

Making it through the Criminal Justice System: Attrition and Domestic Violence

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This article explores the process of attrition, where domestic violence cases fail to make it through the criminal justice system and do not result in criminal conviction. The article draws on the hitherto most detailed study of such attrition in the UK.¹ The research, carried out across the Northumbria Police Force area, explored the quantitative attrition of domestic violence cases, from reporting to the police to final court outcome, contextualising this via the experiences of individuals (mainly women) victimised by domestic violence as well as the perspectives and practices of the police, prosecutors, the courts and non-criminal justice agencies.

Introduction

Feminists in the UK (and elsewhere) have, since the 1970s, been at the forefront of campaigning for criminalisation of domestic violence, perceiving such an approach as a normative condemnation of domestic abuse – the elevation of domestic violence to be seen as any other violent crime. As a strategy this approach has in many respects been successful, aided by a wider policy context where punishment and deterrence of crime have been increasingly key (Hague, 1999; Hester and Westmarland, 2005; Hester, 2005).

In England, and since the 1990s in particular, there has been a plethora of policy initiatives aimed at developing criminal justice approaches to domestic violence, in particular via pro-arrest and increases in prosecution and conviction. For instance, the revised Home Office Circular 19/2000, aimed at the police, emphasised positive policing, including focus on arrest and evidence gathering. The Crown Prosecution Service (CPS) received new 'Guidance on prosecuting cases of domestic violence' (CPS, 2001), emphasising the construction of cases, where possible, on evidence other than that of the victim, and use of section 23(3)b of the Criminal Justice Act 1988 which enables cases to be presented in court when the victim is unwilling or unable to appear to provide oral evidence. Criminal justice and other agencies have also been encouraged to increase partnership working, to support and provide safety for victims (Home Office, 2000). A new (English) Domestic Violence, Crime and Victims Act 2004 further emphasises domestic violence as a crime, with strengthening of protection orders and prosecution of breaches, and has made common assault an arrestable offence (for further discussion see Hitchings in this Section). Many of these policy changes have also been aimed at reducing attrition, what the Home Office terms 'narrowing the justice gap' (Justice Gap Taskforce, 2002). The Women's Unit of the Cabinet Office also cited as a key goal 'reducing attrition in the prosecution process' (Cabinet Office, 1999: 11), and a recent thematic review by the

police and Crown Prosecution Service Inspectorates had addressing attrition in domestic violence cases as a main focus (HMIC and HMCPSI, 2004).

The focus by the UK Government on criminalisation suggests that criminal justice interventions can be used to reduce or deal with domestic violence. However, this is not without contention. In the United States – where criminalisation has been taken much further and has included mandatory arrest and prosecution policies – some feminists are now arguing that criminal justice interventions should no longer be pursued as they are directly disempowering for women (see Mills, 2003; see also review by Stark in this Section). Others have argued that the adversarial criminal justice system cannot in any case deal with crimes where the victim and perpetrator know each other, as with domestic violence (Cretney and Davis, 1995). There are also specific questions about the outcomes of using a criminal justice approach. Research in the 1980s in the United States initially indicated that use of arrest helped to reduce repeat offending² in relation to domestic violence (Sherman, 1992). Later work was less clear cut, and has increasingly shown that, while arrest may act as a deterrent for some domestic violence perpetrators, it does not appear to have such an effect on the more chronic domestic violence offenders (Hanmer *et al.*, 1999; Maxwell *et al.*, 2001; Buzawa and Buzawa, 2003). The more limited research on court outcomes appears to indicate that conviction, especially where it involves jail or probation rather than fines, may reduce repeat offending. However, the proportion of domestic violence cases resulting in conviction tends to be very small (Hester and Westmarland, 2005; Ventura and Davis, 2005). Generally, research indicates that criminal justice interventions are unlikely to be effective on their own, and are most effective when carried out in a context of wider support and advocacy for those victimised (Taylor-Brown, 2001; Buzawa and Buzawa, 2003; Robinson, 2003; Hester and Westmarland, 2005).

This article looks specifically at attrition, and some of the processes involved. The article does not consider the impact of criminal justice interventions, but examines in particular the different perspectives and perceptions held by criminal justice agencies and women victimised by domestic violence regarding attrition.

The Northumbria research

In order to establish a detailed and triangulated picture of attrition, the Northumbria research used quantitative tracking of domestic violence cases via the Northumbria Police databases and CPS case files, combined with in-depth interviews with individuals experiencing domestic violence and with staff from criminal justice and other agencies. The quantitative data were analysed using SPSS. NVivo was used to aid a thematic analysis of the qualitative data.

In April 2001, Northumbria Police introduced a computer-based system for recording and linking domestic violence incidents across all police commands, as well as a routine approach to risk assessment. The existence of this force-wide approach created a unique opportunity to carry out direct comparisons of practice and outcomes across police commands. Three command areas were compared: the inner city of Newcastle West, the coastal town of South Tyneside, and rural North Northumberland.³

From 869 incidents across the three sample commands, a detailed database of police practice was established for 291 intimate partner domestic violence incidents resulting in power of arrest.⁴ This was complemented by interviews with 26 police officers and civilian staff across the Northumbria Police involved in direct responsibility

for the domestic violence database ($n = 15$), 'core police' officers responding to domestic violence incidents ($n = 9$), and custody sergeants ($n = 2$).

The perspectives and experiences of those victimised were obtained via interviews with 74 victims of domestic violence. Fifty-one of these (50 women and one man) were contacted via the police, initially via a letter to ask if they would be willing to be interviewed.⁵ Twenty-three women who had experienced domestic violence were accessed through non-criminal justice agencies, again via a letter distributed by the agencies concerned.

To investigate attrition in relation to the prosecution process, detailed analysis of CPS case files was carried out for 12 cases from the 74-victim sample that resulted in prosecution.⁶ Court observations of 25 cases took place in both Magistrates and Crown Court with the research team being given access to the case files and CPS barristers.⁷ Interviews were carried out with the CPS domestic violence co-ordinators for the three sample areas, and with two defence solicitors.

In addition, the views of non-criminal justice agencies were ascertained via interviews with staff from 30 agencies across the three sample areas, including refuges, health, social services, housing and other community support services, and using vignettes based on victims' case histories.

General pattern of attrition

The overall pattern of attrition across the three sample Northumbria Police commands and three sample months was as follows:

- 869 domestic violence incidents were recorded by the police
- 222 incidents resulted in arrest (26 per cent of incidents)
- 60 individuals were charged for criminal offences (27 per cent of those arrested, 7 per cent of incidents)
- 31 individuals were convicted (52 per cent of those charged, 14 per cent of arrests, 4 per cent of incidents)
- 4 convictions were custodial sentences (13 per cent of convictions, 0.5 per cent of incidents)

Prior to the commissioning of the research, victims of domestic violence and agencies concerned with their support had reported and expressed concern regarding attrition in the North East of England. The pattern of attrition outlined above highlights the reality of these concerns. By comparison to elsewhere in the UK, the Northumbria rates are, however, depressingly similar. For instance, Hester and Westmarland (2005) found arrest rates in Bradford were the same as in Northumbria, while Cook *et al.* (2004) found that only one tenth of incidents resulted in arrest in Derby (less than half that in Northumbria), although one third of incidents resulted in arrest in Leeds (greater than Northumbria).⁸ With regard to prosecution and conviction the recent thematic review by the police and Crown Prosecution Service Inspectorates found that charges (sampling a number of localities) were pursued in relation to 5 per cent of incidents, with 50 per cent of those charged being convicted. Overall 3 per cent of incidents resulted in conviction (HMIC and HMCPSI, 2004). Perhaps especially worrying is that these conviction rates appear to be the same as those identified by Hoyle (1998) in relation to Thames Valley a decade ago.⁹

Points of attrition

Interviews with those victimised, with criminal justice staff and with non-criminal justice agencies indicated that they saw attrition as occurring in one of three main arenas:

- with regard to victims themselves,
- in relation to police practice and
- once cases entered the prosecution process involving the CPS and the courts

The police and criminal justice agencies tended to view those who were victimised as being key to attrition. In other words, that it was the women experiencing domestic violence who decided, usually for relationship or other family reasons, to drop out of their engagement with the criminal justice system. However, staff from a range of agencies and the victimised women interviewed also indicated that criminal justice agencies did not always pursue cases to the extent possible and/or did not provide victims with the support they needed to proceed. In this sense it was not those victimised who were necessarily responsible for attrition, even if they took the decision to drop out.

Policing and police perspectives

Police officers described the increased support for victims they and other agencies had provided during the past decade. The women interviewed also highlighted the positive shift in policing that had taken place. They were generally happy with the manner in which the police treated them, and usually perceived police intervention at the scene of the domestic violence incident as very positive (see also Hoyle, 1998; Hester and Westmarland, 2005). In this sense the police approach could be seen as 'victim-led', and deemed to be empowering (Hoyle, 1998). However, the emphasis on doing what it was thought the women wanted also led in some instances to the women – rather than the police or others involved with the criminal justice process – being seen as responsible for attrition.

Where the police were concerned, for prosecution to be secured, obtaining a statement from the victim remained crucial. Echoing the findings from Cretney and Davis (1995), the Northumbria police emphasised that without the woman's support or co-operation there was little chance of this:

we need the victim's help from day one. We need that statement. We need that evidence. Without that, prosecution is not worth bothering with. (Police Officer)

Police officers saw victims as being frightened of going to court and afraid of losing the love they had or of being alone. Many officers consequently expressed frustration at the number of victims who were unwilling to provide a statement, while at the same time understanding their reasons for choosing not to do so:

Many of them are sensible and have weighed it up. They don't want to go through with it in case they split up etc. I am sympathetic to this, they don't want to go to court which could be three months down the line etc. if they are trying to rebuild the relationship. (Police Officer)

Despite the emphasis on victim statements, police records indicated that charges were still pursued in 14 instances where statements were refused, and that only one

of these cases was eventually discontinued. At the same time, the extent to which officers would follow up a statement varied both between command areas and between individuals. In interviews women said that they would have pursued charges if contacted again by the police a few weeks later – as did happen in some instances but not in others.

Arrests and police charges

Overall a picture emerges of domestic violence cases as more likely to be ‘managed’ though different strategies in the different police commands. In North Northumberland a combination of arrest and release was found, rather than cases being taken forward through the criminal justice system. In South Tyneside a ‘public order’ approach tended to be used, with domestic violence cases more likely to be pursued via breach of the peace than in the other areas. Police practice in Newcastle West followed most closely the ‘positive policing’ approach advocated in Home Office Circular 19/2000, by pursuing criminal charges and avoiding common law release.

About a third of incidents resulted in arrest in North Northumberland (36/110, 33 per cent), just over a quarter in Newcastle West (84/319, 26 per cent), and slightly less in South Tyneside (102/440, 23 per cent). However, Newcastle West had the highest proportion of initial criminal charges resulting from arrest, with over a third charged. In South Tyneside just over a fifth of those arrested were charged with a criminal offence, and in North Northumberland the level was only marginally higher. The rate of attrition in the Newcastle West police command thus stood out as being lower overall.

The use of breach of the peace in relation to domestic violence, or other non-criminal approaches, have been criticised in policy directives since the early 1990s as part of the shift to ‘positive policing’ (for example, Circular 1990/60). However, South Tyneside police especially, were using breach of the peace as an alternative means of dealing with domestic violence offenders. In South Tyneside nearly a quarter of arrests were for breach of the peace (23 per cent), in Newcastle West only one in ten (11 per cent), with one instance in North Northumberland. All but one of the arrests in South Tyneside also resulted in bind overs. The police saw arrest for breach of the peace as a positive action in situations where the victim did not want the offender to be charged or where they felt that a criminal offence could not be pursued. In almost a third of the cases where breach of the peace was applied the police had recorded that the victim refused to give a statement, and in an even greater number of cases that ‘no statement was necessary’.

This use of a public order approach is further underlined by the police data on risk assessment. Northumbria police were using risk assessment for domestic violence incidents, tagging them as high, medium or low risk. The level of risk was linked to severity, as defined by criminal offences. Yet the majority of all cases involving arrest for breach of the peace were assessed at high risk level. This suggests that breach of the peace was being used to prosecute domestic violence offenders who might actually warrant prosecution in relation to a range of criminal offences, such as actual bodily harm or harassment (in particular fear of violence).¹⁰

Perspectives of prosecutors and the courts

Like the police, prosecutors also considered those victimised, and their decisions concerning relationships and families, as the main point of attrition. They cited as the main grounds for attrition retraction of statements, and/or parties being back together or wanting to make arrangements for the children. Analysis of case files indicated that prosecutors were definitely more cautious in pursuing cases where the parties appeared to be together or where defence lawyers were able to introduce this as a thread of doubt. Thus, cases were more likely to be pursued where the parties were no longer together, and it was apparent from the comments on file that the onus was on the women in particular to stay out of the relationship. Where it was found that the parties were seeing one another or were back together, the victim-witness was deemed less reliable and cases were more likely to be discontinued. This was also a focal issue for the defence solicitors interviewed. As one solicitor explained:

if it looks as though they're likely to get back together or for whatever reason she's likely to withdraw her statement, then I'll probably advise him not to say anything. (Defence Solicitor)

Such an approach does not sit easily with the policy objective of criminalisation of domestic violence, and the pursuance of cases with or without the victim's involvement. None the less a change in practice could also be discerned. CPS and other agency staff interviewed indicated that cases were now more likely to be pursued than they had been in the past:

Of course, it's getting more common now for a case to go ahead even if she retracts: the CPS can summon a witness to appear, and even if she doesn't turn up they may have enough other evidence to go ahead and try to get a conviction. (Defence Solicitor)

This was also reflected to a limited extent in our case file sample. There were three instances where women retracted their statements. Two of these retractions resulted from pressure on or intimidation of victims by offenders. In one instance the case was discontinued by the CPS, while in the other two cases the prosecution went ahead, and obtained convictions, on reduced charges. Moreover, in a few instances those being victimised were summonsed in Crown Court trials when there were no alternative witnesses, although none in our sample was compelled to attend.

Victim impact statements were used in a few instances, and to good effect. However, of the police officers interviewed, few had knowledge of victim impact statements, they did not know how consistently these statements were used across the force, and only a couple of the officers knew of any occasions when they had been used by themselves or others.

Attrition through the courts

Those prosecuted tended to be chronic domestic violence offenders, with 70 per cent recorded on the police database as repeat offenders.¹¹ The proportion of individuals charged with an initial or final criminal offence was the same, and 82 per cent of the initial police charges were continued by the CPS.¹² In the majority of cases where the CPS did not continue the initial charge, further (usually lesser) charges were added, and

these generally resulted in conviction. Nearly all the cases proceeding to the courts were heard in the Magistrates' Courts, with only five cases heard in the Crown Court. The Crown Court cases were predominantly related to charges of harassment¹³ (four of the five cases).

As indicated earlier, of the 869 domestic violence incidents recorded by the police during the sample period, only 4 per cent ($n = 31$) resulted in conviction for criminal offences. These were mostly fines. About a quarter resulted in community rehabilitation orders – most in Newcastle West – with the offender usually expected to attend a perpetrator programme. There were only four custodial sentences: two in South Tyneside (for common assault and harassment) and two in Newcastle West (criminal damage combined with assaulting a police officer and affray). The conviction for harassment also included the only restraining order in the sample. There were a further 24 bind overs (of 23 men and one woman) resulting from charges of breach of the peace – largely in South Tyneside – as well as five male offenders fined and one conditionally discharged for being drunk and disorderly.

Given the particular emphasis on positive policing and a higher level of charges for criminal offences in Newcastle West, it might be expected that there would also be a higher level of conviction in this area. However, this was not the case. In both North Northumberland and Newcastle West about a fifth of those arrested were eventually convicted. In South Tyneside the proportion was nearer a tenth, again reflecting the greater use of breach of the peace rather than criminal charges in this area. Attrition was especially marked with respect to cases dealt with by the courts in Newcastle. Newcastle West was the only area to prosecute for affray, threats to kill and grievous bodily harm, and had a higher number of charges with regard to criminal damage and harassment. Across all these charges in Newcastle, less than half resulted in sentences, and, of the remainder, most resulted in dismissal. Moreover, convictions in Newcastle West were very likely (and most likely of the three areas) to be on a lesser charge than the final charge decided by the CPS.

With regard to assault charges specifically, the lowest charge of common assault¹⁴ was used most widely, and was also most likely to result in conviction (see Table 1). In North Northumberland common assault was the only assault charge applied. All assault charges were more likely to result in conviction in South Tyneside, with attrition again most likely in Newcastle West.

With regard to the risk assessment carried out by the police, some of the CPS barristers interviewed indicated that they also referred to the risk assessment when considering cases for prosecution. However, this was not reflected in outcomes, where there was no obvious association between level of risk assigned and outcome of cases. For instance, the incidents leading to convictions for actual bodily harm¹⁵ in Newcastle West and South Tyneside had originally been assessed by the police as either medium or high risk. By contrast, in all arrests for the same offence in North Northumberland the level of risk was assessed as high, however the CPS reduced the charges to common assault.

Evidence

The level of evidence available is a key factor in attrition (Buzawa and Buzawa, 2003). Discussions with Northumbria prosecutors and analysis of court data revealed that

Table 1 Assault charges and convictions

	North Northumb.		Newcastle West		South Tyneside		Totals	
	Final charge	Conv.	Final charge	Conv.	Final charge	Conv.	Final charge	Conv.
s. 39 – Common Assault	6	4	11	5	11	7	28	16
s. 47 – Actual Bodily Harm	0	0	7	1	8	4	15	5
s. 20 – Grievous Bodily Harm	0	0	1	0	0	0	1	0
s. 18 – Grievous Bodily Harm with intent	0	0	0	0	1	1	1	1

photographic evidence in particular made it more likely that a guilty plea and/or successful conviction would result. Evaluations of Home Office Crime Reduction Programme projects also indicated such a link as likely (Hester and Westmarland, 2005). However, according to the Northumbria police's own data, such evidence was only rarely collected. North Northumberland police had a digital camera available for this purpose. But in none of the incidents where arrests had taken place had photographic evidence appeared to be used, and none had been made available to the courts. Only three instances of photographs being taken were recorded, all in Newcastle West – although interviews with victims suggested that photographs had been taken in a few more instances. As one of the defence solicitors interviewed expressed:

In my view the CPS get a bad press from the police because they (the police) haven't done a good enough job of providing evidence, so the case gets dropped. Then they say they're gutted, when if they'd done a better piece of work they might have been more successful. (Defence Solicitor)

The extent to which other evidence, such as interviews with neighbours or use of CCTV footage, was followed up often appeared to depend on what was requested by the CPS rather than such evidence being gathered more routinely.

Perspectives of women experiencing domestic violence

From the interviews with women, it was apparent that their perception of the ability of the different actors and processes of the criminal justice system to provide safety was key in their decisions about 'staying in' or 'dropping out' of the system. Two main categories of need emerged:

1. For the immediate violence to be stopped and the situation to be calmed down.
2. The need for longer-term protection and measures to be put in place to ensure the violence did not continue:

The women in the first category tended to be satisfied with the police intervention because the police had arrived quickly, because they had been effective in calming the man down and/or had separated the two of them. Attrition was in this sense positive. This was the situation, for example, for Ada:

Ada's partner had been drinking, and beat her up. She rang the police and they took him away. She did not want him charged. This pattern had happened a few times, and Ada felt the police had been very supportive – there when she needed them. She has now been able to give her partner an ultimatum to stop drinking or she would leave. (Summary from interview with Ada)

The women in the second category, needing longer-term protection and measures put in place to ensure the violence did not continue, were more likely to be dissatisfied, especially with the court process. As echoed by other research (Ventura and Davis, 2005) the fines and bind overs, or short custodial sentences, did not stop the men continuing their violence and harassment in the longer term. The men in this category were more likely to be 'chronic' and severe offenders, using ongoing forms of coercive control – as was the case for Celia:

Celia had been married for five years. Husband gradually became more violent. First he used the 'odd slap' then started isolating her from friends and family. She tried to leave three times, but her husband became more violent each time. Police were eventually called. Husband was arrested for breach of the peace, but she would not press charges and he was released. More violence ensued: broken ribs, nose, an arm, chin split, teeth loose. Police were eventually called again. Celia gave a statement, and her husband was charged with grievous bodily harm with intent. He was placed in a bail hostel and she felt safe, but he was then allowed out to see the children. The court case resulted in conviction: he was fined £100, paid at £5 a week, and ordered to attend a perpetrator programme. She felt none of this had an impact on the offender, as he continued to pester her daily. (Summary from interview with Celia)

For women in this second category, attrition was perceived as much more negative. The women felt particularly let down by the court process and the frequently inadequate outcomes. The women were generally bewildered and shocked by the plea-bargaining and reduction in sentences that tended to take place in a court system that they thought was there to provide justice and protection. As Cretney and Davis (1995) point out:

the 'message' that is conveyed is not necessarily one of abhorrence of male violence inflicted upon women. (p. 175)

Feeling safe as a result of the court outcome was very important if women were to contemplate pursuing a case again. Some women would also have welcomed a prosecution brought entirely by the police. None the less, many of the women felt stronger because of having taken the cases through the courts and thus having 'stood up to' their (ex) partners. In some instances this meant the men were less likely to be violent again.

As shown in other research (Hester and Westmarland, 2005), support for the women was crucial to enable them to go through with the court process. The Victim Support schemes in some of the courts were seen as providing this function, but a much wider range of individuals and agencies also provided this support including the police, solicitors, other agencies and relatives.

Children

The effect on attrition of having children with the offender was apparent across all aspects of the research data. Children were a reason the women might not want to pursue charges or have the offender arrested. Contact with, or attempts to see, the children was also cited as a time when the offender might be violent again or harassment might ensue. As one of the agency staff outlined:

the presence of children makes a domestic violence situation much more difficult and complicated. There is the fear that the children will be harmed if women leave or if they go, or that the children will be abducted. There are also difficulties over contact arrangements, often used as a way an abusive man maintains control over a woman even when she has left him. (Advice Agency Staff)

Bushra's situation was indicative of the complex ways children impacted on women's safety and decision making:

Bushra had lived apart from her husband for many years. He had always had a lot to do with the children, coming to the house to see them. He continued to abuse her mentally, calling her stupid, keeping her short of money and denying her a divorce. Recently he became more physically violent, breaking her nose and kicking her. She called the police and wanted to press charges, but her son stopped her as he was worried that his dad would no longer pay the school fees. (Summary of interview with Bushra)

The pressure on her to withdraw was likely to lead to further control and abuse of her by her separated husband and possibly also her son.

Analysis of the police data indicated that women with children were more likely to refuse to give statements. Court observation and case file analysis revealed that reference to contact between children and alleged offenders was likely to lead to more lenient outcomes, whether bail conditions or sentences. In one case a CPS barrister indicated that a custodial sentence following a conviction for actual bodily harm and harassment was unlikely because the offender had almost daily contact with his three children. Yet (and despite the extensive body of research showing of links between domestic violence and harm to children (Hester *et al.*, 2000), it was not questioned whether contact should be allowed to continue in such circumstances. Defence solicitors also explained that contact between the children and offender was an obvious area for the defence to exploit. It was apparent that without a closer relationship between family law and civil and criminal procedures the existence of children continues to form a point of attrition in criminal justice approaches to domestic violence.

Conclusion

The Northumbria research shows the complex relationship that exists between victim safety, policing, prosecution and court outcomes where attrition is concerned, as well as the importance of ensuring consistency in approach across the criminal justice system if the 'justice gap' is to be reduced. While changing of police practices and culture can be

difficult (Hoyle, 1998), the research indicates a shift in policing towards an approach that women experiencing domestic violence find positive. These changes had supported more victimised women to remain within the criminal justice process, rather than withdrawing. Attrition remained particularly marked in relation to the courts, and outcomes bore little relation to levels of risk identified by the police. For victimised women, attrition might be either positive or negative depending on the extent to which the criminal justice enabled positive management of their safety.

Notes

1 The research, carried out between September 2001 and March 2003, was commissioned by the Northern Rock Foundation. It was directed by Marianne Hester and assisted by Susan Coulson, Maria Morahan and Amina Razak, with Jalna Hanmer as adviser. Other UK research on domestic violence cases only examined attrition in prosecution of cases entering the court (Cretney and Davis, 1997), or provided more limited data on the general process of attrition (Hester and Westmarland, 2005).

2 Repeat offending or recidivism has, in relation to domestic violence cases, tended to be called 'repeat victimisation' to indicate the ongoing use of abusive behaviour by male perpetrators against women in such circumstances. However, 'repeat victimisation' at the same time obscures the reality, which is that the abuse is ongoing precisely because the men are repeat perpetrators. The term repeat offender is therefore preferred here (see also Hester and Westmarland, 2005).

3 The populations varied as follows: South Tyneside 154,000; West Newcastle 68,000; and North Northumberland 58,000. Both South Tyneside and Newcastle West had a range of services for victims of domestic violence including refuge provision, with fewer, less accessible services, and no refuge, in North Northumberland.

4 Incidents were based on three time periods (April 2001, June 2001 and March 2002), following introduction of the new CPS *Guidance on Prosecuting Cases of Domestic Violence* (CPS, 2001).

5 Contact was made with a total of 847 victims, with only 17 per cent resulting in interview. It should be noted that Hoyle (1998) did not use this approach precisely because of the low response rate. Instead she used a 'cold call' method, involving unannounced visits to victims' homes and accompanied by a police officer in civilian clothes. She obtained a response rate of approximately 80 per cent (39 of 49) by adopting this approach. With respect to the current attrition project such an approach would, however, have been deemed overly intrusive as well as being more likely to create problems with regard to safety of victims.

6 The intention was to access all case files related to the victim sample. However, many of the files were not available, most having been destroyed.

7 All but one were in additional to the victim interview sample.

8 It should be noted that police are unlikely to record all incidents of domestic violence reported. Also, rates of recording are likely to vary. Thus rates of arrest should not be taken as absolute comparison.

9 Although it should be recognised at the same time that rates of reporting have increased.

10 Protection from Harassment Act 1997 section 4. I am grateful to Jalna Hanmer who carried out some of the initial analysis on this data.

11 The actual level of repeat offending is likely to have been higher than this, as the police database recorded arrests and not merely than merely incidents reported.

12 Crown Prosecution Service (2002) *Offences against the person, incorporating charging standard*, London: Crown Prosecution Service.

13 Protection from Harassment Act 1997.

14 Section 39 Criminal Justice Act 1988.

15 Offences Against the Persons Act section 47.

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