Domestic violence perpetrators

Marianne Hester and **Nicole Westmarland** argue that the pattern of repeat offending in domestic violence requires a systematic response from the criminal justice system.

In recent years the focus of most service provision has been on providing appropriate and timely support to victims. This has been played out against a background of arrest for domestic violence offences. Services and support for victims continue to be absolutely key, however they must also be underpinned by appropriate prevention and intervention strategies which directly target domestic violence perpetrators and assist and enable them to stop offending. This article outlines some of the findings from a research project which looked at the wider intervention needs of domestic violence perpetrators, beyond the provision of perpetrator programmes (Hester and Westmarland 2006; Hester *et al* 2006).

The project was carried out between June 2004 and December 2005 by teams at the University of Bristol and the Home Office. It built on a prior study on attrition in cases entering the criminal justice system which found that a more systematic approach to repeat offenders is needed, including development of partnerships between the criminal justice service, health and other agencies (Hester 2006).

The research involved three separate elements:

1. The development of detailed perpetrator profiles of 692 individuals using anonymised data from the Northumbria police, including demographic data, domestic violence and non-domestic violence incidents recorded, repeat offending, and charges and outcomes, as well as a three-year picture of 356 of these perpetrators. (This was carried out by the University of Bristol team.)
2. Interviews with 17 domestic violence perpetrators on voluntary, probation or prison perpetrator programmes in the North East, and 45 on voluntary programmes elsewhere in England and Wales, to assess their views concerning services and inputs to reduce repeat offending. Perpetrator programme co-ordinators were also interviewed. (These were carried out by the University of Bristol and Home Office teams.)
3. Interviews with 72 representatives from a wide range of agencies and organisations across the Northumbria police force area to assess the nature of direct and indirect services provided for domestic violence perpetrators. Agencies interviewed included the police, specialist domestic violence services, probation, lawyers, CPS, youth offending, ethnic minority specialist organisations, social services, health and housing. (This was carried out by the University of Bristol team.)

Profile of the 692 perpetrators

Who were they?

- All of the 692 perpetrators in the North East data had been reported to the police for domestic violence.
- The perpetrators were aged between 17 and 80 years old, with an average (mean) age of 34.
- Nine out of ten perpetrators were male.
- Very little same-sex domestic violence was reported (seven male same sex cases and two female).
- Perpetrators were generally the same age or older than the victims (71% of cases).
- Nearly all perpetrators and victims were white (94% and 95% respectively).
- Male perpetrators were significantly more likely than female perpetrators to possess or use weapons.
- The perpetrators interviewed had a wide range of experiences of perpetrator programmes and were at different stages (prison, probation, voluntary/community and none).

What happened to perpetrators who were reported to the police for domestic violence?

- There is no criminal offence of 'domestic violence'. However, a range of criminal offences such as common assault, actual bodily harm and grievous bodily harm may be committed at a domestic violence incident. Perpetrators may also be arrested as a preventative measure where it is likely a criminal offence would otherwise take place.
- There were a high number of incidents where the police did not appear to have any power to intervene (i.e. no criminal offence was deemed to have been committed or likely to take place). This was fairly consistent over time, accounting for around two-thirds of incidents.
- Arrests were made in 91% of cases where it was possible for an arrest to be made (incidents coded as having 'power of arrest'). This appeared to rise over time (from 76% in 2001/2 to 97% in 2004/5). This is far higher than any other studies have found and suggests strict adherence to the revised *Home Office Circular on Domestic Violence* (19/2000) which introduced the presumption of arrest where arrest is possible. We suggest that adherence is not actually this high, and the data instead reflect inaccurate interpretation/recording of cases where arrest could be made.
- Perpetrators were most frequently arrested for breach of the peace.
- The criminal acts perpetrators were most frequently arrested for were violence against the person (most often ABH), criminal damage, and public order (most often drunk and disorderly).
- There was no correlation between the number of domestic violence incidents a perpetrator had been involved in and an increased likelihood of arrest. Moreover, incidents coded as 'high risk' were not significantly more likely to result in arrest than those rated at a lower risk. This questions the effectiveness and usefulness of risk assessing incidents where the focus is on discreet incidents and not the overall pattern of behaviour.
- In interviews some perpetrators described how they would avoid arrest by absenting themselves from the house. Some also talked of how they would put pressure on their partners to withdraw statements or complaints, often resulting in no

further action from the criminal justice system.
- Some men felt that being put in a police cell overnight to 'cool off', without charges being pursued, had little effect. It led them to think that the police did not take their violent behaviour seriously, and re-enforced the men's minimisation of the incident.

What happened to perpetrators who were arrested and charged for domestic violence related crimes?

- Out of a total of 2,402 domestic violence incidents, perpetrators were arrested, charged and convicted in only 120 incidents (5%). This replicates previous findings in Northumbria and elsewhere.
- Perpetrators who were arrested for public order or criminal damage offences were more likely to be convicted than those arrested for violence against the person (46% of public order and 36% of criminal damage compared with 17% violence against the person).
- The most frequent sentence for those convicted involved a monetary penalty, most often a fine but sometimes compensation. This was a consistent finding over time (2001 – 2005).

Did they keep on offending?

- Exactly half of the perpetrators were involved in at least one more domestic violence incident within the three year follow-up period (50%).
- Nearly one in five (18%) perpetrators who reoffended did so against a different partner to the one they were originally reported for.
- The highest number of domestic violence incidents involving one perpetrator over the three year follow-up period was 44. Twenty-nine perpetrators were involved in ten or more incidents.
- Previous domestic violence offending was the strongest predictor of further domestic violence offending.
- Over the three years (2002-2004), on average, the domestic violence perpetrators were arrested for more non-domestic violence offences than they were for domestic violence offences (mean number of domestic violence arrests = 0.83 compared with mean number of non-domestic violence arrests = 2.24).
- Domestic violence offenders who were convicted were subsequently involved in fewer incidents over time, yet were more likely to be convicted again.

The 356 perpetrators from the three-year follow-up group

Four separate groups

When analysed according to the number and type of incidents, the perpetrators could be placed in one of four separate groups depending on whether they were repeat offenders:

1. Group One – the **'one incident'** group, who only had one domestic violence incident recorded on the police database (n=112).
2. Group Two – the **'mainly non-domestic violence'** group, who only had one domestic violence incident recorded on the police database, but had also been arrested for other, non-domestic violence, offences (n=62).
3. Group Three – those who were **'dedicated repeat domestic violence'** perpetrators. They had a number of domestic violence incidents recorded on the police database, but had not been arrested for other, non-domestic violence offences (n=62).
4. Group Four – those who were **'all-round repeat offenders'**. This group had both a number of domestic violence incidents recorded on the police database, and had also been arrested for other, non-domestic violence offences (n=120).

The biggest group was the 'all-round repeat offenders', which was also the group with the highest rate of offending. The second largest group was the 'one incident' group, consisting of those who only appeared to be perpetrating domestic violence related offences (note – although only one incident was recorded for these individuals during the sample period, they might have perpetrated other incidents previously or may not have been reported to the police for other incidents).

Convictions in the 'one incident' group and the 'all-round repeat offender' group were most likely to result in discharges and/or fines. Convictions for the 'dedicated repeat domestic violence' perpetrators were most likely to result in community sentences. Individuals in the 'mainly non-domestic violence' group were most likely to receive custodial sentences. The criminal justice interventions that were applied appeared to be most effective in relation to the 'one incident', while they tended not to be effective, that is did not stop further incidents, with individuals from the remaining three groups.

Conclusion

- Domestic violence involves patterns of violent and abusive behaviour over time rather than individual acts. However, the criminal justice system is primarily concerned with specific incidents and it can therefore be difficult to apply criminal justice approaches in relation to domestic violence.
- Domestic violence situations varied greatly, and the criminal justice system appears more effective in dealing with the less entrenched situations. Court outcomes did not stop chronic repeat offenders from continuing their violence and harassment. A more systematic approach to domestic violence perpetrators is needed throughout the criminal justice system that directly links levels of risk and repeat behaviour with outcomes.
- Criminal justice agencies working with offenders who have committed non-domestic violence crimes need to be aware that domestic violence may also be an issue of concern.
- Domestic violence, although now considered a crime, still needs to be taken as seriously as criminal offences committed in other contexts.

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Further information and discussion is available on the Mind website at www.mind.org.uk and the Mental Health Alliance website at www.mentalhealthalliance.org.uk – as well as information about getting involved in the campaign against the current Bill.

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