried out was higher for those who received support from ASSIST (more than four fifths) than those who did not, although satisfaction was still high at around two thirds. There was also a marked difference in views of the way victims were treated, with 88% of victims who received support expressing satisfaction with the way they were treated overall, compared to two thirds of those who did not receive support and to only a third of those who had experienced a traditional court.

4.43 Although it is very difficult to measure the impact of these factors on participation, the attrition rate was certainly demonstrably lower in the domestic abuse court. There is also evidence from existing literature to suggest that the provision of support has an impact on participation, and this evaluation has demonstrated that the level of support increased. A number of victims made specific comments to suggest that they could not have gone through their experiences without the support they received from ASSIST. One of the organisational respondents also noted the value of the input of support to victims who were particularly vulnerable and anxious. Others suggested that it was easier for children to give evidence as a

result of the simplification of screens assessments with the CYPAW, and the provision of support to children and young people.

4.44 A number of victims and stakeholders, some of whom had detailed experience of the traditional court response to domestic abuse, suggested specifically that the speed of processing cases had made a difference to participation. Some victims stated that the cases went to court while they were still angry, or before they had an opportunity to be talked out of it. It was also suggested that the pilot had been “more proactive” in getting victims into court. Some stakeholders also identified the importance of the message and the involvement of specialist staff as increasing the likelihood of participation.

4.45 More than three quarters of other witnesses believed that having a specialist court made it more likely that they would participate in a case. The main reasons they may be encouraged to participate were that: they knew that the victim was receiving support; they recognised that domestic abuse was taken seriously; their input was seen as important; and, in the view of some stakeholders, the citing process was more efficient.

4.46 Against this background, however, it was recognised that there would always be some victims who would change their evidence, and some victims and witnesses who would not attend court because of some of the specific issues relating to domestic abuse which the court could not eliminate. It was also noted that parents often did not want their children to give evidence against another parent, and this was also evident from the records. Delays or difficulties with citations were also identified during observation as having had an impact on participation in some cases, although such issues were not seen to have been frequent. One of the stakeholders also stated that it remained difficult to secure participation from witnesses other than family members, and some stressed the continuing importance of valuing witnesses.

4.47 As noted in Chapter 3, there were some concerns about the use of warrants to compel victims to attend court. Overall, however, a number of the stakeholders most closely involved with courts, who had experience of traditional courts, believed that the situation in the specialist court, in terms of participation, was “better than most”.

THE COST OF RESPONDING TO DOMESTIC ABUSE

4.48 A full account of the findings relating to the impact of the pilot on the cost of responding to domestic abuse is provided at Annex F, but a summary is provided here. It is important, however, to stress the need to avoid approaching the issue of costs from a narrow perspective.

4.49 It was found that the pilot domestic abuse court was, in some key respects, more expensive than a “traditional” Sheriff summary court. The direct costs of the pilot identified were £80,000 to provide a dedicated Procurator Fiscal depute and around £400,000 to provide the ASSIST service.

4.50 There were also a range of indirect costs and knock-on effects, in part due to the level of priority afforded to the court by services, and by the pattern of business evident. These were:

- SCS dedicated a clerk and a courtroom to the pilot, and together with the dedication of Sheriffs to the court, this was considered to have: reduced the flexibility of the court to respond to demand pressures; led to the employment of more part-time Sheriffs; made the process of ensuring consistency more difficult; and led to some space constraints.
- COPFS dedicated an administrator to the court, and allocated a flexible proportion of an additional depute's time as required, amounting to around 0.4 full-time equivalent over the life of the pilot.
- The social work service faced a range of knock-on issues, for example, related to the need to provide additional reports to the court, and the need to supervise additional probation places. There were also knock-on impacts on the waiting times for CHANGE for men sentenced in other courts.
- At a wider level, the slightly longer prison sentences imposed would also have led to a cost for SPS.
- The police, SCS and the PF, in prioritising domestic abuse court cases, all indicated that this had had some impact on the processing of other business, although this could not be quantified.

4.51 Many stakeholders noted, however, that, in their view, the extra level of cost could be considered to be justified in the light of the demonstrable benefits and policy outcomes.

4.52 It is also important to recognise that there are wider issues which must be considered. Domestic abuse has a high cost for individual victims and a high cost for society more generally. By both reducing the impact on victims, and potentially helping to reduce the level of abuse, there may be significant cost savings in the medium to long term.

OVERALL VIEWS AND THE WAY FORWARD

4.53 Overall, there was overwhelming support for a specialist court approach to domestic abuse. Although it is important to bear in mind that not *all* victims had positive views of their own experiences, and there were some examples of individual problems with the specialist court, their views of the model were very supportive. All of the stakeholders who made comments were satisfied with the operation of the domestic abuse court pilot. The overall philosophy of the model; the court processes and outcomes; and the provision of support to the victims were highlighted repeatedly as the key strengths of the pilot.

Roll-out

4.54 The main current concerns expressed by stakeholders related to the way in which this work might develop in the future. Almost all of the stakeholders stated that there was a need for a specialist court approach to domestic abuse. One stated that there was a “very clear advantage”, though not a *need*. Almost all believed strongly that the specialist court approach should continue in G Division in Glasgow and that it should be rolled out to other parts of Glasgow and Scotland. Similarly, all but one of the victims who expressed views; all of the victims in other areas; all but 2 of the offenders; and all but one of the witnesses believed that it was a good idea to have a specialist court approach to domestic abuse. The reasons for these views focused upon the outcomes highlighted, and the need to ensure that access to such an approach was not a “postcode lottery”. In the context of the expressed wish amongst

stakeholders for the wide roll-out of the court, some also expressed concerns that a range of issues may prevent this. The factors which they identified included changes to the level of political or other support for the model, or a lack of recognition in other areas of the perceived benefits of such an approach to domestic abuse.

4.55 Several stakeholders identified that, if the approach were to be rolled out, there would be a need for Sheriffs Principal and other stakeholders to consider different means of delivery of a specialist court approach in different types of area (e.g. rural areas and other urban areas; and areas with low volumes of court business or different levels of domestic abuse), as well as considering the implications of further roll-out in Glasgow. It was noted that there would be a need for detailed consideration of a wide range of issues relating to appropriate arrangements, practical issues and accessibility. There would also be a need to take account of the views of local Sheriffs in different areas, and any development would require the consent of the Sheriff Principal concerned. In relation specifically to further roll-out in Glasgow, concerns were expressed about both a lack of space in the Glasgow Sheriff Court building, and the potential impact on other business if additional Sheriffs and Clerks required to be dedicated to this.

4.56 Most suggested, however, that it should be possible to identify, following discussion, appropriate models for different areas if a specialist approach were to be implemented. It was suggested that these models could promote the main elements of good practice, but would require flexibility in the identification of appropriate and effective arrangements, rather than a strict adherence to the straightforward replication of this model.

4.57 A further issue raised was that, if the approach was rolled out, there would be a need to consider the best means of providing support to victims, and the arrangements and resources which would be required for this. This evaluation has shown clear benefits of the provision of such support, and has identified examples of good practice. It has also demonstrated the level of work involved and the importance of capacity to deliver the support, and it was recognised that there would be a need to consider how support might be made available more widely in Glasgow, as well as to consider options for support provision in other areas. Within this, it was again seen to be important to ensure that the key elements of good practice which have been highlighted throughout the report continue, whatever the model adopted.

4.58 More broadly, it is also important to recognise that the programme of summary justice reforms is also designed to improve the speed of administration of justice. Clearly, the likely impact of these changes will be a factor for consideration in identifying the way forward.

4.59 It is outwith the scope of this report to provide detailed recommendations about the model which should be adopted should there be roll-out, and the way in which the work should be developed. A number of stakeholders identified the need for full discussion of the implications of roll-out, reflecting upon the findings of the evaluation. Within this, the need to ensure appropriate financial and staffing resources and the capacity to sustain any developments were stressed frequently. The need to develop an achievable “phased” timescale for any roll-out was also emphasised. Many also pointed to the need to take account of all of the aspects of good practice which emerged in the pilot in future developments, and to consider the provision of guidance and training to other areas on the

basis of this. A number of stakeholders stressed the need to ensure that any roll-out was part of an overall Scotland-wide strategy.

OVERVIEW

4.60 Overall, the pilot was found to have addressed almost all of its aims and to have provided evidence to support their achievement, as well as enabling lessons for the future to be highlighted. The only aspect of the work of the pilot which is currently impossible to measure is the impact upon recidivism and repeat victimisation. Several stakeholders centrally involved with the criminal justice process identified that a two year period is insufficient to draw any conclusions about this, and that it would be inappropriate to speculate on the basis of current data. It has also been noted that, while the pilot helped to determine the costs and benefits of a specialist court approach to dealing with domestic abuse, there were some costs and benefits that could not be quantified.

4.61 There has, however, been a demonstrable impact upon the efficiency of the response to domestic abuse; the effectiveness of that response, and the experiences of victims and witnesses. The pilot has also provided some information on the costs and benefits of such an approach.

The impact of the pilot

4.62 In summary, the pilot has had an impact on:

- The **processes and outcomes**, with examples of clear differences from comparison courts on a range of means of operation and outcomes discussed in the previous chapter.
- The **efficiency of the response** to domestic abuse, with faster processing of domestic abuse cases, development of an appropriate and consistent response based upon expertise and specialist staff, and increased multi-agency working, supported by the process and information sharing.
- The **effectiveness of the response** to domestic abuse, in terms of an increased level of guilty pleas, higher rate of conviction and reduced case attrition, as well as apparent effects on some offenders, through an emphasis on “seriousness”, consistency, accountability and the use of some disposals.
- The experiences of **victims and other witnesses**, with general improvements to their experiences, improved protection, safety and well-being for victims and their children, better information and support for victims and their children, improved likelihood of participation and a high level of satisfaction. There was evidence to suggest that the provision of support by ASSIST at various stages contributed to this, and the level of attention to victims’ needs, the approach and expertise of staff, the level and nature of information, and the links to other services appeared to be particularly helpful.
- Helping to determine the **costs and benefits** of a specialist court approach to dealing with domestic abuse, although there were some that could not be quantified. Although the pilot domestic abuse court was found to be more expensive than other Sheriff summary courts, and had some “knock-

on” effects on other business, it was also identified that there is potential for the specialist court approach to provide benefits in the longer term relating to the wider societal cost of addressing domestic abuse.

4.63 It has been acknowledged that it is impossible, after two years, to provide definitive information about the impact of the court upon recidivism.

The way forward

4.64 In summary, perceptions of the way forward were as follows:

- There was found to be overwhelming support for a specialist court approach to domestic abuse, a high level of support for the pilot project to be rolled out across Glasgow and for the roll-out of a specialist court approach to tackling domestic abuse in the rest of Scotland.
- The overall philosophy of the model, the court processes, and the provision of support to victims were seen to be amongst its key strengths.
- It was recognised that, if there was a roll-out of the approach, there would be a need for a flexible approach to this, within the overall context of summary justice reforms and there would be a need to take account of different circumstances in local areas.
- Stakeholders suggested that the key aspects of good practice could, and should be implemented elsewhere.
- It is recognised that there would be a need to examine the implications of roll-out in each individual area, and to ensure that the appropriate resources, court arrangements and support were in place should this be taken forward. It would also be important to ensure sufficient capacity in the organisations involved, prior to the implementation of any model.

4.65 It is clear from the findings of this report that the domestic abuse court pilot has been a valuable development both in tackling domestic abuse in G Division and in identifying a series of lessons for the future. The information provided in this report can help both to inform consideration of the future of specialist approaches to domestic abuse in Scotland and to inform the continued development of good practice in tackling domestic abuse more broadly. The main conclusions and implications which can be drawn from the data are summarised in Chapter 5.

CHAPTER 5 CONCLUSIONS AND IMPLICATIONS

5.1 It is clear from the preceding chapters that the pilot domestic abuse court pilot has provided a wealth of information which can help to inform the way forward for the development of work in the future. This final chapter outlines the conclusions briefly and identifies the implications of these.

CONCLUSIONS

5.2 A number of conclusions can be drawn from the data. From these, it is possible to identify the impact of the pilot on its aims, and to highlight the key strengths and benefits of the pilot, as well as the main concerns raised.

The impact of the pilot on its aims

5.3 Overall, the pilot has achieved almost all of its original aims. Where available, evidence is provided to support their achievement.

5.4 There is evidence of increased effectiveness of the response to domestic abuse, with an increased level of guilty pleas, higher rate of conviction and reduced case attrition, as well as apparent effects on some offenders, through an emphasis on “seriousness”, consistency, accountability and the use of some disposals.

5.5 There is also evidence of increased efficiency of the response to domestic abuse, with faster processing of domestic abuse cases, development of an appropriate and consistent response based upon expertise and specialist staff, and increased multi-agency working, supported by the process and appropriate information sharing.

5.6 There appears to be improved likelihood of participation and a high level of satisfaction amongst victims and witnesses, with general improvements to victims’ experiences, improved protection, safety and well-being for themselves and their children, and better information and support. There was evidence to suggest that the provision of support by ASSIST at various stages contributed to this, and the level of attention to victims’ needs, the approach and expertise of staff, the level and nature of information, and the links to other services appeared to be particularly helpful.

5.7 There has clearly been improved co-ordination of information and provision, with many developments to multi-agency working and the development of formal and informal links, as well as protocols and procedures to enable this.

5.8 There is evidence to suggest that the domestic abuse court pilot had an impact on case attrition and convictions, including that: the proportion of cases not called or deserted and not subsequently re-listed was lower in the domestic abuse court than in the comparison courts; a higher proportion overall resulted in a conviction; and a higher proportion of trials resulted in a finding of guilty.

5.9 The only aim which it is impossible, after two years, to reach a conclusion about is that relating to recidivism. This was recognised by most stakeholders, and several noted that the impact upon this may be very long term, and the pattern may be complicated by the

increased reporting of repeat incidents. However, Annex F notes a number of ways in which the court may impact upon this in the future.

5.10 The pilot also helped to determine the costs and benefits of a specialist court approach to dealing with domestic abuse, although there were some costs and benefits that could not be quantified. Although the pilot domestic abuse court was more expensive than a “traditional” Sheriff summary court, and had some “knock-on” effects on other business, there is also potential for the specialist court approach to provide benefits in the longer term relating to the wider societal cost of addressing domestic abuse.

5.11 Overall, it was found that there was overwhelming support for a specialist court approach to domestic abuse and a high level of support for a specialist approach to be rolled out across Glasgow and the rest of Scotland. It has been suggested that the key aspects of good practice could and should be replicated elsewhere, although it would not necessarily be appropriate simply to replicate the model of the pilot.

Key strengths and benefits

5.12 While the key strengths and benefits have been presented in detail in each of the preceding chapters, this chapter summarises those factors which appear to have had a key impact upon the success of the pilot.

5.13 In terms of the **development and implementation of the pilot**, this was seen to have been effective, with the successful establishment and operation of the court. The key factors which contributed to effective practice appeared to be:

- Commitment and support from the highest level and throughout organisations.
- Effective multi-agency working.
- Identification and adoption of appropriate processes, protocols, standards, guidance and procedures.
- Ongoing development, information collection and review.

5.14 In terms of the “added value” of the specialist court pilot compared to existing provision, the model clearly provided the opportunity to focus attention on the “shared understanding” of domestic abuse by drawing services together and ensuring access to appropriate expertise. It is also clear that ASSIST had a specific role in improving co-ordination and enhancing multi-agency working around the court process, where this is not ordinarily within the remit of any particular local organisation. Additionally, although there were some existing processes and protocols relating to domestic abuse, the pilot ensured the development of a coherent package of these, covering the key aspects of provision. It also facilitated a coherent approach to risk assessment, through the development of a Multi-Agency Action Planning process. Although any, or all, of these developments could theoretically be put in place without a specialist court approach, there would appear to be additional benefits when these are part of a coherent overall approach which also involves the development of the criminal justice response.

5.15 The **criminal justice response to domestic abuse** in the pilot was seen to be effective and to have a number of benefits compared to traditional courts, including improved

outcomes such as a higher proportion of guilty pleas at the first appearance than in the comparison courts, a higher proportion of guilty pleas at or before the intermediate diet, a higher conviction rate and a lower level of case attrition. The key factors which contributed to effective practice appeared to be:

- Specialist staff with specific expertise in domestic abuse, including PFs, Sheriffs, SCS and ASSIST staff⁵⁷.
- An appropriate response by all of these organisations, based upon a shared understanding of domestic abuse, and the use of a robust and consistent approach.
- The provision of good evidence and information to the PF and the court.
- Fast-tracking of cases.

5.16 In terms of the “added value” of the specialist court pilot for the criminal justice response, the involvement of dedicated PFs and Sheriffs enabled the development of particular expertise relating to domestic abuse, and the provision of a consistent approach. Although aspects of the improved police response, such as the presumption to arrest, the use of custody and the provision of improved information have been implemented more widely and reflect overall ACPOS policy in relation to domestic abuse, the focus on the specialist court pilot has again made this part of a coherent overall response and thus enhanced its effectiveness. The involvement of ASSIST has enhanced the information available to the court and provides up to date details of issues affecting victims. Without the provision of specific enhanced support to victims involved with the court process, this would be impossible. The fast-tracking of cases is also clearly unique to the pilot at this time.

5.17 The pilot also had a positive impact upon **victims and witnesses**, with a high level of overall satisfaction, and improvements to a range of aspects of their experiences. The key factors which contributed to effective practice (in addition to those mentioned above in relation to the criminal justice response), appeared to be:

- A victim-centred approach, with an emphasis upon safety, supported by appropriate processes such as risk assessment, safety planning and the provision of information.
- The provision of independent support to victims at all stages by an organisation with expertise in domestic abuse.

5.18 In terms of the “added value” of the specialist court pilot for victims and witnesses, all of the aspects of the process discussed above clearly impact upon the experiences of victims of domestic abuse. In terms of the provision of independent information and support, although these are currently provided to victims of domestic abuse in the traditional court process to some extent, the support which was provided through the specialist court was clearly more detailed and intensive than is generally available. The level of understanding of domestic abuse, the level of attention to victims, the approach and expertise of staff, the level and nature of information and the links to other services from a specialist service have all been identified as particularly helpful. Similarly, the provision of such support from a very early stage and throughout the process in a consistent and co-ordinated way was seen to be

⁵⁷ Although ASSIST is not a criminal justice agency, its role had an impact on the criminal justice response to domestic abuse.

important. The provision of this type of dedicated support was unique to the pilot in terms of how it dealt with victims of domestic abuse.

5.19 Overall, therefore, the specialist court approach has clearly had many benefits, as detailed in this report. In many ways, it is the combination of all of these key factors into a coherent overall approach to domestic abuse which brings the benefits which have been described. Whilst any of these would, in isolation, constitute good practice at some level, their impact appears to be enhanced when all parts of the process are working together to a shared agenda, with a common understanding of domestic abuse and an appropriate response to this.

5.20 The identification of all of these factors, coupled with the detailed information in Chapters 1-4 relating to other aspects of good practice, helps to identify lessons for the future.

Concerns and issues arising

5.21 The main concerns and issues arising have also been presented in detail in each of the preceding chapters and will not be reiterated here, but the main broad issues arising which had an impact upon the pilot and which are important in the identification of lessons for the future are highlighted below.

5.22 A small number of difficulties were experienced with the **structure, development and implementation of the pilot**. Those which appeared to have had an impact on the pilot, on particular organisations, or on victims appeared to be:

- The lack of focus at the start on victims, which delayed the start of the pilot until support to victims could be put in place.
- The level of resources, which impacted particularly upon the level of provision of support to victims and limited the provision of the CHANGE programme.
- Aspects of the nature of the court, such as limited links with civil processes and other safety issues, which impacted on victims.

5.23 Similarly some concerns were raised with the **criminal justice response to domestic abuse**, and those which appeared to have had an impact on the pilot, on particular organisations, or on victims appeared to be:

- Some variations in approaches to domestic abuse and some instances of inappropriate attitudes or responses, which impacted upon victims.
- Some limitations to the use of enhanced evidence and other measures, which impacted on the work of the court.
- The level of availability of the CHANGE programme, which constrained the development of work with perpetrators and their partners.

5.24 Some concerns were also raised with other aspects of the **experiences of victims and witnesses** and those which appeared to have had an impact on the pilot, on particular organisations or on victims appeared to be:

- Some gaps in the provision of support and information to some victims and witnesses, and gaps in provision to some alleged offenders, at various stages, which impacted on their experiences.
- Aspects of victims' and witnesses' safety and protection, which impacted on their experiences.
- A gap between the resources available for the ASSIST service and the level of demand, with consequent variations in the level of service which could be provided and the actions which were taken.

IMPLICATIONS OF THE FINDINGS / LESSONS LEARNED

5.25 All of the findings which have been presented in this report provide useful lessons for the way forward, both in terms of the future work of the pilot, which it has been agreed will continue until October 2007, and in terms of wider developments to tackle domestic abuse in Scotland in the future. Underpinning all of these implications is the recognition of the broader need to continue to develop responses to domestic abuse, and to view this provision as one aspect of a range of actions, taking a consistent approach to these issues.

Implications for the pilot

5.26 In terms of the implications for the future work of the pilot, the findings serve to suggest some actions which could be taken during the forthcoming period to help to consolidate the work which has been carried out to date, and to address some of the specific issues which have been raised.

Structure, management and roles

5.27 It is suggested that it might be beneficial to take stock of the roles of all of the multi-agency groups and to ensure that all participants are clear about their terms of reference, operation and roles. This would also provide an opportunity to consider their operation and membership, and to ensure that there are clear mechanisms in place for communication between the groups which are well-understood by all of those involved. For the MAAG, it is important to ensure that it is enabled to take a broad view of support to victims, and of work with perpetrators as it impacts on victims. It also seems important to ensure the continuation of the MAAP and the PF Liaison Group.

5.28 It may also be helpful to clarify and re-emphasise the roles of all of the organisations involved with the pilot and to address any specific issues arising relating to the role and involvement of particular organisations. It is important to identify and address, wherever possible, any gaps in the information which is provided to organisations or any problems with the level of detail, format etc of the data.

5.29 At a broader level, it is also important to clarify responsibility for taking the strategic approach to domestic abuse forward, and to identify both where the pilot fits into the structure and the roles of different multi-agency groups in the process. There is a need to make sure that there is appropriate communication between all of those with a strategic interest and involvement.

5.30 Some resource issues have also been highlighted, particularly relating to ASSIST and the CHANGE programme. It is important to continue to highlight any outstanding issues and to identify, if possible, potential sources of support to address the key requirements.

5.31 A number of safety issues have been identified in this report, some of which relate to the court. It is suggested that a safety audit of the court should be conducted, with appropriate action taken to remedy any issues identified.

5.32 It is also suggested that there should be further consideration of how to increase links to the civil justice process and to consider other aspects of the functioning of the court.

5.33 There is also a need to continue to develop the good practice which has been promoted through the pilot. This includes continuing to highlight the shared understanding relating to the nature of domestic abuse, the processes, and the implications of the shared understanding for participants' roles. The provision of opportunities for continuing training and information-sharing will also be an important part of this.

5.34 Additionally, both this research and the ASSIST evaluation have generated a large amount of information of relevance to participants and others which can help to inform action in the future. It is important to ensure that there is wide discussion of this. The reports also contain information which can help to ensure that all services continue to develop their own procedures and practices, taking account of the detailed issues discussed.

The criminal justice response to domestic abuse

5.35 Part of the continuing promotion of good practice in the pilot relates to continuing to improve the criminal justice response to domestic abuse, elements of which have been shown to be important to its success. It is important to ensure that there is consistency in organisations' attitudes and approaches to domestic abuse, and that these accord with the overall model.

5.36 It is also important to continue to increase the use of other evidence to support prosecutions, such as photographs and 999 tapes, which has been developing. There is also a need to ensure, as far as possible, that reports to the court are provided as a matter of priority by the relevant organisations.

5.37 There may also be opportunities to address some of the protection and safety concerns through the criminal justice response by, for example, ensuring that there is always appropriate coverage of locations and individuals within bail orders and increasing the use of other means of protecting victims. This could include: taking steps to ensure that ASSIST staff are made aware of, and input to, bail appeals; identifying other means of preventing continuing harassment from prison; ensuring that Non-Harassment Orders are sought in all cases where it is appropriate to do so; considering the development of an order suitable for use in relation to domestic abuse which is easier to obtain than an NHO; and developing awareness of civil remedies.

5.38 There is a need to review and increase the capacity of the social work service to deliver the CHANGE programme to perpetrators, and for evaluation of the impact of perpetrator programmes in Scotland.

5.39 There are some ways in which it may be possible to improve victims' and witnesses' experiences of attending court, such as, for example by: ensuring communication with them and providing appropriate information; reducing delays in the court as far as possible; providing assistance / measures to recognise and address the difficulties faced by victims and witnesses in attending court and giving evidence; considering the best means of addressing victims' reluctance to participate; ensuring robust challenge to any inappropriate behaviour, or inappropriate assertions about domestic abuse in the court.

5.40 The need for continuing training has been discussed above, and this should cover general and more specialised training to all organisations. There is also a need to regularly review practice and to remind practitioners of the appropriate response to domestic abuse. Within this framework, it is important to ensure that the police, prosecutors and Sheriffs have a clear understanding of gender issues in domestic abuse and that full account is taken of these in the investigation of women's offending (for reasons discussed in footnote 25 at section 3.7). There may be scope for the development of written good practice information and guidance, such as a specific "Bench Book", or updating of the "Equal Treatment Bench Book", and other service-specific material.

Provision to victims and witnesses

5.41 The provision of information and support to victims and witnesses is also an important part of the pilot, and there is a need to address some of the gaps which have been suggested. It is important to attempt to increase the numbers who consent to ASSIST and ensure that all victims receive information about ASSIST, with appropriate follow-up in all cases. There is also a need to ensure that key information is passed at appropriate stages to victims who decline ASSIST, other witnesses and alleged offenders (recognising that VIA provides information regardless of whether a victim declines ASSIST).

5.42 There may also be opportunities to develop additional support, such as face to face support; peer support; further support at, and immediately after, a court appearance; accompaniment of victims to appointments; support to deal with other agencies; specific types of services to meet particular needs; and post-court support.

5.43 In order to identify the best means of developing services, it is suggested that there should be strategic discussion between all organisations involved in providing support to victims, in order to identify gaps and responsibilities for provision of support, and to identify the best means of addressing the gaps. This will involve considering how to provide proactive, enhanced and resourced information and support to all victims of domestic abuse at all stages, including victims with access, language and other requirements. This will clearly be dependent upon organisations' remit and the nature of service users particular to each organisation, but should help to clarify who can provide support at particular stages. The discussions can also consider aspects of the provision of support to victims of domestic abuse in other parts of the city in the overall context of the future of domestic abuse courts. It is also important to continue to take account of victims' and witnesses' needs and experiences in the development of services.

5.44 In relation specifically to ASSIST, there is a need to review and increase its capacity to deal with its existing workload, ensuring that the organisation's independence as an

advocate for victims is maintained. Consideration should also be given to whether there are any means of increasing the use of risk assessment. There may also be a wider need to develop the capacity of specialist and other services to respond to the range of needs, including to continue to develop provision to children and young people and to develop support to other family members involved in a case. There appears to be a specific need to develop further work with partners of CHANGE programme participants.

5.45 It is also important to recognise the additional needs of witnesses for information and support, beyond that which is currently provided, and identify means of addressing these needs.

5.46 There are a range of additional actions which might also increase the information and support available during the pilot, such as: improving the passage of information about High Court bail; identifying the best means of signposting / referring victims to other services post-court, and ensuring that this takes place; notwithstanding the information currently available, developing a single leaflet explaining issues of concern to victims and bringing together information from a range of service providers⁵⁸; increasing victims' awareness of sources of support and civil legal protection; and increasing services' awareness of their own roles.

Broader implications

5.47 It is clear that there is considerable support for rolling out a specialist court approach to domestic abuse among stakeholders. The current research has provided data which can help to inform any such roll-out, should this take place.

5.48 It is important to identify the ways in which the findings can provide lessons for any future developments, in terms of highlighting some of the actions which might be required and identifying suggested good practice, on the basis of the findings, in relation to:

- Overall consideration of the way forward.
- The key elements of a specialist court approach to domestic abuse.
- Structural arrangements, preparation and implementation.
- The nature of provision.

Overall consideration of the way forward

5.49 The research suggests some issues which will be important in the decision-making process relating to whether or not there should be roll-out and, if this is seen to be the way forward, the potential extent of this. It is recognised that there is a need for all relevant organisations to consider the findings of this evaluation in detail, and to identify the best means of proceeding within the overall framework of broader summary justice reform.

5.50 It is clearly important to take account of the detailed findings and the wide range of lessons which have been learned from the domestic abuse court pilot in G Division. It is, however, particularly important to take account of those key factors identified at the start of this chapter which seem to impact upon the success of the specialist court approach, as well

⁵⁸ This could include, for example, the circumstances in which a prosecutor may accept a plea of not guilty, the meaning of "admonished" and other disposals and the relationship between criminal and civil matters.

as those which might constrain its operation. This should form the basis of any provision which develops.

5.51 On the basis of the discussions which ensue, it will be important to identify the extent of roll-out which is envisaged and to ensure that all relevant parties are aware of this. It has been recognised that any roll-out would not necessarily involve the direct replication of this model and there is scope to consider different potential models of structural arrangements which could be implemented in different parts of Scotland to enable a specialist court approach to domestic abuse. There is a need to consider the ways in which provision might be made in cities, urban / rural areas and rural areas, encompassing the key strengths which have been identified from the pilot.

The key elements of a specialist court approach to domestic abuse

5.52 Although different local areas might take the key elements of an appropriate specialist court approach and identify different ways of implementing them, it is suggested that the findings of the pilot indicate that, to be effective, a specialist court approach should include:

- Commitment and support from the highest level and throughout organisations, with a shared understanding of domestic abuse, based upon a “zero tolerance” approach.
- Effective multi-agency working.
- Identification and adoption of appropriate processes, protocols, standards, guidance and procedures.
- Specially trained and / or dedicated criminal justice staff with specific expertise in domestic abuse, including PFs, Sheriffs and SCS staff.
- An appropriate response by all of these organisations, based upon the shared understanding, and the use of a robust and consistent approach.
- The provision of good evidence and information to the PF and the court.
- Fast-tracking of cases.
- A victim-centred approach, with an emphasis upon their safety, supported by appropriate processes, such as risk assessment and safety planning, information, clear links to civil courts and the use of appropriate disposals.
- The provision of independent support to victims and their children at all stages by an organisation with expertise in domestic abuse.
- Ongoing development, information collection and review, reflecting good practice and equality.

It is also vital that there are adequate resources to develop and sustain the work.

5.53 Some of these key elements relate to structural arrangements, preparation and implementation, and some to the nature of provision. The findings of the pilot help to identify some additional good practice suggestions in each of these broad areas about the ways in which these key elements might be embedded into the provision which develops. These good practice suggestions, which can also inform the way forward, are detailed below.

Structural arrangements, preparation and implementation

5.54 The findings of the pilot provide an indication of good practice in ensuring appropriate structural arrangements and preparation.

5.55 It would seem important, for example, to develop an overarching national structure and a national action plan for any roll-out, within which developments could take place. This would help to ensure overall consistency and co-ordination, as well as enabling information-sharing and the continuing development of good practice, Scotland-wide, within and between organisations. It would be important for any developments to be located within the overall framework of other national and local policy and practice to address domestic abuse, and other forms of violence against women in Scotland.

5.56 It is suggested that national guidance and service standards could be developed, as well as draft protocols based upon the experience of the pilot. The provision of relevant training should also be encouraged, to the police, judiciary, PF, SCS and other key participants. The adoption of the national definition and a shared understanding of the appropriate response to domestic abuse should be promoted at a local level, and the general implications of a specialist court approach for relevant organisations identified.

5.57 Within this overall structure, which could set the parameters in terms of the overall approach to domestic abuse and the essential elements of provision, there would be scope for local decision making about the actual nature of a local model. It would be important to identify a structure and appropriate forum in each local area (e.g. community justice authorities, domestic abuse or community safety partnerships etc.) which could consider local strategic issues about the specific model which might be adopted. There should then be input from all relevant local stakeholders at the planning stage, to ensure that their expertise and existing roles are taken into account fully. Those agencies which agree to participate in the business of the court at a local level should be able to evidence their commitment and their understanding of the need for appropriate working practices.

5.58 Once the broad form of an appropriate local model was identified, the local forum could then develop the details of this and identify its feasibility, taking account of the views of relevant local stakeholders. There would also be a need to consider in detail how it would be implemented, with a clear structure, local action plan and timescale. The forum would require to identify appropriate arrangements for the court process, and for the provision of enhanced support to victims.

5.59 There would also be a need to identify the mechanisms for ongoing oversight of all aspects of the work, including the legal / procedural aspects and support to victims. It would be important to ensure that this included all relevant participants, and that responsibility for the co-ordination of multi-agency working was identified. There would be a need for mechanisms for the regular review of the operation of the initiative, and a clear means through which stakeholders could continue to raise any issues arising, as was the case in the planning group structure in the pilot. It would be important that this process of review continue to take account of victims' views, as these have provided an important insight into the operation of the pilot. The arrangements for ongoing multi-agency input and information sharing and the roles and responsibilities of all organisations should be specified clearly, and appropriate protocols developed.

5.60 Once the model was agreed, taking account of the needs of the area, the pilot suggests that it would be important that its aims were specified clearly. It would also be important to have a clear commitment to the chosen model from the highest level within the organisations involved.

5.61 There would also be a need to identify the potential costs of provision and the detailed funding requirements, and to explore its feasibility. In considering feasibility, it would also be important to identify, as far as possible, the implications in each area for each organisation / service. The pilot suggests that it would be important to consider issues relating to capacity and the impact on other aspects of services as well as the costs⁵⁹. It would also be important to identify potential sources of funding and to co-ordinate applications for funding at an appropriate stage in the process. Potential funders should clarify the funding which might be available and the types of developments which might be supported. As noted, there would be a need to ensure that there were adequate resources to develop and sustain the work, based on the clear identification of resource needs.

5.62 The pilot also suggests that there would be benefits in undertaking appropriate preparation with all of those involved in any provision. This should be carried out by specialist organisations, with the development of their capacity, if required. Some of the specialist staff with a key role would require particular training and this should be identified and provided. Prior to the start of operation of the model, it would also be useful to complete a safety audit in relation to court premises, and any other premises used to provide support services, and take action to address the findings.

5.63 The pilot specialist court continued to evolve throughout the period of its operation, and it would also be important to ensure that mechanisms were in place for ensuring that this could take place. The means of doing so might include, for example, continuing training⁶⁰, information sharing and practice developments as the model was implemented. It would also be essential to identify clear mechanisms for data collection and sharing, and for the evaluation and monitoring of the initiative, based upon discussions with the key organisations with a role and interest in this.

The nature of provision

5.64 As well as identifying good practice in the structural arrangements and preparation, the findings from the pilot also provide an indication of some ways in which good practice could be embedded in the nature of the provision which develops.

5.65 The adoption of a “zero tolerance” approach to domestic abuse, along with a clear understanding of the issue, requires a widespread recognition of the nature, seriousness and criminality of domestic abuse and the implications for the response provided by individual services. This, in turn, requires the adoption of recognised good practice by all agencies, and the findings suggest that the attitude and approach of those involved are vital. It would be essential, for example, that the police take a consistent and appropriate approach, and that the presumption of arrest and custody, good evidence-gathering and ensuring access for victims

⁵⁹ In terms of Glasgow Sheriff Court specifically, it would be important to consider the specific capacity issues which have been identified.

⁶⁰ This might cover issues such as, for example, domestic abuse awareness, gender issues, organisations’ agreed approaches and the legal requirements.

to follow-up support continue. It would also be important that PFs and Sheriffs take a robust approach to bail, prosecution and disposal in domestic abuse cases and provide a clear and consistent message to perpetrators and victims.

5.66 As noted above, it would be essential that the staff involved have specific expertise in responding to domestic abuse. There would also be a need for the use of consistent sentencing, availability of appropriate programmes and other disposals for offenders, as well as the clear and early identification of breaches of orders and provision of a strong message of offender accountability.

5.67 The provision of good evidence and information to the PF and court suggest the continuing use of enhanced evidence-gathering and the use of material such as 999 tapes and photographs wherever appropriate, as well as the provision of timely and detailed SPRs and other reports. It also suggests that there should be provision of information from the service providing support to the victim to the court about the current situation.

5.68 There should be clear procedures for the early identification and tracking of domestic abuse cases, with appropriate input from relevant agencies as a priority. There should be arrangements in place for court listing which would ensure that domestic abuse cases were dealt with quickly and given priority, regardless of the actual model chosen.

5.69 The findings of the pilot also indicate that there should be clear links between the criminal and civil justice processes, and identifiable means of information sharing between the two. It also suggests that all of those providing advice to victims should be aware of civil protection measures and how to obtain these.

5.70 Any specialist domestic abuse court process should have the victim at its centre, with appropriate processes in place for consideration of their safety. This would include, for example: the use of: multi-agency risk assessment, safety planning and risk management; bail with appropriate special conditions; and consideration of other aspects of victim and witness safety at all stages, making this paramount in the action taken by all relevant organisations. There would be a need for the development of an appropriate, safe and supportive environment in the court for victims and other witnesses, including children and advocates. There should also be appropriate arrangements in place to enable the consideration of the needs of children involved.

5.71 Overall, good practice would indicate a need for the provision of full information to victims, witnesses, alleged offenders and relevant agencies at all stages. The pilot has also demonstrated the importance of the provision of specialist independent advocacy and support which is accessible to all victims and their children, at all stages. The findings of the pilot suggest that this should be undertaken by providers with a detailed understanding of domestic abuse, from the point of arrest of the alleged offender through the court process and subsequently. It should also link to other provision and be part of an overall strategic approach in each area to providing support to those who experience domestic abuse, which takes account of, and addresses their needs at all stages, including post-court. Work with victims involved with a specialist court should also link to other work with victims who do not have contact with the police or court.

5.72 All of the service provision and data collection undertaken should reflect good practice in equalities issues.

OVERVIEW

5.73 This report has provided evidence to suggest that the development of a specialist court approach to domestic abuse in G Division has been a positive development in work to address domestic abuse. It is clear that the model has been beneficial to victims of domestic abuse and to many relevant organisations. A number of valuable lessons have been learned which can highlight ways in which existing provision can be enhanced further, and can inform any new developments to domestic abuse work in Scotland and elsewhere.

ANNEXES

Annex A: Methodology

Annex B: Brief overview of literature relating to domestic abuse courts

Annex C: Bibliography

Annex D: Tables

Annex E: The wider context of Domestic Abuse

Annex F: Costs

ANNEX A METHODOLOGY

The evaluation of the pilot domestic abuse court was commissioned by the Scottish Executive and took place throughout the period of the pilot, with data being gathered from October 2004-October 2006.

OBJECTIVES OF THE EVALUATION

The objectives of the evaluation related to three main areas: process; outcome; and cost-effectiveness. The process objectives were to:

- Evaluate the processes involved in implementing the pilot court, including the operational impact on service providers and the challenges of a multi-agency approach.
- Examine the referral process to the domestic abuse court including the ability to fast-track cases and the number of cases appearing for trial from custody.
- Examine the number of cases dealt with by the court and sentencing patterns in the court including the use of special conditions of bail and deferred sentences.
- Examine the effectiveness of procedures in dealing with outstanding or new charges and the operation of breach procedures, in particular breaches and review of bail.
- Identify significant changes in the approach or operational procedures of the court during the evaluation period, the reasons for change and the success or otherwise of the steps taken.
- Examine the number of guilty pleas tendered and at what stage in the process.
- Examine the provision of civil court and child related information.
- Examine the process for dealing with civil court matters e.g. breaches of civil interdicts in the domestic abuse court.
- Examine the numbers and characteristics of cases where the victim retracts his / her statement and reasons given.

The outcome objectives were to:

- Examine the characteristics of cases (previous offending behaviour and disposals, reconvictions and recidivism, characteristics of the victim and offender and their criminal justice history, aggravating / mitigating circumstances).
- Examine the use of special measures and expert witnesses and their perceived effect on the case.
- Examine the effectiveness of internal information gathering and monitoring procedures.
- Evaluate the effectiveness of the court in meeting its stated aims.

The cost effectiveness objectives were to:

- Assess the cost of operating the court including the costs for other agencies and compare with costs for dealing with such cases in other courts.
- Assess the impact of the court on the workload of the summary Sheriff Court in Glasgow.

Additional, more general objectives were to:

- Explore the views of the full range of criminal justice practitioners who have an involvement or direct interest in the operation of the court.
- Explore the views of offenders dealt with by the court.
- Explore the views of victims particularly regarding their views of the support offered to them from the point where the case was reported.
- Examine issues of process and effectiveness by use of a comparator group of those not dealt with by the specialist court.
- Examine views regarding court safety and access specifically with victims and practitioners.

METHODS

In order to address these strands, the evaluation involved a number of different strands at various stages, including:

- Literature review and documentary evidence.
- Interviews.
- Examination of records and collection of statistical evidence.
- Observation.

Literature review

Given that domestic violence courts operating in other countries have, in many cases, been evaluated, with evidence of their effectiveness emerging, it was considered important to examine the outcome of research carried out. A literature review was completed at an early stage of the evaluation and a report prepared. This continued to be updated as new material was identified, and a brief summary of the lengthy review forms Annex B of this report.

In addition to published literature, other documentary evidence relating to the establishment and operation of the pilot was examined, and provided an indication of some elements of the process. All of the weekly bulletins provided by ASSIST were also analysed and included.

Interviews

A large number of detailed interviews were carried out with a number of participants in the course of the evaluation. These were intended to provide largely qualitative material which would provide a detailed account of participants' experiences of the domestic abuse court pilot.

Those involved in planning and implementing the pilot

Detailed interviews were carried out with those involved in planning and implementing the pilot⁶¹ in September / October of each year. This provided a wealth of information through which to explore the objectives relating to the process. The interviews involved over 20 participants in 2004 and 2005, and around 30 in 2006. Some discussions involved more than one participant, and some additional organisations became involved. Respondents were drawn from:

- Crown Office and Procurator Fiscal Service.
- Sheriff Court.
- Sheriffs.
- Police.
- Social work.
- ASSIST.
- Glasgow City Council / Glasgow Community and Safety Services.
- Glasgow Violence Against Women Partnership.
- Glasgow Women's Support Project.
- VIA.
- Victim Support Scotland / Witness Service.
- Scottish Children's Reporter Administration.
- Castlemilk Law and Money Advice Centre.
- Scottish Women's Aid; Glasgow Women's Aid; Greater Easterhouse Women's Aid.
- Scottish Executive.

An e-mail questionnaire was also circulated each April / May to enable people to provide their views in the interim. These methods generated a very large amount of qualitative information about process and practice, as well as emerging issues.

The early discussions explored issues such as:

- The process of establishment of the pilot.
- Expectations generally and expectations for the specific organisation.
- Perceptions of the reasons for establishment of the pilot and the issues to address (e.g. safety, access etc.).
- The basis of their involvement and anticipated role.
- Perceptions of what would constitute success.
- Implications of the pilot for their organisation.
- Implications for victims, witnesses and defendants.
- Anticipated problems.
- Requirements for implementation.
- Perceptions of multi-agency working.
- Links to other parts of the court system.
- Role of the Steering and Working Groups.
- Procedures in place.

⁶¹ Described in the report as "stakeholders".

During the process, the interviews covered issues such as:

- Actual experiences.
- Perceptions of the way the court dealt with the issues.
- Perceptions of the impact on victims, witnesses and offenders.
- Perceptions of their own role.
- What worked well and why.
- What did not work well and why.
- What changes were made / steps taken to address this.
- Whether problems were seen to have been dealt with successfully.
- Areas for potential improvement.
- Perceptions of multi-agency working.
- Benefits and drawbacks and comparison to traditional courts.
- The role of the Steering and Working Groups.
- Perceptions of civil court issues.
- Procedures for information gathering and monitoring.

At these stages, and particularly at the end of the pilot period, services were also asked to identify the operating costs to them. Additional information on costs was sought from the Police, COPFS, SCS and other agencies involved in the process.

Interviews at the end of the pilot also explored overall views of the impact of the pilot on the main aims. All of these interviews provided a clear account of service providers' perceptions of the pilot court.

Victims

A total of 102 very detailed interviews were undertaken with victims between early 2005 and September 2006. Each month, names were received from ASSIST of people who had consented to interview, and around 7 were contacted each month. There was also an option for people to opt-in to an interview via a form which they received with their citation. The number of completed interviews achieved in each month was generally 4-5 because some respondents moved or changed contact details, declined, changed their minds or could not be contacted. A very large amount of detailed qualitative data was gathered in this way.

As with any voluntary sample, it is possible that there is an in-built bias in selection, for example, towards those who have left abusive partners. While this is acknowledged, it was clear from the comments of those interviewed that there were many situations represented, including women who had remained with partners, women who had returned to partners, and women who, while separated, were living in fear. This suggests that the research was successful in reaching a wide range of victims.

Interviews explored issues such as:

- Their experiences of all aspects of the process.
- Comparison to previous experiences, where relevant.
- Needs, and support which was offered.

- Perceptions of support.
- Perceptions of disposals.
- Perceptions of process and procedures.
- Perceptions of, and satisfaction with outcomes.
- Benefits and drawbacks of specialist provision.
- Suggestions and other comments.

Other witnesses

Interviews were also conducted with a total of 26 other witnesses. Although this number was smaller than originally envisaged, the cases calling in the domestic abuse court often did not involve other witnesses and, where they were cited, they often were not required to give evidence and had a limited role in comparison to victims.

The only way of making contact with these witnesses was by sending them a form circulated by the PF with their citation, requesting that they opt-in to the research. Information was also distributed via the Witness Service, but this did not generate any additional participants. However, a lot of information was gathered from these witnesses who did take part, and provided an insight into their experiences. This was more than adequate to identify any issues emerging for witnesses, whose role, as noted, was relatively limited.

These interviews explored broadly the same areas as the interviews with the victims, although the detailed nature of the questions differed.

Offenders

Interviews were conducted with offenders participating in the CHANGE programme in Glasgow. Many of those involved in groups during the fieldwork period of the research agreed to be interviewed (24). Interviews were also carried out with a small number of men (9) who were involved with programmes in Edinburgh, Glasgow and Dundee and who had gone through traditional courts. Although the numbers of men involved in other areas were small, a total of 33 detailed offender interviews were conducted and included, and it was considered unlikely that additional interviews would have added further insight. Again, these interviews explored broadly the same areas as the interviews with the victims, although the detailed nature of the questions differed.

Victims in other areas

A small number of victims in comparison areas were also interviewed. This was not a “control” group as it was recognised that it would be impossible to identify comparable numbers. It was intended, however, to help to highlight some of the issues which victims in traditional courts faced and to identify any major areas of difference in experiences. Attempts were made to secure participation via VSS, VIA and Women’s Aid. Additionally, a poster was displayed, asking respondents to opt-in to the research by making contact by telephone to a dedicated line. Although it proved difficult to identify participants who were willing to opt-in, a total of 15 lengthy, generally face to face, discussions were held in various parts of Scotland during the research period. These interviews also explored broadly the same areas as the interviews with the victims, although the detailed nature of the questions differed.

Additionally, 16 of the victims interviewed from the pilot area had experiences of other courts, providing a total of 31 respondents whose experiences could be compared.

Defence agents

It was considered important to include defence agents in the research. It was not intended to obtain a representative sample of their views, but rather, to identify any particular issues arising for this group in relation to the operation or impact of the court. In discussion with the Glasgow Bar Association, it was agreed that a poster should be displayed, asking defence agents who were willing to be interviewed to contact Reid Howie Associates by telephone or email. The option of a postal questionnaire was also offered. No defence agents responded. The Glasgow Bar Association was also approached, and asked to provide a corporate view via interview, but it did not take up this option.

Collection of statistical evidence and examination of records

A large volume of information was gathered manually from the Procurator Fiscal's records of cases going through the domestic abuse court. At around the mid-point of the evaluation, it was agreed that, given the value of the data from the PF records, it would be useful to gather detailed information from records for a much higher proportion of cases than had been originally envisaged. As a result, this was carried out for all of the cases going through the court for which files were available, giving a very comprehensive outline of a range of issues. This data was gathered for 1182 cases.

These files were examined weekly throughout the fieldwork period. Most contained a Standard Police Report (SPR) and witness statements, and in a minority of cases, other material such as photographs, reports commissioned from professionals etc. The level of detail recorded in SPRs relating to bail offences and breaches of orders was typically much lower, but these represented only a small proportion of the total.

A pro forma and database were designed, recording details of issues such as the nature of the incidents; the offending histories of the alleged offenders; their relationships to the victims; the witnesses involved; and the actions taken at various stages.

The Scottish Court Service provided a range of data on virtually all cases heard in the domestic abuse court. This was the primary source of data on charges, pleas, the timing of diets, verdicts and disposals. A total of 1365 cases were included although, in a very small number of cases, individual pieces of data were missing. The SCS data presented in the report reflects the status of cases at 9th November 2006.

Material was also obtained from Strathclyde Police's Vulnerable Persons Database. This covered all incidents reported in G Division over the course of the pilot. This was useful in identifying both the wider context within which the incidents took place, and in providing more details about the offenders and victims.

ASSIST was also very helpful in providing their information, both directly in terms of patterns of referrals, and in the form of the evaluation of the service which was completed in October 2006.

The main comparator data came from statistical information prepared by SCS. This information provided comparative data for other divisions in Glasgow, to enable comparison to be made between the operation of the domestic abuse court and traditional courts⁶² in hearing domestic abuse cases. Any cases which were flagged in the SCS COP system as involving domestic abuse in A, C and E Divisions, covering the remainder of the City of Glasgow, were identified. This provided the best possible comparative data, as other factors which may influence the management of domestic abuse cases (e.g. different approaches by the police, defence agents, variations in the way recording was undertaken etc.) would be minimised or eliminated. A total of 1834 completed cases were included in this data.

While this provided a very comprehensive set of information for comparison, however, two minor limitations should be noted. The first is that it relied on police reporting officers to use the flag, although it was confirmed at interview that this was standard practice across Strathclyde Police. The second was that breaches of bail, where there were no additional offences libelled at the same time, were under-represented. However, on all of the measures which were required to assess the operation of the court compared to other Sheriff courts, the data was excellent.

The use of concurrent cases being heard in other courts at Glasgow Sheriff Court offered a better comparison than would comparison with G Division cases prior to October 2004. As noted in the body of the report, a great many other policy changes were actioned in 2004 and 2005 in relation to, for example, the presumption of arrest and the use of bail. These apply to any division in Glasgow. This made it easier to illustrate the effects of the court, as the comparative sample was drawn from what was effectively the same population operating under the same policy conditions.

Observation

Observation of the court was undertaken for one day each month over the fieldwork period, to allow a detailed understanding of the process and the operation of the court. This involved specific observation of:

- The process.
- Roles of organisations in practice.
- The types of information provided.
- The nature of the discussion.
- The outcome.

Court observations covered different stages in cases (remand / custody hearings; intermediate diets and trials) and sittings by different Sheriffs.

Other information

Members of the National Group to Address Violence Against Women were invited to submit their views on a self-completion questionnaire, and 4 members of the group provided their views in this way.

⁶² Referred to in the report as the comparison courts.

The Research Advisory Group agreed that it was not appropriate to pursue individual interviews with children and young people. Instead, a detailed interview was carried out with the ASSIST Children and Young Persons' Advocacy Worker. Additionally, issues relating to children and young people were explored in the ASSIST evaluation, some of the findings of which were included in this report.

SUMMARY

All of these methods provided a vast amount of information which formed the basis of this evaluation report, and allowed a comprehensive account of the operation of the pilot domestic abuse court in Glasgow.

ANNEX B BRIEF OVERVIEW OF LITERATURE RELATING TO DOMESTIC ABUSE COURTS

This annex provides a brief outline of some of the issues arising from the literature relating to the development of a specialist court approach to domestic abuse.

THE NEED FOR A SPECIALIST COURT APPROACH TO DOMESTIC ABUSE

There has been an increasing emphasis in the UK in recent years upon the development of specialist court responses to domestic abuse⁶³ following similar developments in other jurisdictions. The rationale for the development of specialist court approaches⁶⁴ has been based upon the increasing recognition of domestic abuse, and problems with the following:

- Lack of understanding amongst some practitioners in the criminal justice process of the complex nature of domestic abuse, the impact of this upon the victim's role and the implications for the criminal justice process (e.g. Bennett, Goodman and Dutton, 1999; Fritzler and Simon, 2000; Mazur and Aldrich, 2003; Standing Together, 2006).
- Slowness in dealing with domestic abuse through traditional courts, with the legal system struggling to process cases efficiently and appropriately (e.g. Mazur and Aldrich, 2003; Shaffer, 2004; Thompson, 2004).
- Issues for victims of domestic abuse⁶⁵ in the court process, difficulties of participation and lack of support (e.g. Hester et al 2003; Mazur and Aldrich, 2003).
- Lack of severity in sentencing, the nature of the charges and concerns about the lack of "seriousness" with which domestic abuse has been viewed in the criminal justice system (e.g. Cook et al, 2004; Fritzler and Simon, 2000; Gilchrist and Blissett, 2002; Paradine and Wilkinson, 2003; Thompson, 2004; Tsai, 2000).
- Involvement of a range of agencies, but fragmentation of the response to domestic abuse and a lack of co-ordination of provision (e.g. Shaffer, 2004; Thompson, 2004).
- Difficulties in prosecuting domestic abuse, along with high attrition and withdrawal rates (Standing Together, 2006).
- Lack of impact of traditional courts upon reducing domestic abuse and preventing further victimisation (e.g. Tsai, 2000).

These factors have been shown to affect both victims' experiences and the outcomes of the legal process (e.g. attrition rates and convictions).

⁶³ It is recognised that, in most jurisdictions, the specialist courts are referred to as "domestic violence courts". The use of "domestic abuse" in this report reflects the terminology used in Scotland.

⁶⁴ It is recognised that the measures described include specialist courts and the use of fast track systems, all of which comprise a specialist approach to domestic abuse through the court process.

⁶⁵ This report refers to "victims" of domestic abuse (as this is a term which is widely used). It is important, however, to recognise that this can imply passivity and lack of control, and its use here should not be taken to indicate this view of women who experience domestic abuse.

There has been a growing recognition of all of these issues, alongside an increased awareness of the seriousness of domestic abuse, and an increased focus on victims. Alongside this, there has been some recognition that the nature of domestic abuse requires additional advice and support, specialised services and court processes which are sensitive to the issues. This has led to the establishment, in a number of jurisdictions, of specialist domestic abuse courts, in order to protect those who experience this from further harm, and to enable them to exercise their rights more effectively without compromising the justice process.

THE NATURE OF DOMESTIC ABUSE COURTS

There are now many examples of different types of specialist approaches to the domestic abuse court process, and, as the number has increased, considerable material has developed about the nature of the provision and the outcomes.

The purpose and goals of domestic abuse courts

A number of goals were identified as emerging frequently for specialist court approaches to domestic abuse. These include to:

- Improve the quality and effectiveness of the legal system's response to domestic abuse and the effectiveness of the agencies involved, demonstrating the criminality and seriousness of domestic abuse.
- Provide a quick and consistent resolution.
- Develop a more co-ordinated response.
- Improve case management.
- Enhance the safety and protection of victims and children.
- Engage with victims and enhance information and support to them.
- Encourage reporting of domestic abuse.
- Increase the percentage of offenders arrested, charged and prosecuted.
- Reduce the attrition rate.
- Hold perpetrators accountable.
- Reduce repeat victimisation.
- Test an approach, share experiences and develop good practice.

Many specialist court responses to domestic abuse involve some, or all of these goals.

Types of initiative

There are a number of different models of specialist approaches to domestic abuse in adversarial systems. A specific court may be designated as a domestic abuse court, or domestic abuse cases may be "clustered", with allocation to a specific judge or team and / or the identification of specific dates in the court calendar for domestic abuse hearings. Alternatively, cases can be "fast-tracked" through the mainstream court system.

There are also variations in which issues specialist courts will deal with, and how they carry out their work. In some initiatives, for example, only criminal matters are addressed. Within these, some courts will tackle all aspects of criminal matters, while others may only provide separate pre-trial domestic abuse calendars or deal with non-evidentiary issues.

Some courts deal only with civil cases, giving priority to domestic abuse over other matters. There can be specific sessions for orders relating to domestic abuse, specialist staff, and advice provision to victims, and the court may try to link to criminal issues.

In some initiatives, both criminal and civil matters are handled by the domestic abuse court. The courts may involve combining court appearances regarding a particular offender and victim (civil or criminal) before a single judge or group of judges. MacLeod and Weber (2000) noted that some of these courts hold separate calendars for civil and criminal cases, while some mix civil and criminal cases into one calendar.

There are also variations in how legal personnel are used and in the overall number of judges / sentencers and prosecutors who may be involved with each system (and the extent to which their remit extends beyond domestic abuse). Often, specialist courts have designated judges and staff who build up particular expertise, although it is also possible for a specialist approach to involve all personnel. Thus, some courts will integrate all evidentiary court appearances before a single judge, whereas others will use more than one. Similarly, in some cases there will be designated prosecutors, where in others, all prosecutors may deal with domestic abuse. MacLeod and Weber (2000) also noted that a specialist approach often involves the use of intake units and case processing to help victims access appropriate services and to expedite progress.

There are also variations in approaches to disposals, although it has been suggested that specialist courts often share a focus on the need to stress the seriousness of domestic abuse and to change the behaviour of the offender. Many of the US courts have had a focus on addressing offenders' behaviour through training sessions or referral to perpetrator programmes, and offenders and victims can be referred to a variety of programmes (e.g. MacLeod and Weber, 2000; Shaffer, 2004). Some may also involve the monitoring, supervision and review of cases and disposals. Sacks (2002) and Cook et al (2004) suggested that compliance monitoring was a feature of some specialist court models.

Some courts take a very specific therapeutic, problem-solving, preventive and / or restorative approach to work with perpetrators and victims, and there is often an emphasis on improving outcomes for victims, defendants and communities. Specialist approaches may also involve the use of risk assessment, bringing together all of the agencies working with victims and their families to consider all of the issues relating to the case and to make an informed assessment of risk to victims' and children's safety (e.g. Cook et al, 2004).

A further common feature of specialist approaches is the provision of a victim-centred approach, with access to victim and witness support and advocacy services (MacLeod and Weber, 2000; Sacks, 2002) and a strong emphasis on victim safety. The nature of this can vary (to include the development of a new service as an integral part of the specialist provision, or the extension of an existing service) but Cook et al (2004), in describing provision at five sites in England and Wales, noted that advocacy support generally included some, or all of the following:

- Reporting progress to victims.
- Informing courts on behalf of the victims.
- Providing support to victims.
- Co-ordinating information sharing.

- Carrying out outreach work in the community.

Specialist court responses also generally involve attempting to deal with domestic abuse quickly, as well as taking a multi-agency, integrated approach to service provision.

THE IMPACT AND EFFECTIVENESS OF SPECIALIST DOMESTIC ABUSE COURTS

Although specialist domestic abuse courts are a relatively recent development, and there are some limitations to the evidence available, there is a growing body of material to suggest their impact and effectiveness, and the overall findings of the associated research are generally positive⁶⁶.

Benefits of specialist court approaches

A number of benefits of specialist court approaches have been highlighted. For example, the evaluation of five specialist courts or fast-track systems in England and Wales (Cook et al, 2004) found that these had created the necessary infrastructure to enable continuing improvements to effectiveness and efficiency in dealing with domestic abuse. A subsequent evaluation of sites at Caerphilly and Croydon (Vallely et al, 2005) noted “positive and significant changes to working practices and outcomes” (p2). Some of the more specific ways in which domestic abuse courts can have a positive impact have been identified, including developing or improving the following:

- Understanding and practice in addressing domestic abuse (e.g. Cook et al, 2004; Helling, undated; MacLeod and Weber, 2000).
- Multi-agency / partnership working, co-ordination and consistency (e.g. Center for Court Innovation, 2001; Cook, 2003; Cook et al, 2004; Fritzier and Simon, 2001; Helling, undated; Steketee et al, 2000).
- The effectiveness and speed of response (e.g. Center for Court Innovation, 2001; Cook et al, 2004; Steketee et al, 2000).
- Case management, evidence-gathering and information to prosecutors (e.g. Ellison, 2002; Helling, undated; Smart, 2004).
- Provision to victims and children (e.g. Cook, 2003; Cook et al, 2004; MacLeod and Weber, 2000; Standing Together Against Domestic Violence, 2003; Walsh, 2001).
- Victim experiences, including safety, confidence and satisfaction (e.g. Cook et al, 2004; Dawson and Dinovitzer, 2001; Grundy, 2000; Lexicon Ltd., 2005; Vallely et al, 2005).
- Criminal justice outcomes (e.g. Cook, 2003; Cook et al, 2004; Cullis, 2003; Lexicon Ltd., 2005; MacLeod and Weber, 2000; Smart, 2004; Vallely et al, 2005).
- Accountability for perpetrators and compliance with conditions (e.g. Helling, undated; Lexicon Ltd., 2005) and a more informed approach to bail conditions (e.g. Cook et al, 2004).

⁶⁶ It should, however, be borne in mind that the research cited involves the consideration of a number of different models of provision in different jurisdictions, and different methods of assessment.

- Links between civil and criminal issues⁶⁷ (e.g. Sacks, 2002; Steketee et al, 2000; Walsh, 2001).
- Public awareness or confidence and a strong message about the seriousness of domestic abuse (e.g. Cook et al, 2004; Helling, undated).
- Reduced costs or good value for money in responding to domestic abuse (e.g. Cook et al, 2004; Shaffer, 2004).

CONSTRAINTS AND CONCERNS WITH SPECIALIST PROVISION

Although much of the emerging material is positive, however, some constraints, barriers or concerns have also been highlighted in some courts, including the following:

- Limited or insufficient resources, including financial and other resources (e.g. Cook et al, 2004; MacLeod and Weber, 2000; Mazur and Aldrich, 2003).
- Remaining problems with the attitudes or commitment of some personnel, with variation in approaches and level of training (e.g. Blissett, 2002; Ford et al, 1995; Fritzler and Simon, 2000; MacLeod and Weber, 2000; Mazur and Aldrich, 2003; Thomas, 2001; Tsai, 2000).
- Difficulties in information flow, identification of relevant cases, information sharing and lack of common systems (e.g. Cook, 2003).
- Issues with some aspects of policies and procedures (e.g. Cook et al, 2004; Keilitz, 2001; MacLeod and Weber, 2000; Steketee et al, 2000).
- Issues with some actions taken, such as treatment of breaches of bail or a focus on fines (e.g. Cook et al, 2004).
- Lack of links between civil and criminal issues (e.g. Cook et al, 2004).
- Some concerns about combining civil and criminal jurisdictions (e.g. Lexicon Ltd., 2005).
- Gaps in some provision to victims (e.g. Cook, 2003).
- Levels of attrition, with limited use of other evidence, and problems of compelling victims to testify (e.g. Cook et al, 2004; Dawson and Dinovitzer, 2001).
- Difficulties in evaluation, or gaps in data (e.g. Cook, 2003; Mazur and Aldrich, 2003).
- Difficulties in measurement of the effectiveness of some perpetrator programmes and lack of clear evidence from reliable evaluations (e.g. Mullender and Burton, 2001; Tsai, 2000).
- Unintended consequences of the court or practical difficulties, such as security, privacy, access, scheduling etc. (e.g. Cook, 2003; Fritzler and Simon, 2000; Mazur and Aldrich, 2003).

⁶⁷ In the UK, a pilot Integrated Domestic Violence Court has been developed in Croydon, where the same judge hears cases with overlapping issues relating to domestic abuse. This experience should provide useful information for consideration of such issues in the future.

Promoting good practice

There have been many positive suggestions about overcoming some of these constraints and developing good practice in specialist provision, and these include the following⁶⁸:

- A co-ordinated response, and multi-agency partnership working (e.g. Cook et al, 2004; Her Majesty's Courts Service, Crown Prosecution Service and the Home Office, 2005; Karan et al, 1999; MacLeod and Weber, 2000; Mazur and Aldrich, 2003).
- Clear guidelines, policies and protocols (e.g. Alderson-Gill & Associates Consulting Inc., 1998; Cook et al, 2004; Her Majesty's Courts Service, Crown Prosecution Service and the Home Office, 2005; Thomas, 2001).
- Identification of cases (e.g. Her Majesty's Courts Service, Crown Prosecution Service and the Home Office, 2005).
- Provision of appropriate and "enhanced" independent victim support, advocacy information and services (e.g. Cook, 2003; Cook et al, 2004; Her Majesty's Courts Service, Crown Prosecution Service and the Home Office, 2005; Mazur and Aldrich, 2003).
- Committed and trained staff with clear roles (e.g. Cook, 2003; Fritzler and Simon, 2001; Her Majesty's Courts Service, Crown Prosecution Service and the Home Office, 2005; Keilitz, 2001; Lexicon Ltd., 2005; Mazur and Aldrich, 2003; Thomas, 2001; University of Huddersfield, 2000).
- Risk assessment and risk management (e.g. Her Majesty's Courts Service, Crown Prosecution Service and the Home Office, 2005).
- Appropriate court facilities (e.g. Cook, 2003; Cook et al, 2004; Her Majesty's Courts Service, Crown Prosecution Service and the Home Office, 2005; Mazur and Aldrich, 2003).
- Judicial monitoring and accountability of offenders (e.g. Mazur and Aldrich, 2003).
- Appropriate perpetrator programmes (e.g. Her Majesty's Courts Service, Crown Prosecution Service and the Home Office, 2005).
- Addressing children's interests (e.g. Keilitz, 2001; Cook et al, 2004; Her Majesty's Courts Service, Crown Prosecution Service and Home Office, 2005).
- Effective procedures (including court listing) (e.g. Cook et al, 2004; Her Majesty's Courts Service, Crown Prosecution Service and the Home Office, 2005; Karan et al, 1999; Thomas, 2001).
- Integrated data collection and distribution (e.g. Cook, 2003; Cook et al, 2004; Her Majesty's Courts Service, Crown Prosecution Service and the Home Office, 2005; Karan et al, 1999; Keilitz, 2001; Standing Together, 2005).
- Addressing equality and diversity issues (e.g. Cook et al, 2004; Her Majesty's Courts Service, Crown Prosecution Service and the Home Office, 2005).
- Management of community expectations (e.g. Lexicon Ltd., 2005).
- Identification of resources (e.g. Cook et al, 2004; Lexicon Ltd., 2005; MacLeod and Weber, 2000).

⁶⁸ It is not suggested that this is an exhaustive list, but it indicates some factors identified as enhancing provision.

Generally, from the evidence, there is a widely-held view that specialist domestic abuse court provision can be beneficial in addressing some of the limitations apparent in the traditional court process, with considerable evidence of good practice being shared⁶⁹.

⁶⁹ Her Majesty's Courts Service, the Crown Prosecution Service and the Home Office (2005), in a guidance document, identified 11 components of specialist court provision, including many of the factors noted above.

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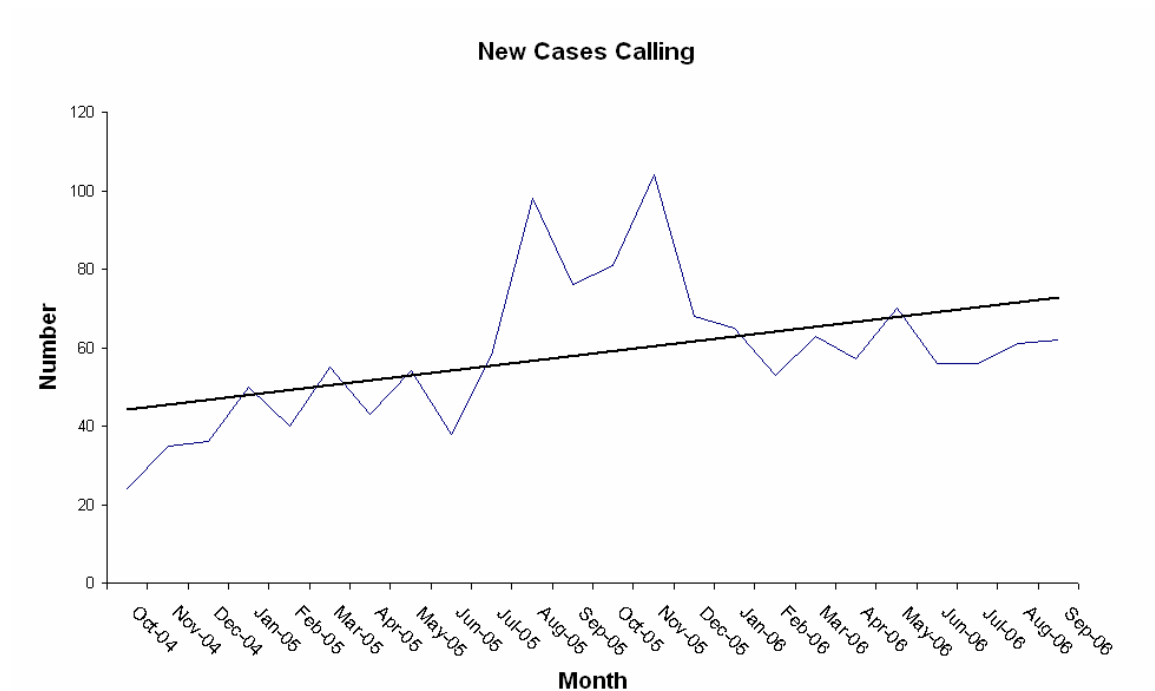
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ANNEX D TABLES

The following tables present the data relating to the nature of domestic abuse and the work of the pilot domestic abuse court during the period.

Chart 1. New cases calling (DAC)



Source: SCS COP

Table 1. Gender of accused persons (DAC)

Gender	Number	%age
Male	1386	93
Female	105	7
Total	1491	

Source: SCS COP

Table 2. Gender of primary victim and alleged offender (DAC)

Accused Gender	Victim Gender				Total
	Male	%age of all cases	Female	%age of all cases	
Male	24	2	1022	90	
Female	76	7	11	1	
Total					1133

Source: COPFS files

Table 3. Relationships between primary victim and alleged offender (status) (DAC)

Relationship	Number	%age
Ex-partner	370	33
Co-habitee	269	24
Spouse	282	25
Partner (not co-habiting)	161	14
Other or not recorded	28	3
Child	6	1
Total where info available	1116	

Source: COPFS files

Table 4. Accused persons: previous convictions at time of first appearance (DAC)

Number of PCs	Alleged offenders	%age
No previous	239	26
1	118	13
2	79	9
3	54	6
4	39	4
5	44	5
6-10	130	14
11-20	101	11
Over 20	99	11

Source: COPFS files

Table 5. Accused persons: Nature of previous convictions at time of first appearance (DAC)

Offence	Number	%age
Breach of the Peace	467	70
Dishonesty	336	51
Assault	334	50
Road Traffic Act	237	36
Bail (specific conviction)	226	34
Misuse of drugs act	166	25
Attempt to Pervert the Course of Justice	91	14
Breaches of orders	76	11
Resisting arrest	70	11
Robbery	45	7
Criminal damage	14	2

Source: COPFS files

Table 6. Incident locations (DAC)

Location	Number⁷⁰	%age
Victim's home	527	45
Joint home	365	31
Accused or other home	101	9
Street or public place	151	13
Shop or business	18	2
Licensed premises	6	1

Source: COPFS files

Table 7. Charges (DAC)

Offence	Number	%age of cases
Breach Of The Peace	1036	73
Assault	497	35
Criminal Procedure (Scotland) Act 1995 S27(1)(B)	264	19
Assault To Injury	195	14
Police (Scotland) Act 1967 S41(1)(A)	66	5
Criminal Law (Consolidation) (Scotland) Act 1995 S52(1) & (3)	76	5
Misuse Of Drugs Act 1971 S5(2)	48	3
Communications Act 2003 S127(1)(A)	16	1
Criminal Law (Consolidation) (Scotland) Act 1995 S47(1)	22	2
Theft	14	1

Note: The remaining charges involved less than 1% of the total.

Source: SCS COP

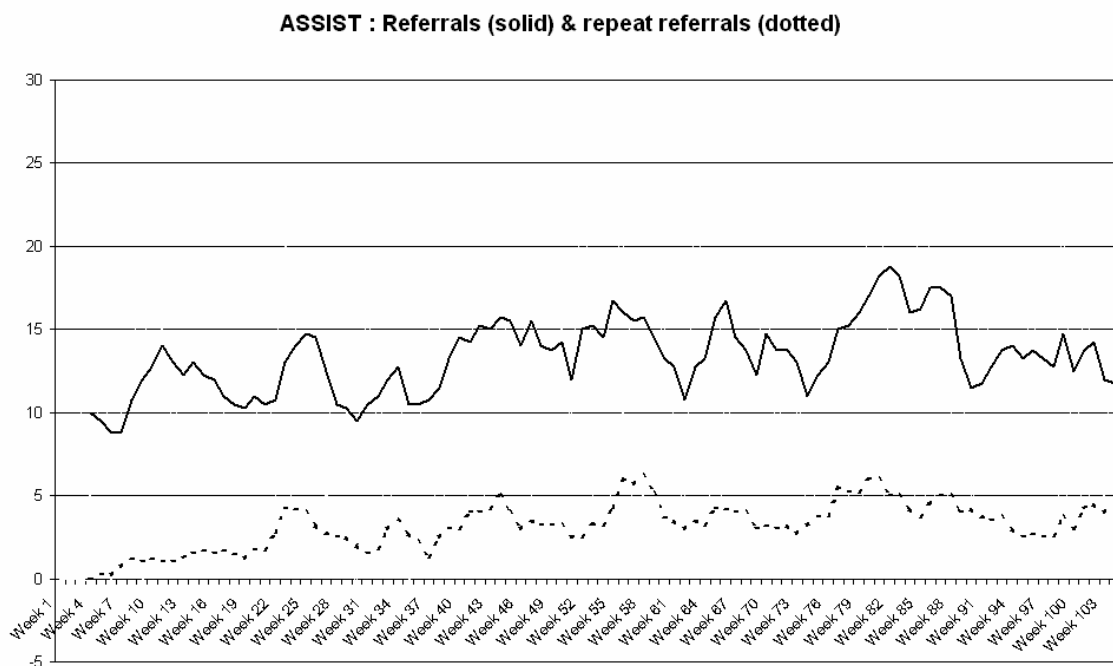
⁷⁰ Some offences, for example breaches of probation, do not have a "location". Conversely, some cases consisted of offences committed at different times in different locations.

Table 8. Number of charges faced (by case) (DAC)

No. of charges	No. of Cases	%age
1	691	50
2	449	33
3	153	11
4	44	3
5	25	2
6	8	1
7	1	<1
8	4	<1
9	1	<1
10	1	<1
18	1	<1

Source: SCS COP

Chart 2. ASSIST referrals⁷¹



Source: ASSIST

⁷¹ ASSIST data is collected by week, not month, hence “Week 1” represents the week ending 22/10/04.

Table 9. Most common referrals by ASSIST to other organisations (weeks mentioned in Bulletin)

Organisation	Number of mentions
Women's Aid (not including Hemat Gryffe)	76
Witness Service	52
Community Safety Response Team	28
Castlemilk Law and Money Advice Centre	20
Community Casework Team	17
Home Safety Response Team	17
Castlemilk DV project	14
Hemat Gryffe	14
Response	14
Criminal Injuries Compensation	12
Private lawyers	12
Social Work	12

Source: ASSIST Bulletins

Table 10. Pattern of stages at which offenders pleaded guilty by case (DAC)

Stage	Number	%age of all cases
Summary new complaint	219	16
Summary after warrant	66	5
Accelerated diet	31	2
Adj diet/deferred	20	1
Intermediate diet	412	30
Summary trial	357	26
Total	1105	

Source: SCS COP

Table 11. DAC vs comparison courts on stage of guilty pleas

Stage	Domestic Abuse Court		Comparison courts	
	Number	% all cases	Number	% all cases
Summary new complaint	219	16	239	13
Summary after warrant	66	5	83	5
Accelerated diet	31	2	43	2
Adj diet/deferred	20	1	15	<1
Intermediate diet	412	30	442	24
Summary trial	357	26	509	28
Total	1105		1331	

Source: SCS COP

Table 12. DAC vs comparison courts on outcome of cases

	Domestic Abuse Court		Comparison courts	
	Number	%age	Number	%age
Plea of guilty	1105	81	1331	73
Found guilty	71	5	68	4
Found not guilty	38	3	93	5
Not called or deserted	140	10	331	18
Accepted NG	11	1	11	<1
Total	1365		1834	

Source: SCS COP

Table 13. Pattern of disposals (by case) (DAC)

Disposal	Number	%age
Probation order	332	34
Admonished	278	28
Imprisonment	179	18
Fine	176	18
Community service	35	4
Other (largely relating to probation orders)	20	2
Compensation	13	1
Restriction of liberty	13	1
Absolute discharge	9	1
Hospital order	9	1
Road Traffic Act disposals to DVLA	6	1
Supervised Attendance Order (in respect of outstanding fines taken into account)	5	1
No order	4	<1
Probation with compensation	3	<1
Sex offender's certificate	2	<1
YOI (custodial sentence)	2	<1
Drug treatment order	1	<1
Remit to Reporter	1	<1
Total	1088	

Source: SCS COP

Table 14. Disposals in comparison courts

Disposal	Number	%age of disposals
Fine	510	43
Admonished	295	25
Probation Order	184	16
Imprisonment	200	17
Community Service	38	3
Compensation	27	2
Other (largely related to breaches of orders)	22	2
Supervised Attendance Order	21	2
Young Offenders' Institution (custody)	14	1
DVLA	7	1
Absolute Discharge	12	1
No Order	2	<1
Restriction Of Liberty Order	1	<1
Antisocial Behaviour Order	1	<1
Hospital Order	1	<1
Total	1177	

Source: SCS COP

Table 15. Comparison of main disposals in domestic abuse and other courts

	Domestic Abuse Court		Comparison courts	
	Number	%age	Number	&age
Probation order	332	34	184	16
Admonished	278	28	295	25
Imprisonment	179	18	200	17
Fine	176	18	510	43
Community service	35	4	38	3

Source: SCS COP

Table 16. Length of probation orders by case (DAC)

Length	Number	%age
6m	3	1
9m	2	1
12m	95	28
15m	4	1
18m	55	16
21m	1	0
24m	170	50
30m	2	1
36m	10	3
Total	342	

Source: SCS COP

Table 17. DAC vs comparison courts length of custodial sentences by case

Period of custody	Domestic Abuse Court		Comparison courts	
	Number of cases	%age	Number of cases	%age
7 days and under	5	2	34	11
8 - 14 days	12	5	43	13
15 days - 1 month	21	9	39	12
over 1 month - 3 months	116	50	145	45
over 3 months - 6 months	66	29	42	13
over 6 months	10	4	20	6

Source: SCS COP

Table 18. Fines by case (DAC)

Amount	Number of cases	%age
Up to £200	118	57
£200 - £500	81	39
Over £500	7	3

Source: SCS COP

Table 19. DAC vs comparison courts on elapsed time to intermediate diet

	DAC (%)	Comparison courts (%)
Up to 29 days	76	20
Over 29 days	24	80

Source: SCS COP

Table 20. DAC vs comparison courts on elapsed time to trial diet

	DAC (%)	Comparison courts (%)
Up to 44 days	74	13
Over 44 days	26	87

Source: SCS COP

Table 21. Accused persons in DAC and comparison courts: number of cases in pilot period

Number of cases	Domestic Abuse Court		Comparison courts	
	Total	%age	Total	%age
1	844	78	1509	82
2	158	15	241	13
3	54	5	61	3
4	12	1	14	1
5	6	1	4	0
6	2	0	3	0
7	5	0		
8	2	0		
9	1	0		
11	1	0		

Source: SCS COP

ANNEX E THE WIDER CONTEXT OF DOMESTIC ABUSE

This annex serves two main purposes. It provides information on the wider policy context to domestic abuse, and provides information about domestic abuse in G Division specifically.

WIDER DEVELOPMENTS

There are a number of wider issues which provide a useful context for the court, including the development of the National Strategy to Address Domestic Abuse in Scotland, legislative developments, policy developments, the reform of summary justice and changes to the overall approach to policing.

The development of a national strategy

Following a number of reports in the late 1990s critical of the overall approach to domestic abuse in Scotland, the then Scottish Office established a national partnership to address domestic abuse in November 1998. This brought together all key stakeholders, including police, prosecutors, support agencies and local authorities. Through a number of subgroups and a wide consultation process, the group developed a National Strategy to Address Domestic Abuse in Scotland. This was published in 2000, and is founded on three main principles of prevention, protection and provision. The strategy set in place a wide range of actions designed to improve the overall response to both domestic abuse as a crime, and to those experiencing domestic abuse. The strategy was widely accepted, and has guided policy since that time.

One of the key achievements of the Partnership was to develop a shared understanding and definition of domestic abuse. The definition is now used virtually universally in Scotland⁷²:

“Domestic abuse (as gender-based abuse), can be perpetrated by partners or ex-partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse, withholding money and other types of controlling behaviour such as isolation from family or friends).”

The National Group to Address Domestic Abuse in Scotland was formed in 2001, with a key role being to ensure that the strategy was implemented, and to consider where further work was required. Since then, it has developed specific strategies in relation to training and prevention, and has broadened its consideration to include other forms of violence against women. It is now the National Group to Address Violence Against Women.

Local partnerships

Both prior to the formation of the national partnership, and following the publication of the national strategy, local partnerships were developed to ensure that the same level of coordination was brought to work at a local level. The Glasgow Violence Against Women

⁷² A different definition is used in the Domestic Abuse joint protocol between ACPOS and COPFS.

Partnership was, as set out in Section 2, central to the development of the pilot domestic abuse court.

The needs of victims

Throughout the justice system, there has been an increased focus on the needs of victims, and following publication of the Scottish Strategy for Victims in 2000, a range of developments has been put in place, including expanding the role of VSS, extending the work of the Witness Service to a much wider range of courts (including Sheriff Summary courts which deal with most domestic abuse cases) and the development a wide range of protocols, policies and joint working arrangements.

Legislative developments

There have also been legislative developments which have impacted on the wider issue of domestic abuse, although most *prosecutions* in the domestic abuse court are for common law offences such as assault and breach of the peace. The main legislative developments have included the Protection from Abuse (Scotland) Act 2001 and the Family Law (Scotland) Act 2006, which extend the protection available to women and children. There have also been changes to legislation governing evidence in sexual offences trials, but these would usually be prosecuted by solemn procedure.

Summary justice reform

The Scottish Executive's proposals for summary justice reform were originally published for consultation in March 2005, following an inquiry chaired by Sheriff Principal McInnes. Following this period of consultation, detailed proposals were contained within the Criminal Proceedings etc. (Reform) (Scotland) Bill, first introduced in February 2006. The Bill was passed in January 2007. Among the key changes set out in the Act are a number relating to procedure which, in effect, would mean that some of the key elements of the domestic abuse court would become commonplace. Key to summary justice reform is speeding up of prosecution processes and the development of effective partnership working amongst key local stakeholders, both of which are relevant to objectives of the pilot, and both of which were successfully achieved in the pilot.

Clearly, the summary justice reforms post-date the pilot domestic abuse court, but remain relevant for two reasons. The first, identified by a number of stakeholders, is that the domestic abuse court provides an example of how a sheriff summary court could work (in terms of the speed of justice, improved rate of conviction and joint working) if the reforms are carried through. The second is that consideration of any roll out of a specialist court approach to domestic abuse by Sheriffs Principal and Ministers must take account of the likely impact of these wider reforms in terms of any model identified.

The police approach to domestic abuse

The police approach to domestic abuse has been refined in the last 10 years. Domestic abuse is treated as a high priority in terms of speed of response, and a number of processes have been developed both to improve the safety of victims and their children, and to increase the rate of successful prosecutions. Central to this has been the adoption of a Domestic Abuse

Joint Protocol between ACPOS (on behalf of forces) and COPFS in December 2004. This underscored the seriousness of the issues, and defined the actions which the police would take in attending an incident, the approach to ensuring the safety of victims and to evidence gathering, and the approach that the PF would take in marking and processing the case.

A great deal of training has been provided to first responders not only in relation to the law, but also in terms of the best means of securing the safety of victims and children, even where there is no evidence that a crime has been committed. For this reason, in common with other victims, victims of domestic abuse are automatically referred to VSS, and in all areas, victims are provided with contact details of specialist support providers, usually Women's Aid, but in G Division, also ASSIST. Police can assist with the removal of victims where there is a threat to their safety.

Where a child is ordinarily resident in the household where a report is made, a report is provided to the Reporter to the Children's Panel. Police officers are provided with detailed guidance about the issues involved in securing the safety and welfare of children, and the content of any report to the Reporter. It is worth noting that guidance to officers makes clear that they should tell the adults involved that they have a duty to submit a report to the Reporter, again, removing any responsibility from the victim for actioning this, or any opportunity to seek to prevent it.

A key aspect of Scots Law is that, for a prosecution to be considered, corroboration is required. Unlike some other jurisdictions, the word of the victim is insufficient evidence in itself. For this reason, police officers attending an alleged incident are instructed to ensure that corroborative evidence, for example, from neighbours, other family members and from the scene is sought. Statements would usually be taken at the time from all concerned, and any independent witnesses, including children. Officers are encouraged to ensure that a detailed record is made of any injuries, damage to fixtures and fittings, and of any evidence relating to the period leading up to the alleged incident. Where possible, police also ensure that any injuries to victims, or significant damage to a household or other property are photographed. Usually, this is done by a specialist photographer at a later time, but, as noted in the body of the report, police in one subdivision of G Division carried out a trial where officers carried secure digital cameras to gather evidence at the time of attending.

A further key aspect of Scots Law is that the decision about whether or not to libel a charge rests solely with the first attending officer in the first instance, subject to this being approved by a senior officer and accepted by the PF. This removes from victims the need to "press charges". If there is sufficient evidence, the police officer, not the victim, will decide whether or not to libel a charge. In guidance offered to police first responders, officers are recommended to tell the victim and the alleged offender that this decision rests with them, not the victim or alleged offender.

One of the key changes to police procedure in relation to domestic abuse has been the introduction of the presumption of arrest where there is evidence of a crime having been committed. This policy is in place across Scotland. Guidance to police officers is unequivocal on this point. As noted in the body of the report, only two examples were identified in the pilot area where the alleged offender was not arrested and detained in custody. The Joint Protocol also sets out that the police should seek a warrant immediately for any alleged

offender who cannot be apprehended at the time, and that the PF should treat the processing of this as a matter of urgency.

Finally, in this context, officers are not restricted to arresting an alleged offender in relation only to the incident which was the subject of the initial report. It is clear from the body of the report that a significant number of the breaches of bail reported to the court arose as a result of officers attending in response to a call about another matter. Again, guidance to officers is clear on breaches of bail. Where a bail condition is in place preventing one party having contact with the other, or from being at that address, it is the decision of the police officer to ascertain that the bail condition is valid and arrest the individual concerned. Consent given by the victim to the presence of the alleged offender is irrelevant in this case.

Typical progress of a domestic abuse case in G Division

The bullet points below provide a brief summary of the typical progress of a domestic abuse case in G Division.

- Police respond to an alleged incident usually reported by a member of the public. The key concerns at this point, and the likely actions taken are set out in detail in the preceding sub-section.
- If the first responding officer considers that a crime has been committed, the alleged offender will be arrested, and will be detained to appear from custody at the first available diet, usually the next afternoon, or on a Monday afternoon if the alleged incident occurs at the weekend. A report is submitted to the PF. The victim is referred to ASSIST and other agencies as appropriate.
- The report is marked by the PF. The depute concerned will assess whether there is sufficient evidence to support the charges, whether it is in the public interest to proceed, confirm the charges and decided which court to list the case in.
- The alleged offender will appear from custody to answer the charges. He or she may plead guilty at this point, in which case, sentence may be imposed, or deferred for reports. The offender may be released on bail (with or without special conditions), be ordained to appear, or may be remanded in custody. In the event of a not guilty plea, intermediate and trial diets will be set, witnesses cited and the alleged offender would usually be released on bail or remanded in custody.
- As soon as possible after the referral, ASSIST contacts the victim, and offers support. VIA also contacts the victim and provides information on the court process. The range of information and support offered by these agencies, and by the Witness Service, is set out in detail in the body of the report.
- After four weeks, and two weeks prior to a trial diet, an intermediate diet is held to determine if the Crown and defence are ready to proceed. In most cases, the trial diet is confirmed. As noted in the main body of the report, the alleged offender may enter a plea of guilty at any point, and the potential range of outcomes of this would be as described above. The PF only has a duty to consider these pleas, and is not bound to accept any or all.

- After 6 weeks, a trial diet is held. As with intermediate diets, a large number of alleged offenders enter a plea of guilty to one or more charges at this point, If not, and assuming witnesses are present, a trial would proceed. Witnesses may be cited but not called, and it is clear from records that some offenders enter a plea of guilty on hearing the evidence against them, but prior to any submission by their agent. ASSIST and the Witness Service provide support to victims and witnesses in the period before, and on the day of a trial.
- Where a witness does not appear (or an alleged offender), the PF must decide whether or not to continue with the prosecution, and may seek a warrant to compel a witness to attend. A further trial diet is set at that point.
- A Sheriff has a range of findings open to him or her, the most common of which are guilty or not guilty. On a finding of guilty, or where a plea of guilty is accepted, as with other diets, sentence may be imposed at that time, or may be deferred for reports with the date of a sentencing diet being set. Again, the offender may be bailed or remanded in custody.
- Where reports are requested, sentence may be imposed in the light of these, or may be deferred for a period to allow the offender to demonstrate good behaviour. In this instance, a further sentencing diet would be set (in most cases in the domestic abuse court, 6 months ahead) and a report ordered from Strathclyde Police for that time. Sentences take effect immediately.

DOMESTIC ABUSE INCIDENTS IN SCOTLAND AND G DIVISION

In the two years between 2004 and 2006⁷³, police recorded nearly 90,000 incidents of domestic abuse across Scotland. Of these 45,816 (51%) were adjudged to have involved a crime being committed and 29,314 (33%) resulted in a report being submitted to the PF. Of these, 15,973 incidents (18%) were recorded in the four police divisions covering the city of Glasgow. Typically, reported incidents in G Division represent about a third of all incidents in the city, or around 6% of all incidents in Scotland.

Pattern of Incidents in G Division

The remainder of this annex provides some background information about G Division, and describes the characteristics of reported incidents.

The city of Glasgow, for policing purposes, is split into four operational divisions. G Division⁷⁴ covers the whole of the south side of the city, and the separate local authority area of East Renfrewshire. East Renfrewshire was not included in the domestic abuse court pilot as cases from that sub-division are normally heard at Paisley Sheriff Court.

G Division covers a total of 330,000 people, with 231,000 living within the area bounded by the pilot. The division is further divided into four sub-divisions, covering (broadly) Govan,

⁷³ The information about Scotland and Strathclyde Police as a whole is financial years, the information on G Division covers the period of the pilot, October 2004 – October 2006.

⁷⁴ “G” Division is now officially named Glasgow South and East Renfrewshire Division, although, for the purposes of this report, the original name has been retained.

Pollok, Cathcart and the Gorbals. In terms of population, the division is similar in size to Fife and is larger than the Central Scotland, Northern and Dumfries and Galloway force areas.

Economically and socially, the area is very mixed, with both areas of considerable affluence and areas of significant deprivation. The area also has the highest concentration of ethnic minority residents in Scotland and a large number of asylum seekers and refugees.

The characteristics of reported incidents

The analysis below is based on data provided by Strathclyde Police from the Vulnerable Persons Database covering G Division. Data relating to the local authority area of East Renfrewshire has been excluded in line with the geographical coverage of the pilot. This annex is based on 5490 incidents reported to the police and recorded as potentially involving domestic abuse.

Of these 5490 incidents⁷⁵, the tables below summarise the gender both of the alleged victims and alleged offenders.

Table A1. Gender of alleged victims

Gender	Total	%age
Female	4676	86
Male	673	12
Transgender or unrecorded	65	1
Total	5414	

As might be expected, the vast majority of alleged victims were women.

Table A2. Gender of alleged offenders

Gender	Total	%age
Female	636	12
Male	4677	86
No victim / accused	142	3
Total	5455	

The findings relating to alleged offenders are virtually a mirror image of those relating to alleged victims.

⁷⁵ Not all data is available for all records. The percentages are always of the number of available records. All percentages are subject to rounding.

Table A3 below summarises the genders of both alleged victims and alleged offenders.

Table A3. Gender of alleged victims and offenders

Victim	Offender	Number	%age
Female	Male	4542	87
Female	Female	29	1
Male	Female	590	11
Male	Male	64	1
Total		5225	

This table illustrates that the number of reported same sex incidents was very low (93 in total, or about 1.8%).

The next two tables compare the ages of alleged victims and perpetrators of domestic abuse.

Table A4. Age of alleged victims

Age range	Number	%age
Under 16	5	<1
16-19	293	5
20-24	857	16
25-29	876	16
30-34	974	18
35-39	854	16
40-44	697	13
45-49	473	9
50-54	200	4
55-59	104	2
60-64	48	1
Over 65	31	1
Unknown	74	1
	5490	

The table illustrates that the peak age range for experiencing domestic abuse is 30 - 34. Although not illustrated in the table, the database suggests that the peak single age for experiencing a domestic abuse incident is 32.

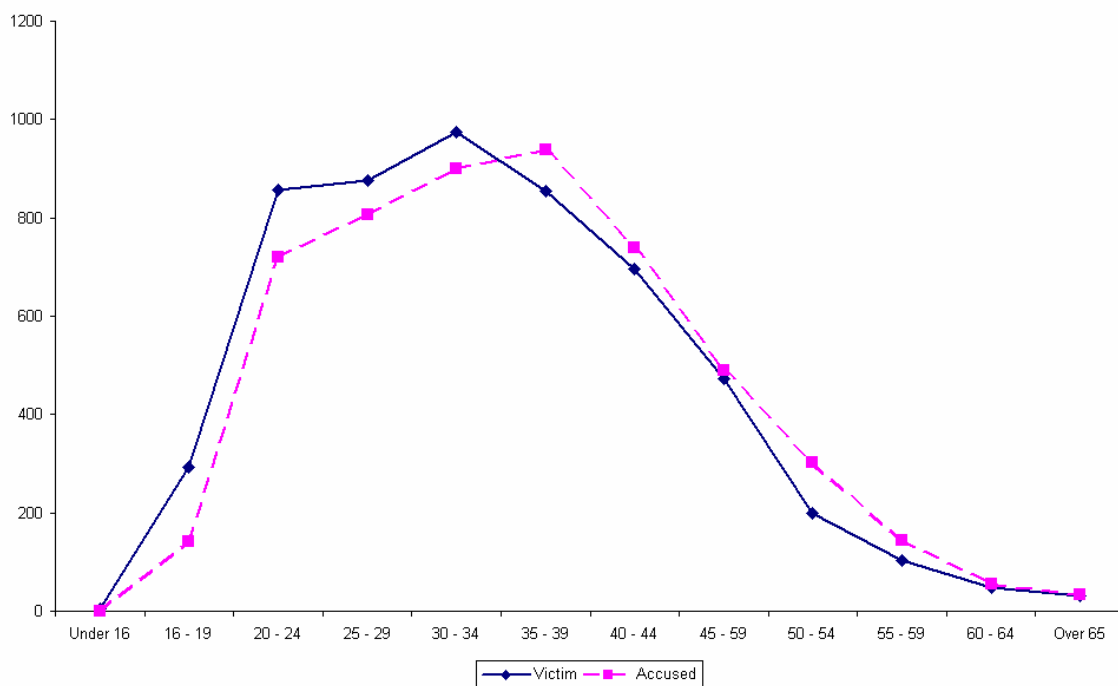
Table A5. Age of alleged offenders

Age range	Number	%age
Under 16	1	<1
16-19	141	3
20-24	719	13
25-29	807	15
30-34	900	16
35-39	939	17
40-44	739	13
45-59	489	9
50-54	303	6
55-59	144	3
60-64	55	1
Over 65	34	1
Unknown	214	4
	5490	

The age range containing most alleged offenders was 35-39, which was slightly older than for alleged victims. The peak single age for perpetrating domestic abuse was 35, again slightly older than alleged victims.

The chart below illustrates that, on average, alleged offenders were older than alleged victims:

Chart A1 : Ages of alleged victims and accused



In 2093 incidents (40%), there was a gap of 5 years or more between the parties, and in 714 incidents (14%), a gap of 10 years or more.

Table A6 below summarises the ethnicity of the alleged victims. As might be expected, the overwhelming majority were white. Perhaps the most noteworthy aspect of this table and A7 is the very small number of members of the Chinese community identified as alleged victims or offenders.

Table A6. Ethnicity of alleged victim

Ethnic group	Number	%age
White	4804	92
Mixed race	10	0
Asian	316	6
Black	72	1
Chinese	7	0
Total	5209	

Table A7 broadly mirrors Table A6 above in terms of the stated ethnic group of alleged offenders.

Table A7. Ethnicity of alleged offenders

Ethnic group	Number	%age
White	4776	92
Mixed race	4	0
Asian	349	7
Black	76	1
Chinese	4	0
Total	5209	

Table A8 shows the comparative ethnicity of both alleged offenders and victims.

Table A8. Comparative ethnicity of alleged offenders and alleged victims

		Ethnicity alleged offender					
		White	Mixed race	Black	Asian	Chinese	Total
Ethnicity alleged victim	White	4712	4	21	66	1	4804
	Mixed race	6			4		10
	Black	20		51	1		72
	Asian	36		2	278		316
	Chinese	2		2		3	7
	Total	4776	4	76	349	4	5209

Table A9 illustrates the complexity of the relationships involved in domestic abuse, with only one in five reported incidents involving co-habiting married partners. It is interesting to note that only around 43% of alleged victims lived with the alleged offender at the time of the incident, and also the high number of incidents involving ex-partners and ex-spouses (40%).

Table A9. Relationship of those involved⁷⁶

Relationship	Number	%age
Spouse (i.e. husband/wife)	896	20
Co-habitee (i.e. living together as man and wife)	1003	23
Partner (not cohabiting - includes boyfriend/girlfriend)	759	17
Ex-spouse (including spouses no longer co-habiting)	1107	25
Ex-partner (not spouse)	674	15
Other relative	11	<1
	4450	

A total of 3037 incidents (57%) involved calls to an incident involving parties previously recorded on the Vulnerable Persons Database. Of these, 1055 had one previous incident logged. The highest number of previous incidents logged was 47. It was not possible to identify how many of these were unique records.

As might be expected, the large majority of reported incidents took place in the home (83%). The table below summarises this:

Table A10. Location of reported incidents⁷⁷

Location	Number	%age
Dwelling House – Victim’s Home	2591	47
Dwelling House - Joint Home	1719	31
Dwelling House - Accused/Other Home	480	9
Street / Public Place	439	8
Shop / Business Premises	57	1
Licensed Premises/Public House	18	<1
Other	186	3
Total	5490	

The table illustrates that, in more than three quarters of all cases, the location of the reported incident was *either* the alleged victim’s home, or a home they shared with the alleged perpetrator. A further 9% took place in the offender’s home, or in the home of another family member.

Data on the day of the week of reported incidents is slightly misleading, as many incidents appeared to take place in the period between midnight and 6am and hence would be recorded as a different day to an incident being reported before midnight. For reference, however, this data is presented in the table below. As might be expected, Saturday (which would generally include most incidents happening overnight on a Friday) and Sunday were the peak days for domestic abuse reports.

⁷⁶ Those where the relationship was identified as unknown have been excluded.

⁷⁷ Some incidents had multiple locations.

Table A11. Day of the week of reported incidents

Day	Number	%age
Monday	708	13
Tuesday	660	12
Wednesday	668	12
Thursday	649	12
Friday	715	13
Saturday	1042	19
Sunday	1048	19
Total	5490	

Again, for information, the peak days for domestic abuse reports over this period were:

Table A12. Peak days for reported incidents

Date	Number of reports
1-Jan-06	25
1-Jan-05	20
26-Mar-05	20
1-May-05	20

The 1st of January was the New Year's Day holiday, the 26th of March 2005 was the Easter holiday weekend and the 1st of May was the May bank holiday weekend. Other peaks in reported domestic abuse incidents also tended to coincide with holidays and with major football matches. These findings support the long held view that holidays are a significant additional risk factor for those experiencing domestic abuse.

The actions identified by the first responding officers are set out in the table below:

Table A13. Action taken by police

Action	Number	%age
Referral to Procurator Fiscal	2345	43
Other action ⁷⁸	2321	42
No further action	327	6
Police warning	281	5
Not recorded	216	4
Total	5490	

In this case, although 2345 incidents were identified for reporting to the PF, in the event, around 1400 actual reports were submitted. It is interesting to note that first responding officers were more likely to recommend a report to the PF where the alleged offender was male (46%) than when the alleged offender was female (35%). Women were nearly twice as likely to receive a police warning as men.

⁷⁸ This usually refers to, for example, providing advice or ensuring the safety of the alleged victim in circumstances where the first responding officer considers that no crime has been committed.

In 2505 incidents, the first responding officer adjudged that, for reporting purposes, a crime may have been committed. This represents 46% of reported incidents. Even where first responders consider that no crime has been committed, there are a range of actions they can take to help ensure the safety of anyone within the household, including children. In all cases, whether or not a crime has been committed, an incident report is logged, and a database record created, and these are available to any officer subsequently called to attend.

Among the incidents identified by the police as constituting a crime or offence, the following crimes and offences were identified (threshold 10 instances):

Table A14. Crimes and offences identified by police

Crime or offence	Number	%age of all offences
Petty Assault	1044	42
Breach Of The Peace	978	39
Bail Offences	207	8
Vandalism, Malicious Damage	69	3
General Post Office/Telecommunications	51	2
Serious Assault	44	2
Re-Offending While On Bail	17	1
Attempted Murder	12	<1
Theft (Not Elsewhere Classified)	11	<1
Rape	10	<1
Wireless Telegraphy Act Offences	10	<1
	2505	

Clearly, some of these offences (particularly attempted murder and rape, as well as some serious assaults) would be likely to be taken forward as solemn, rather than summary cases, assuming the proposed charges were not subsequently reduced by case managers or the marking PF depute. The prevalence of assault and breach of the peace, evident from SCS COP data presented in the main report, was also clear from the data presented here in relation to reported incidents.

ANNEX F COSTS

It is important not to approach the issue of costs from a narrow perspective. As was acknowledged by a number of stakeholders, the specialist court was, in some key respects, more expensive than a “traditional” Sheriff summary court, and the scale of these additional costs offsets any financial gains in terms of efficiency or early pleas. There are also a range of additional knock-on effects, some of which could not be quantified, which are detailed later in this annex. However, there are wider issues. Domestic abuse has a high cost for victims and for society more generally and, by both reducing the impact on victims and by helping reduce the level of abuse, there may be significant cost savings in the medium to long term. Equally, a number of stakeholders noted that the extra level of cost was justified in the light of the demonstrable benefits, such as improved conviction rates and support to victims, as set out in the main body of the report.

The specific data in this annex relating to agencies involved in the court has been obtained from the Scottish Executive or from the agencies concerned, supported by discussions at interview. At a wider level, however, there is a lack of published information about the costs of the criminal justice process which makes a definitive analysis of costs difficult. The publication “Costs, Sentencing Profiles and the Criminal Justice System 2004-05” (Scottish Executive, 2006) draws together high level cost data for the prosecution and court processes, but this is presented at a Scotland-wide level, and relates to *all* summary cases. There is also some published data on the costs of managing social work disposals, but, in the context of the domestic abuse court, this relates only to probation with no conditions. Published data on police costs is also highly aggregated, as is available cost information on Legal Aid.

COSTS AND WIDER IMPACTS

There are a range of direct costs and savings associated with the domestic abuse court. These will be summarised by service, and, where possible, compared to either other types of case or other strands of work.

It is clear that there are also wider implications arising from, for example, the priority afforded to the court by individual services. These implications are of two main types. In some cases, other work of the service may have been affected by the domestic abuse court pilot. These implications, for example, in terms of lengthening the time taken to carry out some administrative tasks, do not necessarily entail any additional expenditure, but may affect efficiency or effectiveness. Some of these wider implications may, however, relate to costs incurred elsewhere in that service, or in the criminal justice system. These indirect costs generally cannot be quantified, but will be identified where possible.

Each subsection will begin by briefly summarising the role of the service in relation to the court, in order to put the information in context.

Strathclyde Police

The main involvement of Strathclyde Police in the pilot related to attending incidents, preparing reports to the PF, following up and ensuring the safety of victims and children, delivering citations, serving warrants and attending court to provide evidence.

Direct costs

As cases would be investigated and reports submitted regardless of the nature of the court hearing the case, each of these activities set out above would have been undertaken in substantially the same manner whether or not the pilot domestic abuse court had existed. Strathclyde Police indicated that the delivery of these mainstream services in G Division did not result in increased costs.

The only direct cost to the police was the employment of two additional process servers in G Division, initially to clear the backlog and then to ensure that the citation process was geared to meeting the timing deadlines imposed by the court. This cost was met by Strathclyde Police from internal resources, and had wider benefits in improving administrative processes across a wider range of cases than simply domestic abuse. It was agreed that this should not, therefore, be considered as a cost of the pilot per se. (It is worth noting that the summary justice reforms, described in the main body of the report, will also require forces to ensure that process serving is carried out in a manner which supports these tighter deadlines.)

The only “saving” to the police came from the increase in guilty pleas prior to a trial diet reducing the number of police officers required to attend trials. It has not been possible to quantify this.

Wider impacts

Strathclyde Police did not identify any indirect costs incurred as a result of the pilot. It is clear from the body of the report that the force has chosen to prioritise domestic abuse in G Division, but this is true of other divisions (and other forces), albeit to a slightly lesser extent. It was indicated that the extent of any knock-on impacts would be hard to judge, but it was suggested that, for example, processing times in relation to some other crime types may have been slower as a result. This was considered to have been an expected consequence of the prioritisation process in relation to implementing ACPOS and force policy.

Crown Office and Procurator Fiscal Service

The main roles for COPFS in relation to the court were the marking and processing of cases (including their administration) and attending court. Although, as noted in the body of the report, domestic abuse cases would have been processed regardless of the nature of the court, additional resources were required in order to meet the deadlines imposed by the court for intermediate and trial diets.

Direct costs

The only direct cost of the pilot was £80,000 provided to G Division by the Crown Office to dedicate one full-time depute to the court⁷⁹. This was considered to be necessary for two main reasons, relating to the agreed need for a specialist depute to mark and prosecute cases, and to ensure that enough dedicated depute time would be available to ensure that deadlines could be met.

⁷⁹ This funding was continued for a third year in line with support to other agencies.

Wider impacts

Local resources were reallocated to allow a full time administrative resource to be dedicated to the court, and additional depute time (0.4 full-time equivalent depute, used flexibly where required) to allow for additional preparation for the court and to cover holidays, sickness and training. These were not direct costs, although it was clear from discussions with the service that there was some wider impact in terms of processing cases other than domestic abuse, as one fewer administrator, and one fewer depute were available to be allocated to these.

The issue of the notional cost of prosecuting cases is a complex one, and one which is made more difficult by the lack of useful data on direct costs. In addition, these cases would have had to be prosecuted regardless of the nature of the court, and so would have incurred some cost.

Thus in terms of assessing the impact of the domestic abuse court on prosecution costs, it is important to consider these not in isolation, but *in comparison* to a traditional Sheriff summary court. On the basis that the unit costs are the same in both courts (and there is no evidence that this assumption would be invalid), the cost comparison rests on any observed changes to the patterns of pleas or trials.

In terms of the findings set out in the main body of the report, it is clear that there were two separate effects of this nature, both of which have some impact on the notional cost of prosecution. The first relates to pleas being offered and accepted at an earlier stage. At a notional level, this results in a saving to the Crown, in that cases which settle at an early stage cost less to prosecute overall. However, even the notional saving to the Crown is relatively small, as the published cost difference between a plea at an intermediate diet (£360) and a trial diet (£440) is small.

More significantly, it is clear from the findings in the main body of the report that more cases proceeded to trial than would have been expected had the court performed in the same way as a “traditional” Sheriff summary court. In these cases, *additional* costs would be incurred, largely as a result of increased staff time⁸⁰.

It is important to stress, however, that these are notional costs. COPFS allocated 1.4 deputies to the court, together with an administrative worker, on the basis of the volume of business, and the observed pattern of pleas accepted and trials. Had the court displayed a different pattern of pleas and trials, it is likely that the impact on COPFS would have been purely in terms of the amount of *additional* depute time which had to be allocated to the court (which, as noted earlier, amounted to a 0.4 full time equivalent over the life of the pilot). Fewer trials would have required a slightly smaller fraction of this depute’s time, more trials would have required a slightly higher fraction.

It is unlikely that any additional costs were generated for VIA as a result of the pilot as it is clear from the body of the report that the service provided to victims was effectively the same as that provided to victims whose cases were heard in traditional courts.

⁸⁰ The notional cost to the Crown of a trial where evidence is led is £640.

Scottish Court Service and Sheriffs

The involvement of the Scottish Court Service in the pilot related to the administration of the court. The involvement of Sheriffs related to hearing cases brought before the court.

Direct costs

SCS incurred no direct costs as a result of the pilot, and there were no direct costs as a result of the allocation of Sheriffs to the court.

Wider impacts

SCS dedicated a single clerk to the court, although this was not a direct cost, and was achieved by prioritising resources from elsewhere. As with COPFS, SCS considered that there was a knock-on impact on the speed with which other court business could be processed. This was as a result of a decision taken at the outset that the dedicated clerk would not be made available to work in other courts when the Domestic Abuse Court was not sitting, or when volumes of business were lower. Clearly, however, cases heard in the domestic abuse court would have been processed regardless of the nature of the court, and some level of staff input would have been required.

Much the same issues apply for Sheriffs. As noted in the body of the report, four Sheriffs sat in the court over the pilot period. While, again, this did not carry a *direct* cost as the cases would have to be heard regardless of the nature of the court, this did have knock-on implications in terms of the availability of these Sheriffs to hear other cases, particularly Sheriff and Jury trials. It was also noted that there had been an increased use of part-time Sheriffs to cover cases in other courts, although this could not be quantified. It was suggested that the use of part-time Sheriffs may also have had a wider impact on the consistency of practice across the Sheriff court.

The third main area of impact in relation to the Sheriff Court related to premises. Court 13 was dedicated to the pilot, and was not used for cases other than domestic abuse over the period, with the exception of a small number of civil matters heard when the criminal court was not sitting. As with the dedication of clerks and Sheriffs, this had a wider impact on the flexibility with which the Sheriff Principal and Sheriff Clerk could respond to demand pressures arising from other business. It was also noted that the increased use of part-time Sheriffs created some difficulties in the availability of chambers to accommodate the increase in overall numbers sitting in the Sheriff Court. It was also noted that space constraints would worsen if a decision were taken to roll the domestic abuse court out in its current form to the other three divisions.

As with prosecution costs, case-related court costs are difficult to establish with any certainty. Published sources are highly aggregated, and relate to the average cost of all Sheriff summary business. Again, as with prosecution costs, two main findings impact on the notional cost of processing cases. Cases which are settled at an early stage clearly cost less than those which proceed to a trial diet, but, as with prosecution costs, the difference in cost between a plea being accepted at an intermediate diet (£160) and a trial diet (£240) is relatively small. The pattern of pleas evident in the court is likely to have led to a small “saving”, but in reality, as the courtroom, Sheriffs and clerk, as well as associated support

staff, were dedicated to the domestic abuse court and could not be used elsewhere, this “saving” is entirely notional.

As noted earlier, a greater number of cases proceeded to trial than would have been expected given the pattern elsewhere. A case in which evidence is led at trial is significantly more expensive (£1779) than even one where a plea is accepted at the same diet (£240). However, as with “savings” in relation to early pleas, the increased “cost” is notional, as the courtroom, Sheriffs and SCS staff were dedicated to the court, and all trials were accommodated within these resources.

The final area of wider impact of the court was in relation to the use of reports and the pattern of disposals. It is clear from the body of the report that sentencers in the domestic abuse court favoured probation and imprisonment over fines, which were more common in other courts. Consideration of probation or imprisonment would, in most cases, require a diet to be deferred for either Social Enquiry Reports or reports on the suitability of the offender for probation or a programme. This is less likely with fines, which are more likely to be imposed without the need for reports. Again, although more cases were adjourned for reports than might have otherwise been the case, this was accommodated within the overall level of resources dedicated by the Sheriff Principal and Sheriff Clerk to the Court.

The only “cost” arising from this was the cost to the social work service of preparing the reports requested. This is discussed below. In terms of disposals, again the costs did not fall to SCS, and are discussed in more detail later.

Social work

The social work service provided two main functions in relation to the pilot. The first was the provision of reports of suitability for various disposals. The second was the management of probation and community service orders. At the outset, it had been agreed that Glasgow City Council would fund an increase in the number of workers accredited to deliver the CHANGE programme, and an increase in the number of partner support workers, as well as recruiting a bail supervision worker, but as noted in the body of the report, this did not take place.

Direct costs

The issue of direct costs in relation to social work is complex. Criminal justice social work is 100% funded by the Scottish Executive, but this is provided on the basis of a block grant, so any increase in the priority of one activity within a funding period can only be met either by diverting resources, or by introducing new resources. As noted earlier, Glasgow City Council social work service did not actually incur any additional *direct* costs as a result of the pilot, although, as will be set out below, there were a range of knock-on impacts from the need to re-prioritise other work to support work related to the court.

Wider impacts

The main impacts on the social work service fell in two main areas. The first was in supplying reports to the court. Glasgow City Council estimated an average cost to them of £200-£300 per report, with the higher cost including an assessment for CHANGE. The social work service did not receive any additional funding for these activities and had to prioritise

staff resources from other work to fulfil the demand. As with other costs, however, only a proportion of the overall cost to the social work service was attributable to the pilot, as it is reasonable to assume, on the basis of disposals in other courts, that a *proportion* of those sentenced to imprisonment, probation or community service in the domestic abuse court would have received a similar sentence in any other court, and hence would have required reports to have been prepared.

The second main social work impact related to supervising probation and the management of the CHANGE programme. This activity was 100% funded by the Scottish Executive, and no additional funding was provided beyond normal per case costs over the life of the pilot. However, it was clear that the increased workloads generated by the court led to difficulties elsewhere in the service, as, in the absence of additional funding, resources had to be switched from other duties to support the domestic abuse court.

Glasgow City Council estimates the cost of a two year probation order at £3,000 - £3,400, largely on the basis of staff and accommodation costs. The additional cost of a CHANGE programme place is around £800 per participant, in addition to the probation cost. Again, these are largely staff costs, although there are also accommodation costs. From this, it is clear that, in order for the service to both manage the increased number of orders overall, and prioritise men being sentenced in the domestic abuse court, work elsewhere had to be delayed or dropped. As set out in the body of the report, men sentenced in the domestic abuse court were prioritised for CHANGE programmes from early 2005 and throughout the pilot. The main impact of this was in terms of greatly increased waiting times for men sentenced in other courts.

ASSIST

ASSIST provided support to victims and their children whose cases were heard in the domestic abuse court. An ASSIST worker attended court each day to provide support to victims, and to provide information to Sheriffs when requested. ASSIST also coordinated the MAAP multi-agency risk assessment process, designed to identify victims at risk and provide support to them, and took a central role in the coordination of agencies' contributions to the pilot court.

Direct costs

ASSIST was created specifically to provide support to victims, and, for this reason, all the costs of the service were direct costs. The Scottish Executive provided £203,000 to support the core service, and a further £63,000 to support a Children and Young Persons' Advocacy Worker from July 2005. In addition, £29,000 was provided by Glasgow Community Safety Partnership (now Glasgow Community and Safety Services) and £20,000 by Glasgow City Council Social Work Service. In the two years of the pilot, Glasgow Community Safety Partnership also covered the cost of ASSIST's operating deficit of around £50,000, as well as providing a significant level of in-kind support in relation to IT and accommodation costs. This suggests ASSIST received funding of £315,000, excluding deficit cover and in-kind costs, and that the total "cost" of the service was in the region of £400,000.

Other support providers

Other support providers involved in the court included the police and the Witness Service. Neither service incurred additional costs as a result of the pilot in relation to these activities, and there was no indication that there were any knock-on impacts for these services in relation to their involvement in providing support to victims through the pilot. The police suggested at interview that, as a result of the existence of ASSIST, they were able to offer *more* support to other victims than would ordinarily be the case. This is evidence of a positive wider impact of the pilot.

Legal Aid

The pattern of business in the court had a range of direct cost implications for Legal Aid, some of which represented savings, some of which represented increases. As noted in the body of the report, a slightly higher proportion of cases were settled by a plea at a pleading diet than might be expected in domestic abuse cases generally. This represents a small saving in Legal Aid costs, as the fees for cases settled by a plea are set at two levels, one for pleading diets, and a second, higher fee, for intermediate and trial diets (for which the fee is the same). Cases which proceed to trial incur additional fees after 30 minutes, and it is not possible to say how many cases this applied to, but it is reasonable to suggest that the higher proportion of trials overall may mean a higher overall cost. The final area of potential cost is where sentences are deferred for reports. As noted in the body of the report, the overall number of cases where reports were called for was slightly higher than in the comparison court. On the basis that offenders are represented, this would incur a higher cost.

It is worth noting that the impact of work by ASSIST and the PF to support victims to give evidence, and the consequently lower rate of cases being deserted may have had an impact on the rate of pleading if agents advise clients that it is more likely that cases will proceed to trial. It is possible that, as the work of the court becomes more widely known, the rate of early pleas may rise, and hence the cost of Legal Aid may fall.

Scottish Prison Service

Although hard to quantify, evidence suggests that slightly more offenders were imprisoned, and for longer periods, than is typical for domestic abuse cases calling in other courts. Again, while most stakeholders would view this as a positive outcome, as with increased usage of probation, this would incur additional costs for the Scottish Prison Service (SPS). The notional average cost to SPS of a prisoner place is currently around £90 per day, although this encompasses both long and short term prisoners, and both adults and young offenders. For technical reasons relating to limitations in the data available to this research, it is impossible to calculate even a notional additional cost to SPS.

OVERVIEW OF DIRECT COSTS AND WIDER IMPACTS

It is clear from this analysis that the *direct* costs of the pilot domestic abuse court have been higher than would have been expected had the cases been progressed in the same manner as cases elsewhere in Glasgow. Nominal savings in terms of efficiency have been at least offset by the additional costs of trials, reports, probation and imprisonment.

The direct costs associated with the court were:

- £80,000 to provide a dedicated Procurator Fiscal depute.
- Approximately £400,000 to provide the ASSIST service.

The main indirect impacts of the court were:

- Some delays for Strathclyde Police in processing other business as a result of prioritising domestic abuse work.
- The allocation of 0.4 FTE Procurator Fiscal Depute and 1 FTE administration worker and the consequent impact on the processing of other cases.
- The allocation of a dedicated clerk to the court, and the allocation of four Sheriffs on rotation, and the consequent impact on the processing of other cases, and limitations on the flexibility to assign Sheriffs to cases, as well as the employment of additional part-time Sheriffs.
- The loss of flexibility through the dedication of Court 13 to domestic abuse business.
- Increased workloads in the social work service in terms of both the provision of reports and supervising probation, with consequences for the priority given to other work.
- Delays for men from outwith G division in accessing the CHANGE programme.
- Increased costs to SPS through longer sentences.

It is also clear, however, that the pilot brought about a series of both short term, and potentially longer term benefits. These are detailed at length in the main body of the report but, in summary, some of the short term direct benefits included:

- Higher rates of conviction and lower rates of attrition for domestic abuse cases.
- High levels of victim and witness satisfaction.
- Improvements to many aspects of victims' experiences including safety through the use of bail with special conditions, and, for high priority cases, MAAP risk assessments.
- Improvements to the understanding of domestic abuse issues across a wide range of stakeholders.
- A more efficient and effective process for dealing with domestic abuse.

THE "COSTS" OF DOMESTIC ABUSE

It is important to recognise that domestic abuse has a wider "cost", which can be partially offset by improving the experiences of victims, and, over time, by potentially reducing the level of domestic abuse. Domestic abuse can have a wide range of impacts, including some or all of the following⁸¹:

- Loss of opportunity.

⁸¹ Taken from WAFE, 2005.

- Isolation from family/friends.
- Loss of income or work.
- Homelessness.
- Emotional/psychological effects such as experiences of anxiety, depression or lowered sense of self-worth.
- Poor health.
- Physical injury or ongoing impairment.

Domestic abuse also has significant impacts on children, either through experiencing or witnessing this, or as a result of the wider impact on their lives, with, for example:

- Emotional impacts.
- Physical and mental health impacts.
- Impacts on schooling.
- Impacts on socialisation and relationships.
- Impacts on overall environment, living conditions and general well-being.

The cost of domestic abuse in Scotland and the impact of the domestic abuse court

There are no current estimates of the cost of domestic abuse in Scotland, and research undertaken by Sylvia Walby in England (Walby, 2003) has limited applicability to Scotland due to the definitions used and the differences in legal and administrative structures. The cost, however, is generally acknowledged to be considerable.

These costs, while unquantifiable at present, fall across a range of areas, including the following:

- The cost to the police and to criminal justice agencies of investigating and prosecuting perpetrators, and the cost of managing both probation and imprisonment.
- The cost to the health service of treating immediate injuries and the longer term cost in terms of physical and mental health issues.
- The cost of providing short and long term support to victims through agencies such as Women's Aid and VSS.
- The cost of providing information through, for example, CABx and Money Advice projects.
- The cost to housing services of homelessness, and the cost of providing advice, and both temporary and permanent accommodation (as well as, in some cases, providing refuge).
- The cost to social work and education services, as well as the Children's Reporter, of managing support to children, and to their families.
- The loss to the Exchequer and to the economy in terms of decreased participation in the labour market.
- The increased cost of state benefits arising from decreased participation and changing family circumstances.

This is not an exhaustive list, but provides some indication of the very high financial cost of domestic abuse.

It is not unreasonable to assume that some of these individual and social costs associated with domestic abuse could be offset by the sorts of improvements to services, and to victims' experiences evident in the domestic abuse court pilot. Most stakeholders who participated in this evaluation suggested that, in their view, a specialist court approach to domestic abuse, coupled to appropriate interventions, could have an impact on these costs. It was suggested that it could reduce the need for long term support by providing an effective early response. It was also suggested that it could potentially reduce offending, re-offending and repeat victimisation. Some examples of how the approach could have this type of impact included the following:

- The increased use of imprisonment and probation could lead to an overall decrease in the number of incidents over time, on the assumption that both punishment and interventions work with at least some offenders.
- The increased use of probation, as well as special measures, and the focus on victim safety inherent in the specialist approach and the approach of key partners, suggests both that the overall level of incidents may decline, and that women may feel (and be) safer, potentially leading to less requirement for both on-going support or regular access to services such as health or housing.
- Improvements to victims' satisfaction with the criminal justice process, as well as improvements to their access to other services through advocacy support and the police, could lead to improvements in their level of well-being, and those of their children, again potentially leading to a decline in the need for ongoing support and access to services. The positive impact of the police, support provision and the court process on a significant number of women is clear.
- The extent to which the court has focused attention on the issue of domestic abuse in Glasgow is hard to measure, but was identified by some key stakeholders as significant. It was suggested that the court "sends a message" to abusers that domestic abuse is serious, and will be dealt with severely. It is likely that, through time, this may have an impact on both adult men and boys in their attitudes towards, and likelihood of using violence.

At this stage, these assumptions cannot be supported by firm evidence. It is simply too early for the impact of the specialist court approach on these issues to be clear. However, longer term work is required to monitor, for example, the inter-relationship between improvements in support and victims' experience of the court process on one hand, and their well-being and need for access to other forms of support in the longer term.

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