

Women's Lived Experiences of Coercive Control, Stalking and Related Crimes, as they progress through the Criminal Justice System
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Justice Research

Women's Lived Experiences of Coercive Control, Stalking and Related Crimes, as they progress through the Criminal Justice System

March 2023

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Glasgow Caledonian University

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Final Report
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The views expressed in this report are those of the authors and not necessarily those of the Scottish Government or JAS.

DEDICATION

For all victim/survivors, past, present and future, of gender-based violence.

We stand in solidarity.

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1. EXECUTIVE SUMMARY

Scotland's record of accomplishment in tackling issues such as stalking and coercive control (Scottish Executive, 2000; Scottish Government 2018) has been identified as an exemplar (MacKay, 1996; Lombard and Whiting, 2017). Most recently, the Domestic Abuse Scotland Act (2018) was implemented which for the first time recognised a coercively controlling course of conduct as the crime of Domestic Abuse, possibly indicating a more empathetic and understanding criminal justice system. However, it is important to recognise that despite victim-centred policies and legislation, institutional criminal justice processes can diminish their impact. As such, victims can feel disempowered and controlled simultaneously by the bureaucracy in which they find themselves and by the continued abuse of the perpetrator (Thompson, 2015; Forbes, 2021). Therefore, this research explored whether the Scottish Criminal Justice System facilitates the empowerment of the victims who access its support or exacerbate their disempowerment.

The aim of this study was to explore the lived experiences of victims of coercive control and/or stalking as they navigated the criminal justice system.

The project had three objectives;

Objective 1: To utilise innovative, ethical, safe ways to explore issues relating to the lived experiences of victims of stalking and coercive control as they interact with the criminal justice system.

Objective 2: To examine the experiences of the participants at each stage of the criminal justice system with particular focus on;

- Women's feelings of empowerment and/or disempowerment during and after their criminal justice journey
- Women's ability or lack thereof to exercise control and agency during and after their criminal justice journey

Objective 3: To analyse the role of the perpetrator and if their involvement in the process can further control or disempower the victim.

The research utilised mixed methods that were underpinned by a transformative paradigm. The project combined an online survey with in-depth unstructured interviews as determined by the Free Association Narrative Interview Method (FANIM).

The survey was distributed through social media, criminal justice networks and victim support organisations. Individuals were able to participate if they identified as women, were aged 18 years or over, and had experience of the Scottish Criminal Justice System after a report of domestic abuse and/or stalking was made. Women could take part regardless of how long ago they had contact with the Scottish Criminal Justice System¹. The survey was open from May 27th until September 1st 2021. During that time 132 women responded to the survey, and of those, 21 participated in online interviews.

Data from the survey was also used to inform the Reporting Requirement (Section 14) of the Domestic Abuse (Scotland) Act 2018 (DASA). This separate analysis sought to explore the individual experiences of women, age 18+, who progressed through the criminal justice system (from initial reports to the police through to court proceedings) as victims/survivors of domestic abuse since the Domestic Abuse (Scotland Act) 2018 was implemented².

With respect to the project objectives, the following was identified;

Objective 1: The survey was designed to be as accessible, easy to complete, and engaging as possible. Even though the survey was very long, women took the time to fill out the open-ended responses alongside the 'tick box' answers. The FANIM method (used for the qualitative interviews) gave the participants complete control to construct their narrative and to focus on the elements that they each felt were of importance. Women volunteered a significant amount of information in both the survey responses and

1. Experience of the criminal justice system could include (but was not limited to), interactions with Police Scotland, the Crown Office and Procurator Fiscal Service, Criminal Courts, Prisons and associated departments.

2. The findings from that project can be found here: <https://www.sccjr.ac.uk/wp-content/uploads/2022/08/Domestic-Abuse-Scotland-Act-2018-and-the-Criminal-Justice-System.pdf>

interviews. Feedback indicated that women valued the opportunity to share their story and help other women in the same position.

Objective 2: Women described positive and negative experiences during each stage of their journey through the criminal justice system. Both negative and positive incidents were related to individual actors and incidents within each agency as opposed to specific agencies being responsible for all good or all bad experiences. Positive responses related to being listened to, and feeling heard and forms of communication that meant that women were kept informed of the progress of their case –even at times when little progress was made. Negative responses were associated with the lack of communication by all criminal justice actors compounded by delays to cases. When this happened, women were more likely to feel controlled by both the system and their abusers. Knowledge of the dynamics of coercive conduct crimes were imperative to their progress through the system and these differed greatly between different actors and different agencies apart from women’s organisations who were singled out for their knowledge of domestic abuse and stalking and their exemplary support of the victim-survivors.

The survey data highlighted both positive and negative experiences with the police, however, the interview participants focused more upon the negative especially where they felt police officers appeared dismissive or, encouraged the women to seek redress through the civil courts. The experiences women described having with the Procurator Fiscal were primarily negative³. Participants named lack of communication and support as key reasons for their criticisms.

Positive and negative incidents with all agencies contributed respectively to women’s feelings of empowerment and disempowerment. However, more generally, systemic processes and structures of the criminal justice system left women feeling disempowered, out of control of their own lives and unable to exercise their own agency.

Objective 3: Participants described repeatedly, how they felt the criminal justice system caused women

to remain feeling controlled and manipulated by the perpetrators and facilitated the perpetrators’ abusive behaviours to continue. Although, it was not possible to determine the extent to which the perpetrators deliberately and maliciously exploited the system in this way, women described instances where the perpetrators did not turn up to court or ignored their bail conditions without sanction. This exacerbated feelings of lack of control for the women and were experienced as disempowering.

In addition to addressing the objectives, further themes and patterns in victim/survivor experiences were observed⁴.

- Delays and lack of progress highlight examples of ‘temporal injustice’ where women feel simultaneously out of control whilst being controlled by the system leading to their disempowerment.
- It had been suggested to many of the women that they should take civil action – either instead of or in addition to criminal action. This required considerable financial outlay on the part of the women. It was not possible to ascertain why this happened, however, collectively women felt officers made this suggestion because of one of the following reasons;
 - Reluctance to take the case further (due to lack of evidence or resources)
 - Belief that this would provide the ‘best’ outcome
 - Interpreting reports being the consequence of a relationship breakdown instead of domestic abuse
- Women described the significant amount of practical and bureaucratic work they had to engage in to keep their cases ‘live’. We have called this ‘justice work’. This included investigation and gathering evidence, record keeping, and maintaining the visibility of their case within the system.

3. Whereas 132 women had experiences of the police, only 50 had experiences of the Procurator Fiscal.

4. These commonalities were observed consistently regardless of whether participants had begun their criminal justice system engagement before or after the implementation of DASA.

KEY RECOMMENDATIONS

- We make the following recommendations to improve safety, communication, empowerment, working knowledge of coercive conduct crimes and application of the law;

Safety

- Ensuring safety at throughout the criminal justice journey is imperative. This is the main reason women seek help and can be catastrophic when it is not provided. Safety can and should be promoted through the use of bail conditions, MARAC, more frequent use of risk assessments and the linking of these to more practical measures (markers on homes for example).

Communication

- Listening and being heard is key for all survivors but becomes imperative the investigation and prosecution of coercive control.
- Methods of open, clear and frequent communication agreed in collaboration with the victim/survivor is essential. Stress was identified as a factor in all of the cases and not knowing what was happening compounded this.
- Delays are inevitable especially post COVID-19 but every effort should be made to ensure open and frequent communications with victim / survivors so they do not feel out of control by the process or further compound their disempowerment.
- Support needs to continue after sentencing and NHOs should be issued automatically following conviction.
- Support needs to continue after not guilty or not proven judgements.
-
- All sentences or not guilty/not proven judgments should be clearly explained.

Empowerment of Victim – Survivors

- Two-way communication from all structures within the criminal justice system is key to women's sense of empowerment but also to their general wellbeing.
- Continuity of roles and contact helps women to feel part of the process – women should be given a named officer that they can contact / and who contacts them for updates.
- Opportunities to express and act with their own agency and autonomy as they progress through the system is essential to ensure women feel in control. The ability to decide what is best for themselves, is of paramount importance.
- Use of special measures should be commended but it needs to be recognised that they are not useful or wanted by some victim-survivors.

Better working knowledge of Domestic Abuse/Stalking

- The dynamics of coercive control and associated crimes need to be fully understood by all personnel and ways found to highlight how evidence is applicable within such a pattern of abuse rather than as individual incidents.
- Officers, Procurator Fiscals and other criminal justice actors (particularly those that mark the cases for progression) need a working knowledge of course of conduct crimes.
- It should not be women's responsibility to join the dots for police or prosecutors.
- All criminal justice staff need to understand the dynamics of coercive control and all training needs to be trauma informed.

Better application of current laws and procedures

- Police should explain what they can and cannot do when communicating with victim/survivors.
- Civil action routes should not be promoted as a matter of course or as an alternative to pursuing charges. This undermines coercive control as a crime and also ignores the financial burden this places upon women.



THE RESEARCH PROJECT

The Scottish Criminal Justice System (SCJS) has been at the heart of initiatives to tackle domestic abuse and stalking, with new legislation designed to sanction perpetrators of previously un-criminalised behaviours and improved processes to support victims. These include the criminalisation of stalking within the Criminal Justice and Licensing (Scotland) Act 2010 and coercive control with the Domestic Abuse (Scotland) Act 2018. Special protective measures continue to be available for court appearances through the Victims and Witnesses (Scotland) Act 2014 and a positive policing approach has been developed with an emphasis on arrest and enhanced evidence gathering towards prosecution (Police Scotland and COPFS, 2019). There has also been a growing focus on ‘victims’ rights’ and a recognition that the system, at the very least, needs to treat victims with respect (Edwards, 2004). The recently refreshed Victims’ Code for Scotland states that “victims’ interests remain at the heart of our criminal justice system”, that victims should feel confident their voices will be heard and that they will be treated with dignity and respect (Scottish Government, 2020).

With changes in legislation, policy and procedures, the SCJS strives to embed victim-centred practice. Therefore, this research considered women’s experiences to explore whether their efforts to seek safety, support and justice meet the aspirations of the SCJS. Therefore, this research explored whether the SCJS lived up to its exemplary reputation through the lived experiences of women seeking its help.

AIMS, OBJECTIVES, AND PURPOSE

The aim of the research study was to;

“Explore the lived experiences of victims of stalking and/or coercive control as they navigate their way through the criminal justice system.”

Therefore, the objectives were:

- **To utilise innovative, ethical, and safe ways to explore issues relating to the lived experiences of victims of stalking and coercive control as they interact with the criminal justice system.**
- **To examine the experiences of the participants at each stage of the criminal justice system with particular focus on;**
 - **their feelings of empowerment and/or disempowerment during and after their criminal justice journey.**
 - **their ability or lack thereof to exercise control and agency during and after their criminal justice journey.**
 - **the role of the perpetrator and how their involvement in the process can further control or disempower the victim.**
 - **The purpose of the research was to give voice to women’s experiences of the SCJS and inform recommendations for victim/survivor-centred policy and practice.**



LITERATURE REVIEW

The Scottish Criminal Justice System (SCJS) was the first in the UK to define stalking as a crime and more recently, the first in the UK to define domestic abuse as a crime and recognising coercive control as a criminal act. Nonetheless, the criminal justice system is not inherently designed to tend to a victim's wellbeing nor their empowerment. While many women have proactively initiated engagement with the criminal justice system, many have not been able to make even that choice themselves as it is estimated that about one third of incidents reported to Police Scotland are reported by a third party (Brooks-Hay, 2018). Engagement with the criminal justice system, however, does offer an opportunity for justice and will be, for some women, an empowering experience (Hoyle & Sanders, 2000; Lewis, 2004; Bell, 2007). This chapter discusses the concept of victim/survivor empowerment within the context of a 'criminal justice journey' (see Brooks-Hay et al., 2019) and explores its meaning in a Scottish setting.

DOMESTIC ABUSE, STALKING AND THE SCOTTISH CRIMINAL JUSTICE SYSTEM

The Scottish Government have defined domestic abuse as a gender-based abuse⁵ since 2000. They describe domestic abuse as;

“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 and friends).”

The Domestic Abuse Scotland (2018) Act (DASA) defined domestic abuse and the dynamics of coercive control in law as a criminal offence (see Appendix 2). The new law also recognises the impact that domestic abuse has on children with an aggravator attached.

Stalking was defined as a crime in the Criminal Justice and Licensing (Scotland) Act 2010 (see Appendix 3). Stalking is often part of domestic abuse (Logan & Cole, 2011; Kelly, 2011; Korkodeilou, 2016; Stark, 2007), although it can occur out with the context of domestic abuse. Regardless of the context in which it occurs, however, stalking is also a gender-based abuse (Proctor, 2018). Both stalking and domestic abuse are considered 'course of conduct'⁶ crimes within respective legislation.

VICTIM EMPOWERMENT

While positive policing and prosecution policies may be empowering to victims in that they send a clear message that domestic abuse and stalking are criminal offences, it is important to note that victims entering the legal system may find themselves deprived of the ability to make crucially important decisions about their safety and wellbeing (Goodmark, 2004).

Empowerment is generally defined as a reflexive process which brings about increased personal, interpersonal and social power which enables an individual to harness their skills and resources to improve their lives or live them in a way that is valued by them (Summerson-Carr, 2003; Chamberlin, 1997; TEngland, 2007). Empowerment comes from an individual being able to exercise their own agency and autonomy, which can include having the power to make decisions for themselves, having access to the information and resources needed to make their own decisions or more simply put, feeling they have control over their lives (Chamberlain, 1997; TEngland, 2007).

Within the criminal justice system, victim empowerment can come from attempts to hold offenders to account and services to support victims and their safety but in many cases arrest and prosecution can leave victims

5. See Appendix 1 for the definition of gender-based abuse.

6. 'Course of conduct' involves conduct on at least two occasions.

disempowered (Hoyle and Sanders, 2000; Goodman & Epstein, 2008). In considering, victim empowerment (defined as ‘that which enables women to improve their lives and keep themselves safe’) within the criminal justice system, Russell and Light (2006) identified eighteen components required to facilitate an empowering process (Table 3.1). Connelly (2008) identified nine empowerment principles, many of which reflect those of Russell and Light (2006). Connelly’s (2008) empowerment principles are ‘victim and child safety’, ‘keeping the victim informed’, ‘offender accountability’, ‘information sharing and informed decision-making’, ‘institutionalised co-ordination of procedures and protocols’, ‘training and education’, ‘judicial leadership’, ‘effective use of the justice system’, and ‘evaluation of protocols and procedures’.

Table 3.1 The Components of Empowerment as defined by Russell and Light (2006)

Relationship between victim and service provider	Structures and procedures
<ul style="list-style-type: none"> • Respectful treatment of victims • Validating victim experiences • Showing empathy and compassion for victims • Regarding victim reports as credible • Understanding victim reluctance • Appreciating needs of diverse victims 	<ul style="list-style-type: none"> • Thorough, comprehensive, and appropriate interviewing and investigation • Continuity of contact • Providing support through accompaniment • Providing practical help such as transportation or childcare • Securing victim safety • Effective coordination among criminal justice personnel • Prompt response to calls • Speedy processing of cases • Providing correct and continuous information • Involving victims throughout • Coordination with other systems • Attending to needs of children (if any)

While a sense of empowerment is important in victims’ level of satisfaction with the criminal justice system, there is some evidence that it can also have a measurable effect on their mental health (Bennett Cattaneo & Goodman, 2010; Kunst, Popelier & Varekamp, 2015; Wemmers, 2013).


Linked to victim-survivor’s sense of empowerment is the sense of feeling in control. Women are coming from situations where they have been controlled or had little control over their own lives. Gregg (2018) introduces the concept of temporal disorganisation (used in the context of work / leisure time) as a way to theorise one’s inability to dictate your own time schedule with your own needs. This idea has been developed further in relation to ‘temporal injustice’ a concept used to articulate a person’s lack of control over their own time, especially when dictated by those in authority. Fontanari (2017) in her work with asylum seekers defines temporal injustice as an injustice that deprives individuals of control over and access to decisions that influence their everyday time and their future lives and at the same time render their biographies invisible (cited in Thorshaug and Brun (2019: 235)

VICTIM EMPOWERMENT AND POLICING

According to Hester (2005) women experiencing domestic abuse call the police for two main reasons;

- 1. For the immediate violence to be stopped and the situation to be calmed down**
- 2. Because she has identified the need for longer-term protection and measures to be put in place.**

Similarly, victims of stalking may be encouraged to call the police if they feel the behaviours of the perpetrator are escalating or if others begin to be targeted by the stalker (Jordan et al, 2003; Taylor-Dunn et al., 2018). It is logical to assume that depending on their motivation for contacting the police, women will be seeking different responses and interventions from responding officers. Therefore, actions that women will find empowering will differ with the circumstances in which they have asked for help.



It is widely acknowledged that there have been huge strides forward in the policing of domestic abuse and stalking, however, while some women find engagement with the police to be positive, many do not. Some experience first responders lacking empathy and understanding and feel their reports are not being taken seriously or believed and some feel the quality of initial investigation is lacking (van der Aa & Groenen, 2010; HMICFRS, 2014; Hawkins & Laxton, 2014; Korkodeilou, 2016; Taylor-Dunn et al., 2018). In relation to domestic abuse, the lack of understanding also led to a minimisation and/or downgrading of the issue, a focus on physical injury to the detriment of coercive control, and ineffective risk assessment (HMICFRS, 2014; Hawkins & Laxton, 2014; Myhill & Johnson, 2016).

Stalking victims also reported dissatisfaction with the quality of support and advice they received from police (Morris et al, 2002; Van der Aa & Groenen, 2010; Korkodeilou, 2016, Taylor-Dunn et al., 2018). Post-separation stalking victims also referred to the tendency of the police to focus on physical harms rather than the pattern of psychological abuse they were subjected to. Victims struggled with having to recount the 'whole story' of their victimisation each time they reported a new incident and valued continuity of contact with particular officers or the use of information systems that gave different officers immediate access to the details of the case (Morris et al, 2002).

There has been considerable debate regarding whether pro-arrest and no-drop policing policies are empowering for domestic abuse victims. Proponents argue that, as a group, victims are empowered as a strong message is sent that domestic abuse is unacceptable. For example, in Scotland, the proactive police response to domestic abuse is outlined in the Joint Protocol with COPFS (Police Scotland & COPFS, 2019) and has been adopted in acknowledgement that domestic abuse is more than an individual victim's issue but a matter of social and public concern.

In consideration of individual victims, however, it has been argued that the approach may increase the likelihood of further violence or abuse, and the detrimental impact of removing any victim control over proceedings, replicating the control a perpetrator has over the victim (Maxwell, Garner & Fagan, 2002; Ellison, 2002; Ford, 2003; Miller, 2003; Han, 2003;

Goodmark, 2004). Furthermore, there is evidence to suggest that pro-arrest policies increase the likelihood of female victims being arrested either as part of a dual arrest or individually (Johnson, 1995; Chesney-Lind, 2002; DeLeon-Granados, Wells & Binsbacher, 2006; Miller & Meloy, 2006; Hester, 2011; Brooks & Kyle, 2015; Brook-Hay, 2018). Hester (2011) identified that women were three times more likely than men to be arrested when they were construed as the perpetrator and concluded that male perpetrators might be more effective in constructing himself as a victim even though he had instigated the violence. In addition, Taylor-Dunn et al. (2018) found that perpetrators of stalking also utilised counter allegations which led to victims being charged; a phenomenon experienced also by victims of stalking (van der Aa & Groenen, 2010).

Women with children were more likely to refuse to give statements (Hester, 2005). Whether police made an arrest was only one of many police actions that significantly impacted victims' satisfaction. Speaking to victims separately from perpetrators, being understanding, taking time to listen, taking the situation seriously and being respectful were other important determinants of satisfaction (Robinson & Strohshine, 2005).

VICTIM EMPOWERMENT AND COURT EXPERIENCE

Waiting to get to court, then waiting at court, combined with a sense of not being heard can cause 'tertiary victimisation' that compromises a woman's ability to support the prosecution as an effective witness (Forbes, 2021). It is also highlighted that when the perpetrator is an intimate partner, women often find questions focus more heavily on her behaviour prior to the violent act rather than on the offender's behaviour (Jordan et al, 2003). This can lead to a feeling that "his truth was stronger than mine" and a sense of disillusionment with the process (Forbes, 2021). The perceived leniency of the sentence received by the perpetrator is also noted as having an impact on victims' confidence in the system and the empowerment they experience through it (Hester, 2005; Hester & Westmarland, 2005; Hawkins & Laxton, 2014; Thomson, 2015). Reference to contact between children and alleged offenders was likely to lead to more lenient outcomes, whether bail conditions or sentences (Hester, 2005). Hester's research also

evidences that women felt particularly confused and let down by 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 (Hester, 2005). The study, which considered attrition through the criminal justice process in domestic abuse cases found that prosecutors (as did police) considered victims' decisions about their relationships, such as couples reuniting or wanting to plan for the children, as the main point of attrition. In Scotland Connelly & Cavannah (2007) made similar findings. Nonetheless, analysis of case files indicated that attrition occurred as a result of prosecutor decision-making. Cases were more likely to be pursued by prosecutors where the couple were no longer together, and comments on file highlighted that prosecutors placed the onus on the women 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. In a trend described as 'romanticising post-separation abuse', researchers have found that prosecutors and court personnel tend to explain stalking and post-separation violence in terms of romantic attachment (Connelly & Cavannah, 2007). These findings bear significance for women's empowerment as it highlights a judgemental approach to the victim which can be experienced as disempowering.

Herman (1992) argues a court experience cannot be empowering or foster recovery in a traumatised victim - "no intervention that takes power away from the survivor can possibly foster her recovery, no matter how much it appears to be in her immediate best interest" (pp. 98-99). Others argue that both the process of court hearings and the sanction against the perpetrator at the end of the process can play a role in the support and empowerment of women (Lewis, 2004). Furthermore, structural support for women to engage with the legal system can make a difference to their feelings of safety (Lewis, 2004). Others take a pragmatic centre-ground line arguing that the experience of court procedures may be improved for victims through greater judicial communication that demonstrates respect for the survivor, but that the procedures themselves cause emotional stress and decrease women's space for action (Kelly and Westmarland, 2015).

Some women have also reported that engagement with the criminal justice system provides the perpetrator with another area in which to abuse through counter allegations of abuse, engaging in litigation against her or elongating court action (Hester, 2009; Kelly et al., 2014). This has variously been described as legal systems abuse (Douglas, 2018), 'paper abuse' (Miller and Smolter, 2011) or 'procedural stalking' (Neilson, 2004). When the process has been harnessed by the perpetrator and is experienced as part of his pattern of control and/or stalking, its ability to be empowering is more limited.

Research strongly suggests that support for the women was crucial to enable them to go through with the court process and feel positive about it (Hoyle & Sanders, 2000; Hoyle & Palmer, 2014; Hester and Westmarland, 2005; Hester, 2005; Leone et al, 2007; Kelly, Sharp & Klein, 2014; White & Sienkiewicz, 2018). This is linked to the ongoing communication identified as a necessary component of the empowerment model. Another strong theme in the literature was around the victim feeling they had a voice and were treated with respect as the basis for victim satisfaction with the process and empowerment (Dobash, et al, 1999; Ptacek, 1999; Bell, 2007; Parsons & Bergin, 2010; Bennett Cattaneo & Goodman, 2010). This strand of literature argues that women's recovery from trauma and empowerment are facilitated when she is listened to, the court acknowledges the injustice she has faced and the system feels procedurally fair (Wemmer et al, 1995).

VICTIM EMPOWERMENT AND SPECIALIST COURTS

In Scotland, the first pilot domestic abuse was established in Glasgow in 2004, with a similar court being established in Edinburgh and Livingston in 2012. It is useful to think of these specialist courts as being not just a court building but a multi-agency way of working which streamline domestic abuse cases, offer support to victims, enhance victim safety, hold perpetrators to account, and develop specialist knowledge amongst police, prosecutors, and judiciary. These differ to 'cluster courts (operating in Ayr, Dunfermline, Falkirk and Scottish Borders), where the focus is primarily timetabling (which can be beneficial for victims in





speeding up cases) but without the wrap around service of the specialist court. There are no specialist stalking courts, however, perpetrators who stalk their (ex) partners may be seen in domestic abuse courts.

Literature evaluating specialist courts (in the UK, States and Canada) highlight that courts take very different approaches (Hester et al., 2008; Bowen, Qasim & Tetenbaum, 2013; Anderson, 2015; Scottish Government Social Research, 2019) from an integrated approach (sometimes known as one family, one Judge) where civil and criminal cases are rolled up, a specific court where cases are heard or 'cluster courts'. Literature tends to focus on the 'effectiveness' of courts with a reflection on plea and conviction rates, attrition and sentencing. For example, an evaluation of the pilot domestic abuse court in Glasgow found that compared to traditional courts, there was a higher proportion of cases in which there was a guilty plea (81% compared to 73%), higher conviction rates (86% compared to 77%) and case attrition was lower (10%, compared to 18%).

In relation to victim empowerment, very few studies include qualitative analyses of victim experience, and in relation to integrated courts there are no identified studies which have produced longitudinal outcomes for victims or perpetrators (Scottish Government Social Research, 2019). Some studies work with such small numbers of cases that it is hard to draw too many conclusions (Hester et al., 2008). The literature that does engage with victim responses does suggest, however, that victims report greater satisfaction with communication and information provided and with their sense of safety with domestic abuse courts compared to other court processes (Reid Howie Associates, 2007; Bowen, Qasim & Tetenbaum, 2013). The Glasgow pilot evaluation found that 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 in traditional courts. While satisfaction with communication and information provision was 21% in a traditional court, this rose to 63% in the pilot court and 90% amongst victims who had taken up the advocacy service on offer in the specialist courts (Reid Howie Associates, 2007). This highlights the importance of criminal justice personnel understanding the dynamics of domestic abuse and communicating effectively to victims (if satisfaction is understood to

be reflective of the procedural justice at the heart of victim empowerment) but, even more so, highlights the centrality of advocacy and support to this process.

WOMEN'S WORK WITHIN THE JUSTICE SYSTEM

Hochschild (1979, 1983) described emotion work as 'managing emotions during interactions to conform to work goals'. That is, actively behaving in certain ways that were expected and anticipated within the work environment. Hochschild's definition describes that which was 'deliberate albeit unacknowledged' referring to work that was consciously done to increase the likelihood of a positive outcome (in her case a job well done) but that went unrecognised in its endeavour. Within the violence against women literature Hochschild's ideas have been adapted most notably by Kelly (2016) and Fiona Vera-Gray (2018) to theorise the everyday behaviours of women. Kelly uses the term 'violence work' to describe the ongoing work women have to do to leave violent relationships and rebuild their own lives and those of their children. Such 'work' is in addition to what they have to do to live their lives and go about their everyday tasks. Kelly (2016) argues, 'It is work because it employs time, requires energy and effort – all of which could be used for more rewarding activities'.

Violence 'work' is not visible and remains unacknowledged. Whilst there might be support for women in these areas Kelly argues to access that support, engage with it and progress from it is all part of 'violence work'. Vera-Gray took forward Kelly's thesis and sought to make visible women's resistance and resilience in her development of the idea of how women trade freedom for safety (Vera-Gray, 2018). In doing so she wanted to illuminate all of the effort, the additional hidden work that women have to do to stay safe. Vera-Gray incorporated Kelly's 'violence work' to encompass the 'safety work' women habitually undertake every day in public spaces to stay safe. Vera-Gray deems it a necessity but also an endeavour that steals both our time and energy. It is 'the strategising and planning that women and girl's undertake in responding to, avoiding and or coping with men's violence.' Vera-Gray regards the vast majority of such work as pre-emptive, it is done by women to stop something else happening to them, or escalating.

METHODOLOGY

This study used a mixed methods design incorporating an online survey and Free Association Narrative Method (FANIM) interviews. This section provides a summary of the research design (for a full account of the methods see Proctor et al., 2022).

SURVEY DISSEMINATION AND PARTICIPANT RECRUITMENT

Due to the sensitive nature of the research and the potential to re-traumatise participants, the survey was designed to be as accessible, easy to complete, and engaging as possible. For example, a short video was made and embedded at the start of the survey which allowed the researchers to introduce themselves, explain why this research was important, and to thank the participants for their contributions (Proctor et al., 2022).

The survey was distributed, via e-mail and social media, through criminal justice networks and organisations including the Scottish Women's Rights Centre, ASSIST, the Scottish Women's Aid Network, and the Crown Office and Procurator Fiscal Service (COPFS). In addition, details of how to take part in the research were included in Victim Information and Advice letters sent from COPFS. The survey gathered quantitative data as well as qualitative data with a mix of closed and open questions⁷. The survey was compatible to complete on smart phones, as well as tablets and desktops and was accessible through a URL and a QR code.

Individuals were able to participate if they identified as women, were aged 18 years or over, and had experience of the SCJS after a report of domestic abuse and/or stalking was made. Women could take part regardless of how long ago they had contact with the SCJS.

Experience of the criminal justice system could include (but was not limited to), interactions with Police Scotland, the Crown Office and Procurator Fiscal Service, Criminal Courts, Prisons, and associated departments and/or services. The survey was open from May 27th until September 1st, 2021. A total of 132 women completed the survey.

INTERVIEW DESIGN AND PARTICIPANT RECRUITMENT

Interview participants were recruited using the survey. The last question of the survey asked if participants would like to take part in the interviews. If so, they were able to leave contact details. Twenty-five women left contact details and interviews were conducted with 21 of them. The interviews were conducted using the Free Association Narrative Method (FANIM) (see Gadd et al. 2003). The FANIM invites interviewees to take as much time as they need to answer one 'big' interview question. Interviewees were encouraged to tell their story in their own words, whilst the interviewer facilitated with active listening. Any subsequent questions asked by the interviewer were for points of clarification or more detail. This gave the participants complete control to construct their narrative, to focus on the elements that they each felt were of importance and the order in which they wanted to tell their story. All interviews were recorded, transcribed and anonymised. Due to COVID 19 restrictions, the interviews took place online using Microsoft Teams and participants chose whether they wanted to turn their cameras off or on (all participants chose to keep their cameras on throughout).

7. Participants were asked to indicate what year their first engagement with the SCJS took place. In this way we were able to collect data for this study as well as the DASA study simultaneously.

ANALYSIS

Survey data was downloaded and analysed using SPSS software. Interview transcripts were uploaded to NVivo Analysis of the interview transcripts drew out themes related to empowerment, disempowerment, control and lack of control at distinct stages in women's experiences of the criminal justice system. Further prominent and consistent themes were noted.

RISKS AND ETHICS

As demanded in sensitive research, ethical procedures were robust and drew on the researchers' extensive experience and knowledge of research on such issues. The application was reviewed and approved by the Glasgow Caledonian University Ethics Committee.

Care was taken to ensure that the risks to, and potential impacts on, all participants were minimised by providing adequate information to make informed decisions about taking part. Participants were informed of the nature of the research, the time commitment, how the information would be used and stored, and an explanation regarding anonymity and confidentiality was given. Written and digitally recorded consent was obtained. Participants were also made aware of access to support should they require this following participation in the research. All were informed of the aims and limits of the research and were ensured of their right to withdraw from it at any time. Interview participants were compensated for their time with a £20 e-voucher for Amazon. In line with data protection legislation and good standards of ethical research, all data was securely stored and password encrypted.

LIMITATIONS OF THE SAMPLE

Any woman who had experience with the criminal justice system at any point in her life (for stalking and / or domestic abuse) was invited to take part. It was open to anyone who had contact with the criminal justice system regardless of how far their case progressed through the system. The variation in experiences means our response numbers decrease with chronological progression through the system as not everyone had cases that moved beyond the police.

It was our intention to design an accessible and victim-centred survey and as such the majority of questions asked were not compulsory. This allowed participants to answer only the questions they felt comfortable doing. However, this also meant it was not possible to collect consistent quantitative data throughout the survey. For example, some participants chose to respond with only qualitative data. Participants also shared a significant amount of qualitative data giving further detail about their experiences during their completion of the online survey.

Individuals chose whether to take part after seeing general information available in the public domain about the research and so participants were self-selected. As with all research there is bias. Participants may be more likely to engage with this type of research if they have had an experience of an 'extreme' i.e. a very bad or a very good experience. This means the data is less likely to reflect experiences that felt unremarkable to the participant. Despite these limitations, however, the data has highlighted some pertinent issues regarding women's experiences of the criminal justice system.



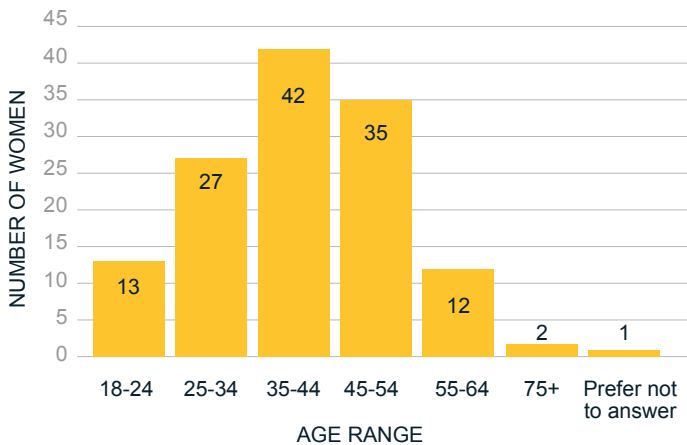
SURVEY FINDINGS

One hundred and thirty-two women responded to the survey, and of those, 21 participated in online interviews that lasted approximately one hour.

SURVEY PARTICIPANT DEMOGRAPHICS

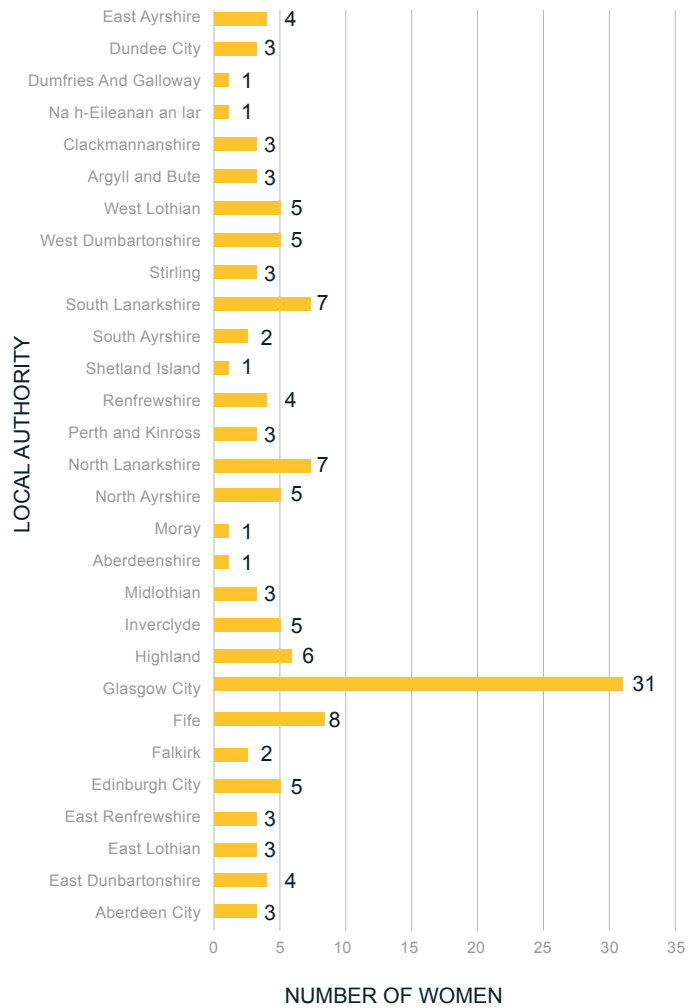
The largest proportion of women were aged 35-44 (n=42), however, the age groups of the cohort ranged from 18-24 to 75 and over (Figure 5.1).

Figure 5.1 Age range of survey participants



Participants came from 29 of the 32 local authority areas in Scotland (Figure 5.2). There was a relatively even spread of participants (1 - 8 women) across the different areas with the exception of Glasgow City, where 31 of the participants lived. It is likely that the sample reflected the location of the networks and organisations who were able to assist with participant recruitment.

Figure 5.2 Participants and the local authority area in which they lived



At the time of completing the survey, 38 of the women were still involved with the criminal justice system, however, for all the other participants their cases had ended in 2021 or before (Figure 5.3). **Over half of all respondents had had contact with the SCJS within the last three years.**

The following sections describe women’s experiences with the police, the procurator fiscal, the courts, sentencing and prison services. Survey participants were asked also about their experiences with associated services such as social work, and the Children’s Reporter. The responses to these questions were limited and so have not been included in the main body of the report. A summary, however, is provided in Appendix 4.



Figure 5.3 The Time in which Participant Involvement in the SCJS Ended



During the period in which women were involved with the criminal justice system, 92 had children under 16 living with them. Sixty-three of the participants had children with the perpetrator. Forty women did not have children under 16 living with them during their involvement with the SCJS. Twenty-nine of the women had their first contact with the SCJS after 1st April 2019 when the Domestic Abuse (Scotland) Act 2018 (DASA) was implemented⁸. All other participants either indicated their contact with the SCJS started before the implementation of DASA or did not respond to the question.

WOMEN'S INITIAL CONTACT WITH THE CRIMINAL JUSTICE SYSTEM

The majority of women (n=81) called the police themselves to report their abuse. However, over a third (37%, n=47) had not decided themselves, to involve the criminal justice system as initial contact was made by a third party.

For these women, the initial call was made either by a third party or by the perpetrator. One participant

explained that they had become involved with the criminal justice system when their ex-partner had abused another woman;

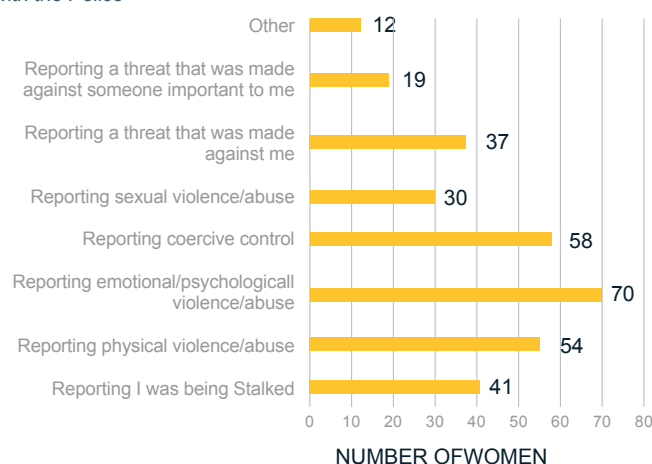
“Someone else made an initial report against the perpetrator and Police Scotland contacted me for a statement as I had been a previous partner.”

A significant proportion of women, therefore, were not in control of this initial contact, which may have serious repercussions upon their life and their safety. For some (9%, n=11) the call to the police was an extension of the abuse as it was the perpetrator who called to report a malicious complaint against the woman or to report her for something she did in self-defence (dual reporting). A third party had made the initial report in 23% of the cases, potentially out of concern. Although this is an appropriate action for bystanders to take, it must be recognised that consequently, some victim/survivors may experience their first contact with the police and, therefore, the criminal justice system as an unwanted intrusion and potentially disempowering experience.

WOMEN'S EXPERIENCES WITH THE POLICE

When making their first contact with the police, women in this study reported a range of different types and multiple forms of abuse. The most common was non-physical violence such as coercive control and/or emotional or psychological abuse (Figure 5.4)⁹.

Figure 5.4 The type of abuse that was reported in the initial contact with the Police¹⁰



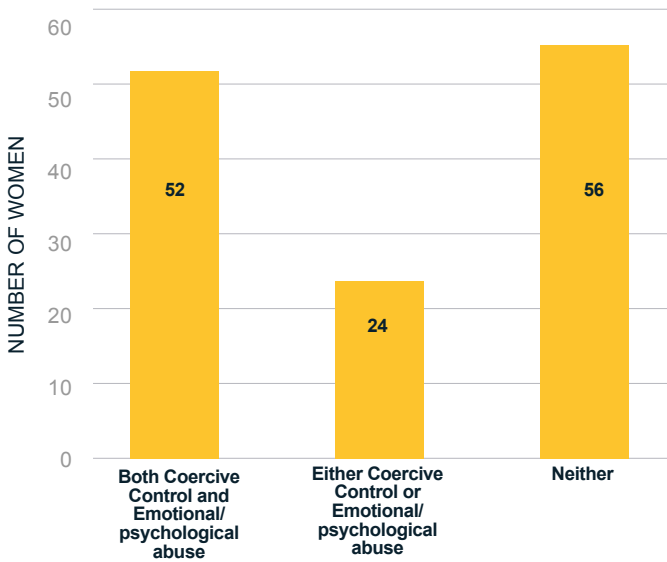
8. The experiences of these women informed Lombard and Proctor (2022) Domestic Abuse (Scotland) Act 2019 and the Criminal Justice System; Women's experiences two years in; the emerging findings report.

9. Both 'coercive control' and 'emotional/psychological violence/abuse' were given as separate options within the survey despite their similarity in nature. Both options were given to ensure participants were able to respond if they had not heard of the term 'coercive control' or were unsure what it meant.

10. Participants were able to choose as many options as they wanted to in order to answer this question.

As participants were able to choose multiple options to describe their initial report to the police, some chose both coercive control AND emotional/psychological abuse. Figure 5.4 does not differentiate between those who chose both options and those who chose only one. Figure 5.5 provides this breakdown.

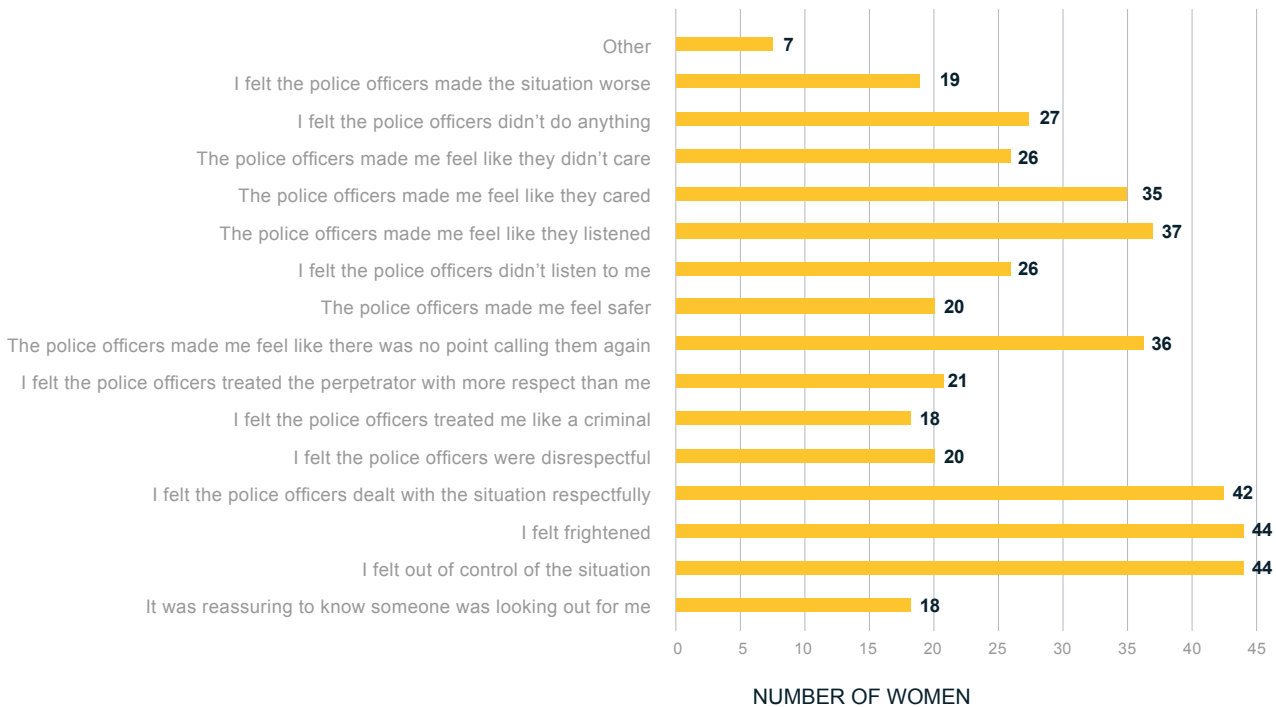
Figure 5.5 Whether women reported coercive control and/or emotional/psychological abuse during their initial contact with The Police



Non-physical abuse in the form of coercive control and/or emotional/psychological abuse was reported by the majority of women (58%, n=76) during their initial contact with the police illustrating the frequency of this type of abuse and therefore the importance of its recognition by first responders.

When asked how they felt about their initial contact with the police, the answers most frequently chosen by participants were 'I felt frightened' and 'I felt out of control of the situation' (n=44 respectively). It was not possible, however, to tell whether these feelings were a cause or consequence of the police being called (Figure 5.6).

Figure 5.6 How women felt about their initial contact with The Police



Those who left additional comments were very positive about their experience with the police. In general, when comparing 'like for like' positive and negative experiences (e.g. the police cared and the police did not care) women chose positive options more frequently. More women than not felt that the police cared, that the police listened and that the police officers were respectful. The additional information that some women chose to give was testimony to the good practice they experienced.



“I went to the police station to report incidents over the previous 6 months, with one incident being the final straw for me. I was incredibly nervous and worried I wouldn’t be taken seriously given the stalker was someone I had met online and been in a relationship (of sorts) with. The officer I spoke to was brilliant - he reassured me that I was doing the right thing reporting the incidents and genuinely listened to my worries and suggestions as to how I wanted to handle the situation with police support. After having been so anxious about seeking help, he really was fantastic.”

However, even where the frequency of good experiences was greater than the negative, often the difference in number was not substantial. Although 35 women were made to feel that the police cared about them, 26 felt the opposite. Thirty-seven women felt the police listened to them but 26 did not. Furthermore, there were a number of respondents who felt ‘the police officers made the situation worse’ (n=19), ‘the police officers treated me like a criminal’ (n=18), ‘the police officers treated the perpetrator with more respect than me’ (n=21), and that ‘the police officers didn’t do anything’ (n=27). Concerningly, 36 women said ‘the police officers made me feel like there was no point calling them again’. Women felt like this even when police officers had provided them with a good service as expressed in the following quote;

“I couldn’t fault the kindness of the police, they wanted to help but it was as if their hands were tied because there was a civil case open in the family court”¹¹. So, I felt they cared but also it was pointless”

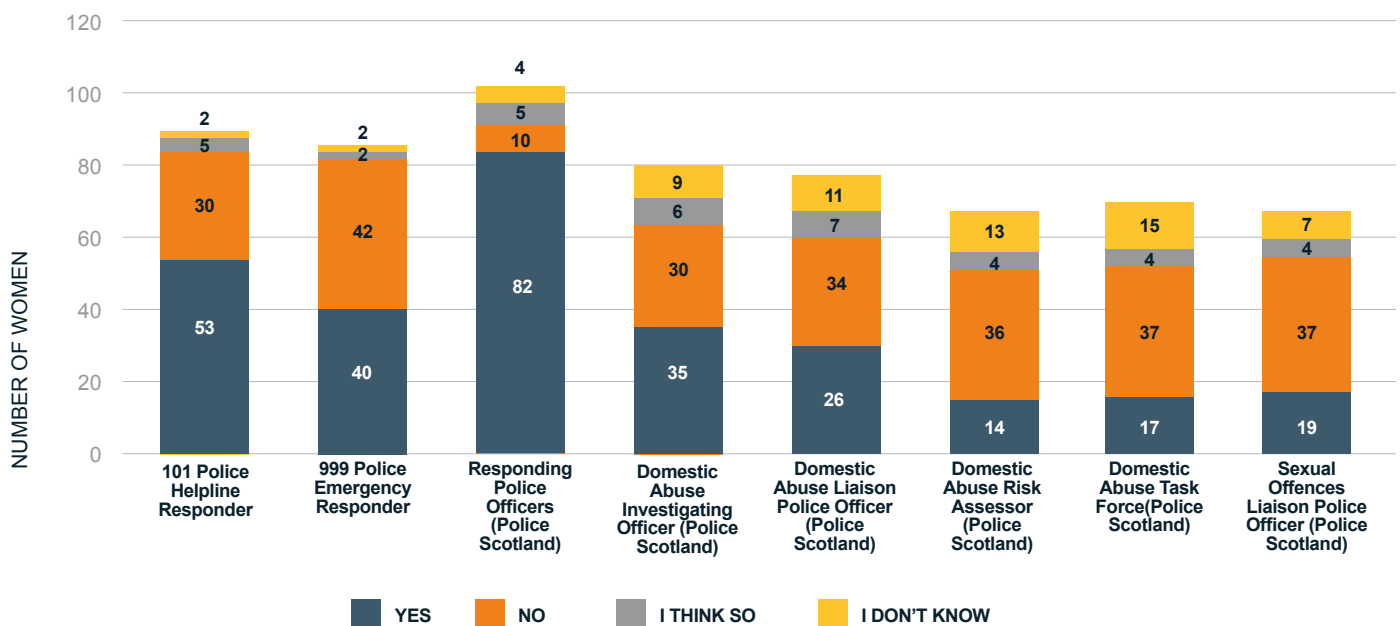
“One day a male police officer came to speak to me after he had seen my partner in the police station and warned me about making stuff up maliciously. That was really tough - I was hearing it all the time from my partner, that I was lying, and that I deserved what he was doing. I lost even more faith in the police and what they can do for victims that day.”

Some responses indicate that systemic issues prevent the police from protecting victims of domestic abuse even when they are doing their utmost to help. This is especially pertinent when women told us the main reason they engaged with the system was to feel safe and for the abuse to stop.

OTHER SERVICES

During the period in which the police were dealing with their reports, in addition to the responding officers, women had contact with multiple other services within Police Scotland. These included 101 and 999 helpline responders, Domestic Abuse Investigating Officers, Domestic Abuse Liaison Officers, Domestic Abuse Risk Assessors, the Domestic Abuse Task Force, and Sexual Offences Liaison Officers (Figure 5.7).

Figure 5.7 The number of women who had contact with different services within The Police



11. It was not possible to ascertain why a civil case would impact on a criminal case in this way.

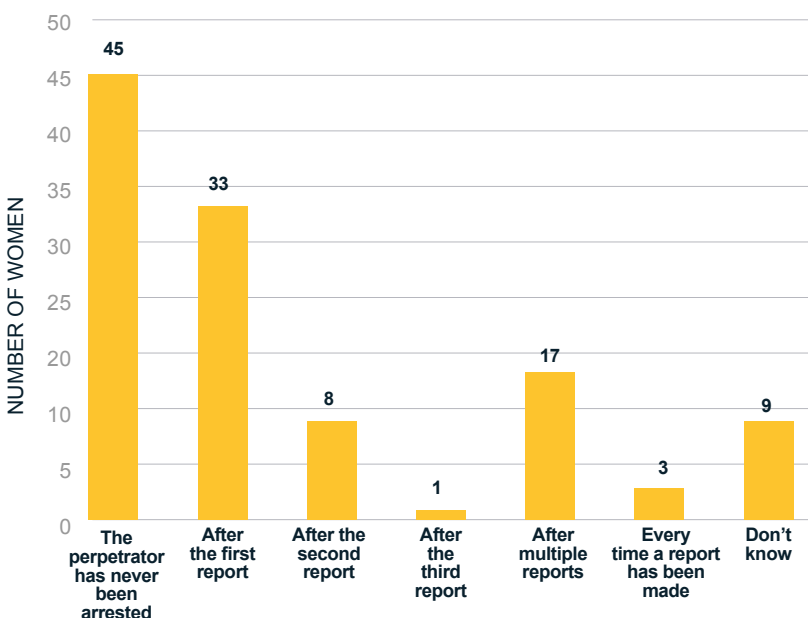
The most common experience when engaging with the police was when they had contact with responding officers (n=82). Within this cohort, more women had contact with the 101 (non-emergency) Police helpline than the 999 (emergency) Police helpline. The reasons for this are unclear but may reflect the respectively high proportion of coercive control/emotional abuse reported within this cohort of women. Alternatively, it may reflect women's own coping mechanisms of rationalising and normalising the abuse they experience which often minimises the severity of their experiences.

A quarter of the women who responded indicated they had contact with the Domestic Abuse Task Force (n=17), however, another four responded with 'I think so' and 15 with 'I don't know'. The Domestic Abuse Task Force is a Tier 3 service within Police Scotland. It is concerning that at this stage in the process the women did not know who was dealing with their case. Albeit they would have met a number of officers by this point but those in the Task Force would have been in contact and had opportunities to introduce themselves and their role.

ACTIONS TAKEN BY THE POLICE

The majority of participants indicated that they contacted the police 2-5 times more (n=40) although some said they reported abuse over 25 times (n=5). Twenty-five women said that they would not contact the police again. Over half of the women (58%, n=62) saw their perpetrator arrested and just over half of those (53%, n=33) saw the perpetrator arrested after the first report of abuse to the police (Figure 5.8).

Figure 5.8 The number of reports made before the perpetrator was arrested



However, 45 said that the perpetrator was never arrested, and 17 women made 'multiple' reports to the police before an arrest was made. Only 12 women said that of the perpetrators who had been arrested were never charged (Figure 5.9). Fifty-two women said that the perpetrator had been charged. Of the 52 women, 32 said the perpetrator had been charged after the first arrest.

Figure 5.9 Number of arrests as indicated by participants before the perpetrator was charged

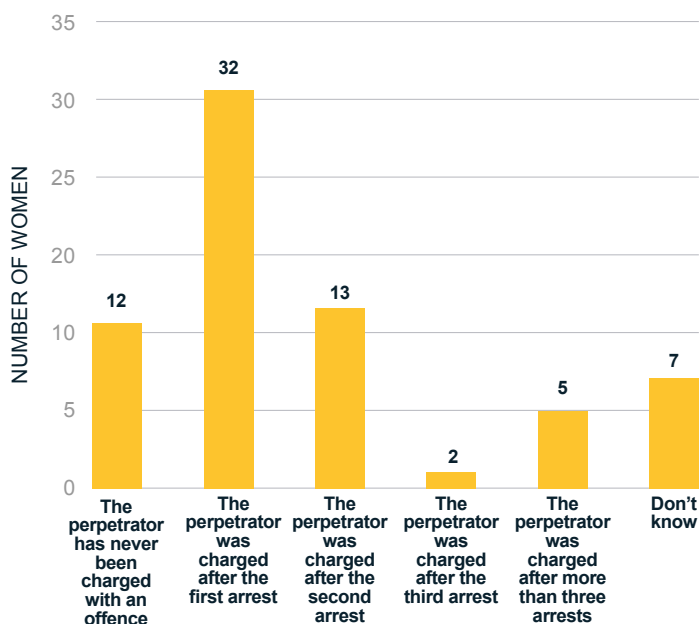
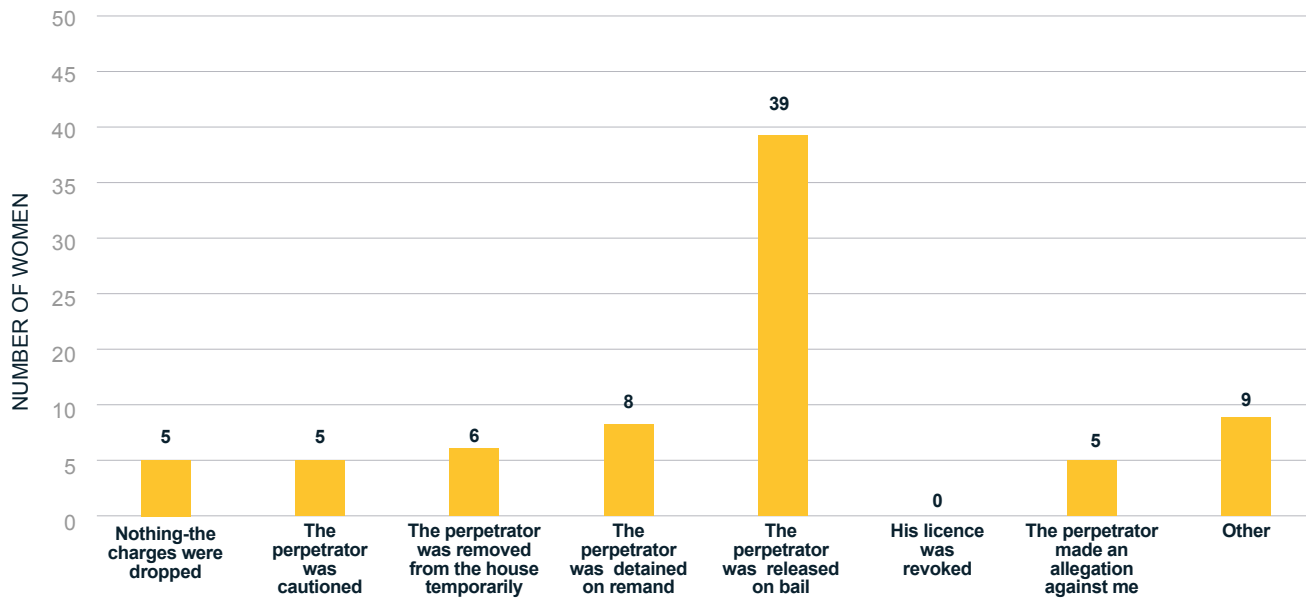
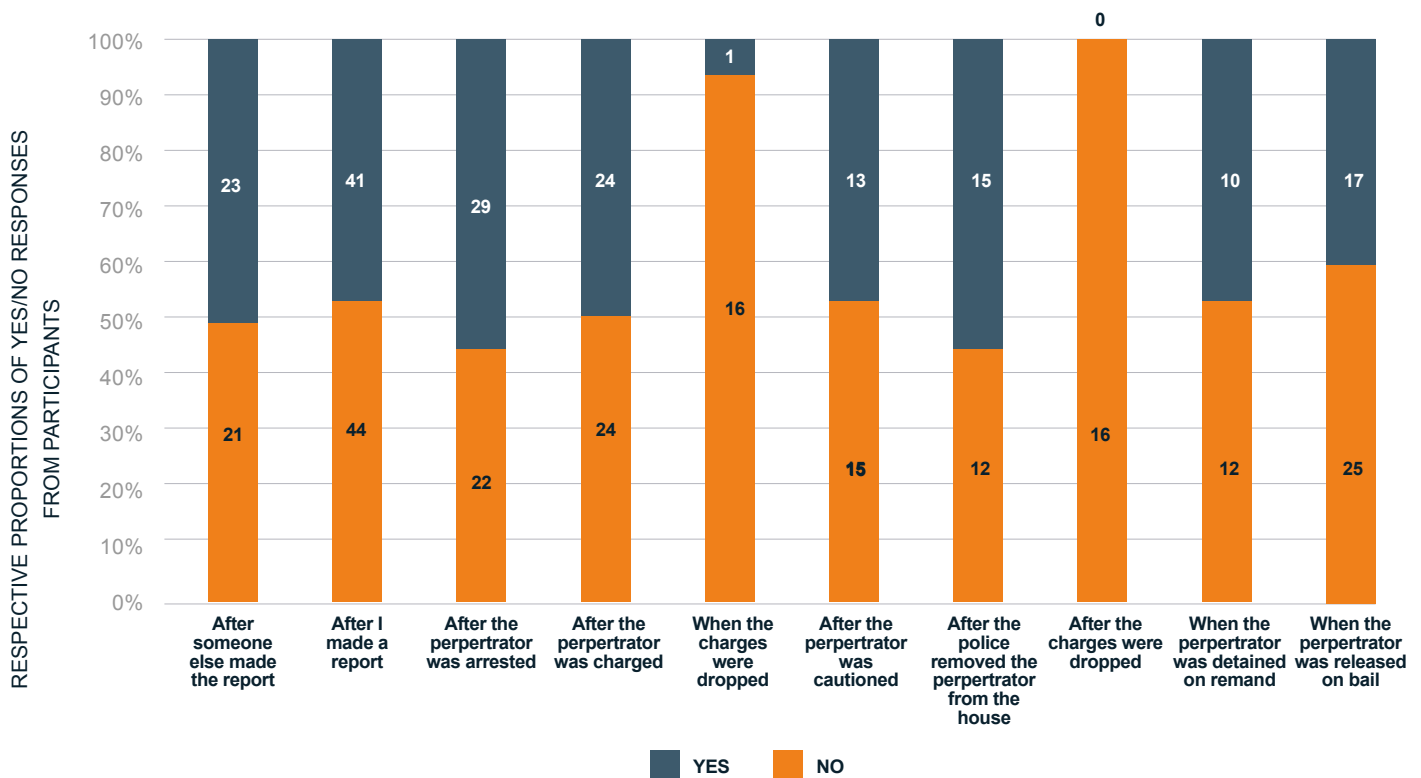


Figure 5.10 The consequences for the perpetrator after being charged



Half of women (50%, n=39) said their perpetrators were released on bail after being charged (Figure 5.10). Only eight were detained on remand and six were removed from the house temporarily. The charges were dropped for five. Participants were asked whether they felt their wishes had been taken into consideration at different points in their involvement with the police (Figure 5.11). The number of women who said their wishes had or had not been considered was evenly split at the majority of points highlighted in the processes.

Figure 5.11 The proportion of participants who felt the police did or did not take what they wanted into consideration at different stages in the SCJS processes¹²



12. The Crown Office and Procurator Fiscal decide if charges are made or dropped therefore the options 'after the perpetrator was charged', 'when the charges were dropped' and 'after the charges were dropped' indicate a women's perceptions of the police at the times those actions were taken



This suggests that there are a large number of women who feel they have a positive experience in this regard, there are similar numbers who did not feel they had a positive experience. The additional comments that were left reflected the women’s contrasting experiences¹³;

“My son was with my ex-husband when they arrested him, they let my friend collect my son before arresting him. However, it was clear that there was scepticism from the officer taking the report - he said he didn’t understand why I hadn’t reported it earlier in the day right after it happened.”

“I have phoned, written to the police and gone to the Police Scotland office in my village. I have been consistently ignored, despite the fact the stalking perpetrator has 2 firearms licences and is known to be violent. My lawyer has taken out a formal complaint against the police for their inaction.”

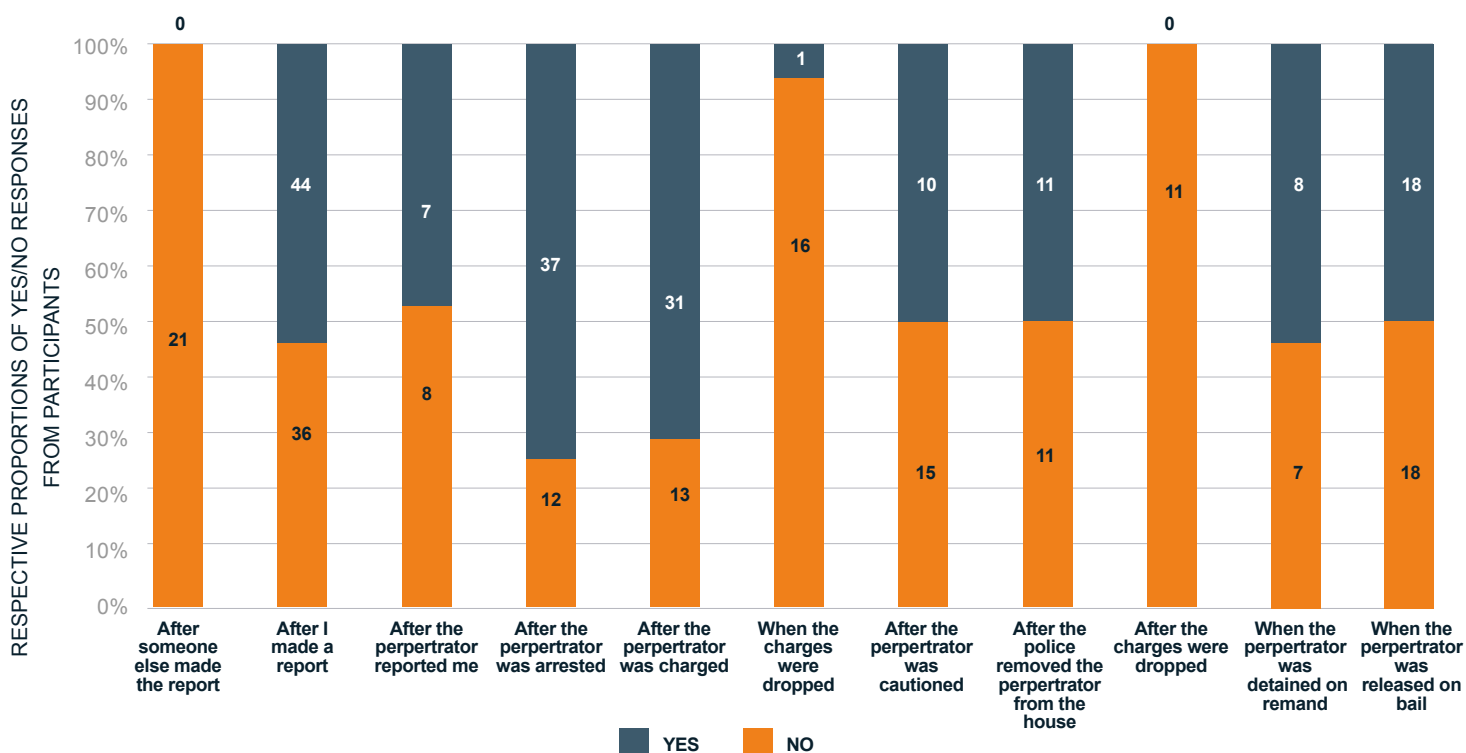
“The police were good at keeping me up to date with the case. The accused wasn’t turning up for court and went AWOL but soon as they got him he was put in remand.”

“They made it clear to me that I should only make a report for my benefit, not just to help others. They made sure I understood that it was very difficult to get a rape case to court and I should be aware of this.”

All but one of 17 women felt their wishes had not been taken into consideration when charges were dropped against the perpetrator. The reasons the charges were dropped is not known and so it is unclear whether it was due to evidential issues or otherwise, however, it must be recognised that where charges are dropped women were still living with abuse. Consequently, it is a point at which women may feel acutely disempowered and out of control and may require significant support, explanation, and/or reassurance as well as risk assessment.

When asked whether they felt the police were acting in their best interests, women’s responses showed similar patterns (Figure 5.12). At most points in the police processes there was an even spread of those who did and those who did not feel the police were acting in their best interests.

Figure 5.12 Whether participants felt the police were acting in their best interests at different stages in the police processes



13. Quotes have not been labelled with pseudonyms to protect anonymity by avoiding 'linkability'. Where multiple quotes are given together but separated by quotation marks each separate quote was given by a different participant.

There were, however, some marked differences. Women were much more likely to feel that the police were acting in their best interests after the perpetrator was arrested (n=37) and after the perpetrator was charged (n=31) than if he was not arrested (n=12) or charged (n=13). In addition, all women who responded (n=14) felt the police were not acting in their best interests 'after someone else made the report' illustrating that the situation had been taken out of their control. Again, the contrasting experiences were reflected in the additional information women chose to give;

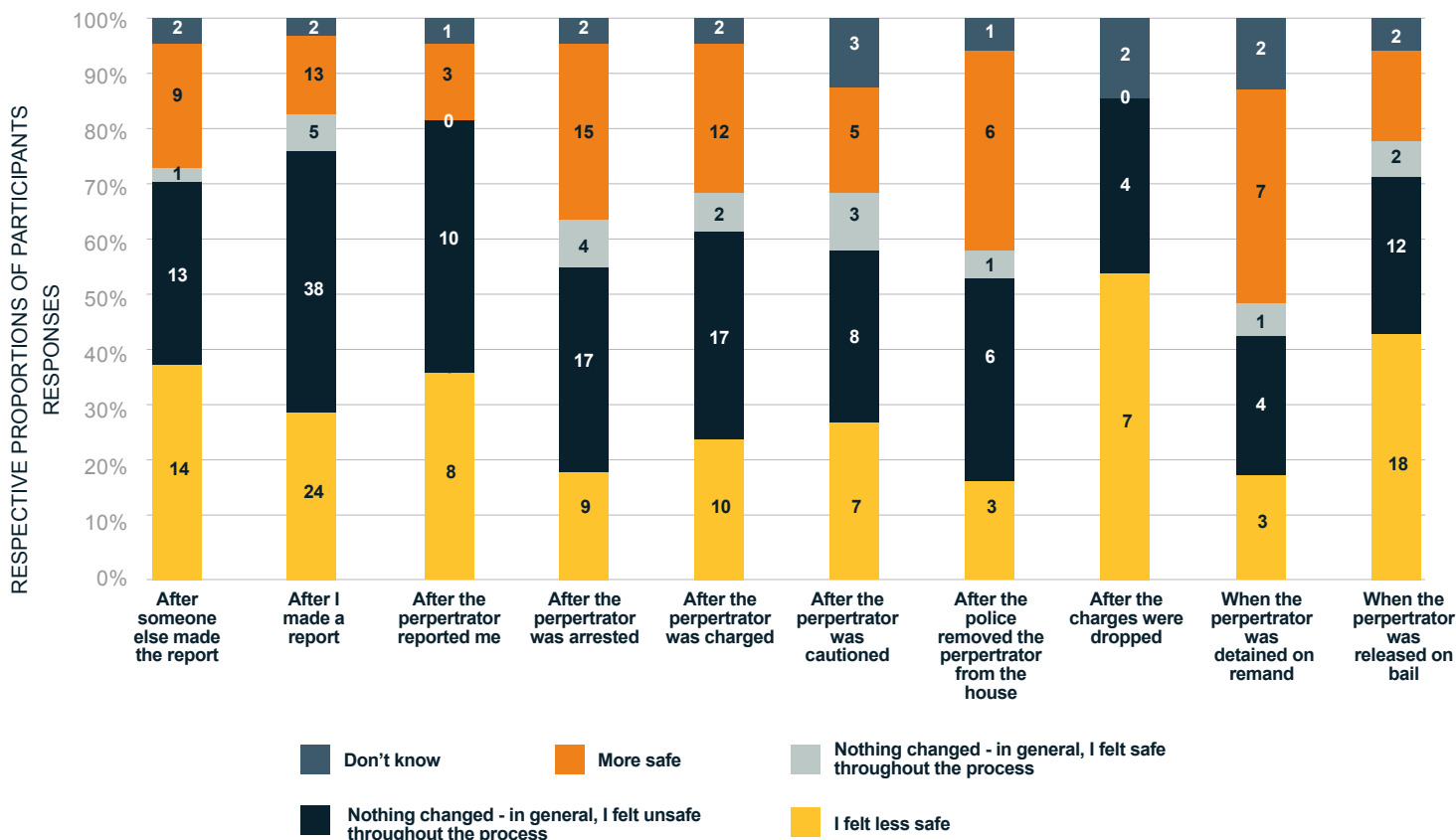
“The officer I spoke with definitely had my best interests at heart. He was very helpful and effective.”

“I absolutely felt that the police were acting in my best interest. I didn’t expect them to take me seriously, especially as they were male police officers but they were very professional, kind and helpful.”

“The police were definitely not acting in my best interest. Despite taking the list of witnesses I supplied, they disparaged witnesses against each other by saying that they were ‘unreliable’ or ‘unwilling’. Both not true. This, of course, would affect the report to the Procurator Fiscal.”

There was no period during police involvement that consistently left women feeling more safe (Figure 5.13). On the contrary, many women felt less safe at each point during their contact with the police. Figure 5.13 shows that at each stage of the police processes, 50% or more of the women indicated their feelings of safety either did not improve or became worse during police involvement. This is in contrast to Police Scotland’s stated purpose being ‘To improve the safety and wellbeing of people, places and communities in Scotland’. However, there were also women who indicated they felt ‘more safe’ after each of the stages of police involvement. The point at which the largest proportion of women were made to feel safer was when the abuser was detained on remand. The number of participants whose perpetrator was detained were in the minority.

Figure 5.13 Women’s feelings of safety after police contact at different stages of police processes



Some participants added further description of their experiences;

“I felt massively reassured sharing my experience with the police and knowing that I had someone in authority ‘on my side’ and looking out for me. It was a huge relief.”

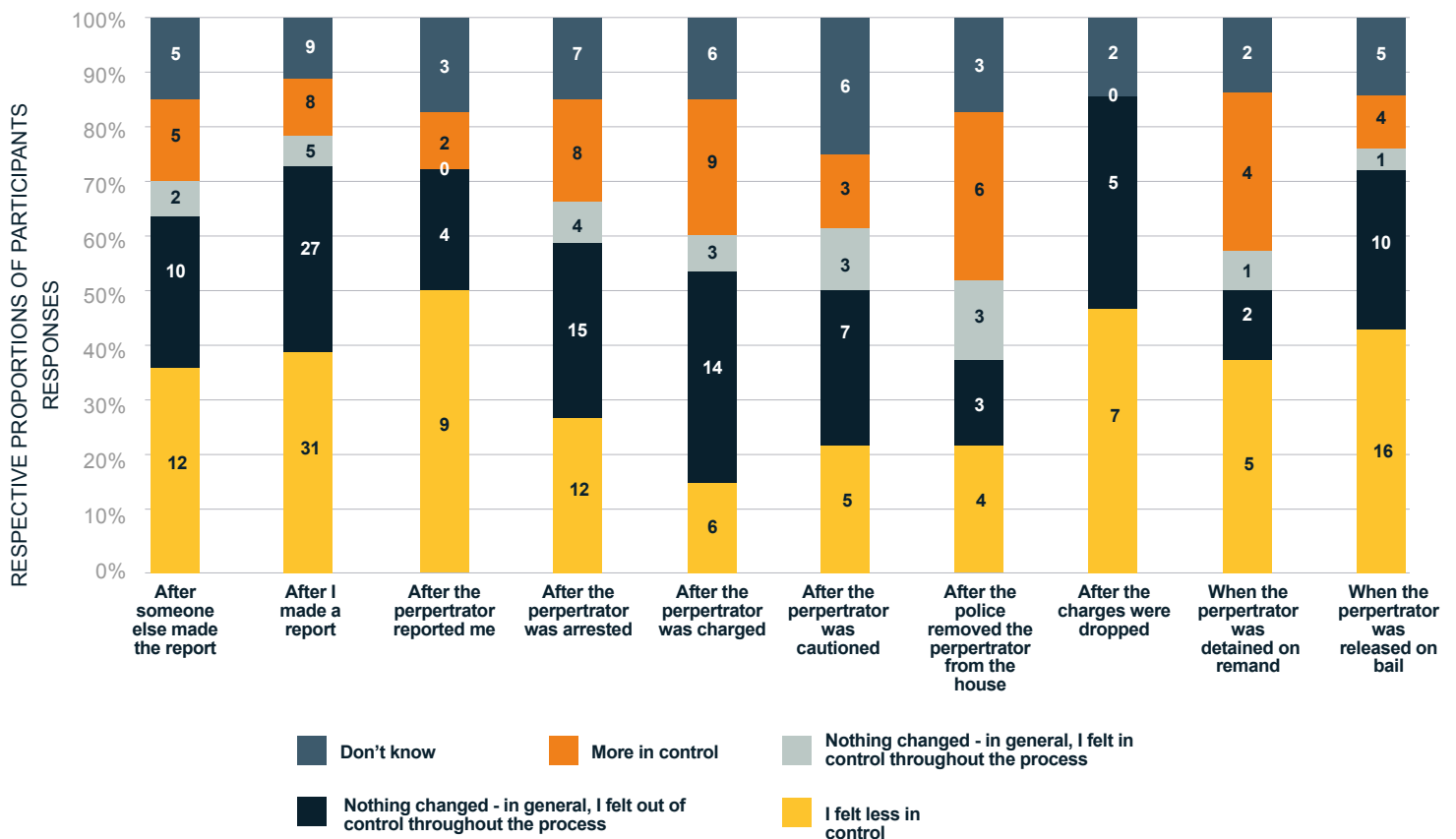
“The police took their time with me to fully understand what was happening, and did what they could to make sure I was safe.”

“I have been terrified in my own home, to leave my house and to know he is potentially monitoring me via social media is horrific. With no support from those who are meant to protect.”

“He was released on bail and was back outside my house within 24 hours. I felt it was pointless to report.”

When asked about their feelings of control during the same periods of police involvement, again, for each stage over 50% of the participants said either their feelings of control did not change (for the better) or they felt less in control (Figure 5.14).

Figure 5.14 Women’s feelings of control after police contact at different stages of police processes





Proportionately women’s feelings of control were more likely to improve when the police removed the perpetrator from the house or when the perpetrator was detained on remand. The occasions during which women were most likely to experience a loss in their feelings of control was when the perpetrator made a report against them or was released on bail. The detail that some women described alluded to the diversity in their respective experiences.

“Because I was consistently given conflicting information from the Police (e.g. the date and time of the arrest changed without my knowledge and I was put in grave danger), I had zero control of my safety.”

“The police nor I were in control of the situation.”

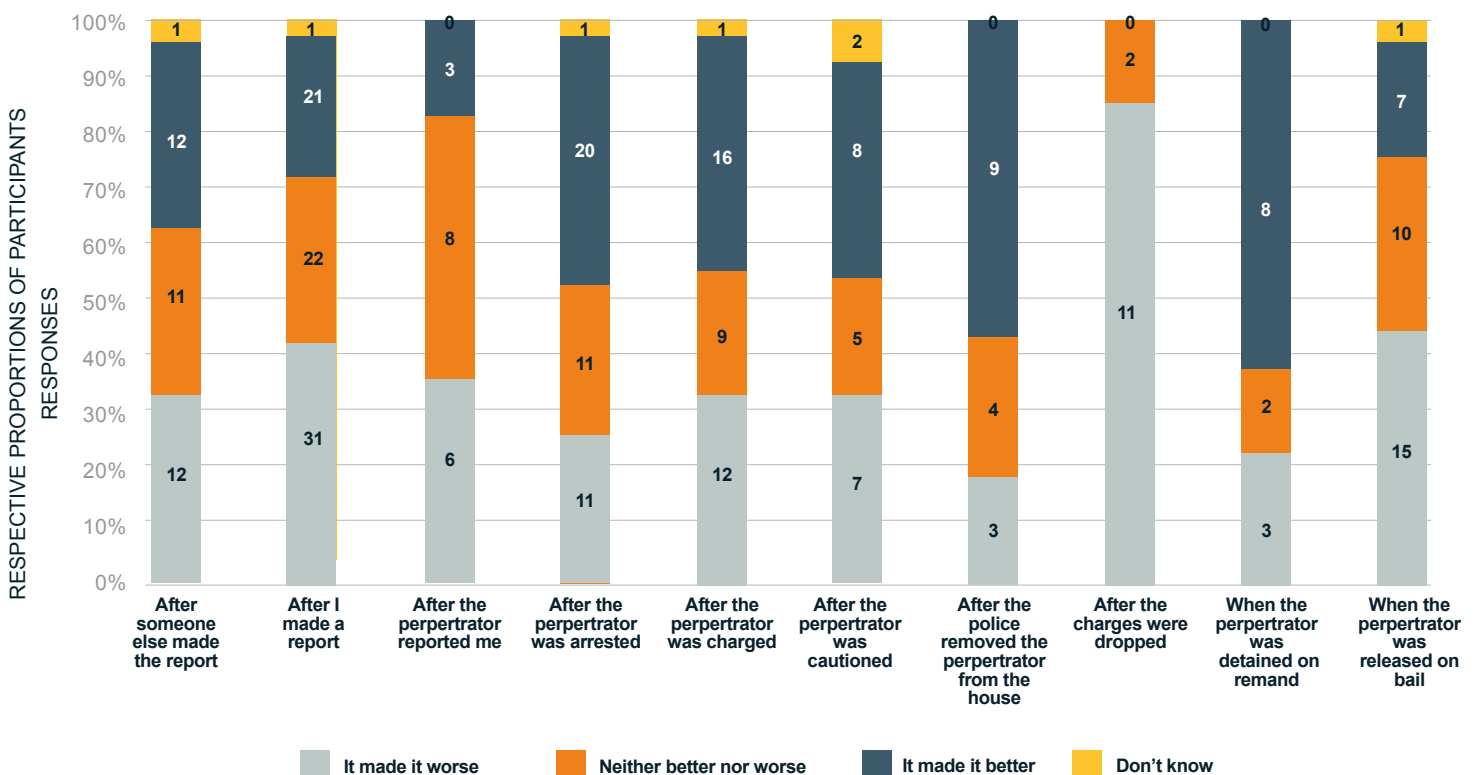
“The initial police response was excellent and I felt much more empowered, however the male presence at my interview and the poor response to my report of bail breach made me feel very much disempowered.”

“Felt more confident to challenge and not accept perpetrator’s behaviour because we knew we had the back-up of the police.”

Despite the predominance of women feeling their safety decreased and that they had less control during police processes, most women indicated that proportionately they felt that police involvement had made things better. In addition, far fewer responded with ‘I don’t know’ than in the questions regarding safety and control. Women mostly felt the situation was made better when they felt the police took pro-active steps against the perpetrator i.e. when the perpetrator was arrested, charged, cautioned, and in particular when the perpetrator was removed from the house or detained on remand¹⁴ (Figure 5.15).

“They made it better and better.”

Figure 5.15 Women’s feelings of whether the situation was better after police contact at different stages of police process



14. The Crown Office and Procurator Fiscal decide if charges are made and if the perpetrator should be removed from the house or detained on remand so these responses indicate a women’s perceptions of the police at the times those actions were taken.

However, some felt things did not change or they became worse.

“The fear increased when I knew he had gotten arrested as the whole process had started and I felt so out of control, like life was turned upside down.”

“He would retaliate after every time I phoned the police.”

“The police response did not make the situation better or worse. I wasn’t offered any additional support.”

“I felt very much on my own fighting a personal hell.”

Overall participants indicated a variable service from the police with regard to keeping them informed of what was happening with their case and whether things were explained to them in a way they could easily understand. See Table 5.1.

Table 5.1 Women’s feelings about their experiences with The Police

Survey Question with respect to women’s feelings about their experiences with the Police	Number of women per response			
	Yes	No	Sometimes	Don’t Know
Did you feel that you were kept informed about what was happening?	25	37	31	1
Did you feel everything was explained to you in a way you could easily understand?	34	27	31	2

Approximately a third of the women felt they were kept informed (n=25) and had things explained in a way they could understand (n=37), a third felt neither of these things happened (n=37 and n=27 respectively) and a third felt both happened but only sometimes (n=31 for both).

The role of the police is critical as they are the first agency contacted by victim/survivors when seeking criminal justice intervention. Furthermore,

as the ‘gatekeepers’ to the rest of the criminal justice system the actions and responses of the police to reports of domestic abuse can have considerable impact and influence on women’s decision making in future situations where criminal justice input is needed. Viewing the survey responses through a lens of empowerment and disempowerment there are examples of practice which women found empowering and some that were disempowering at all stages of the police processes. All of their examples, good or bad, can be mapped on to the elements outlined by Russell and Light (2006). As predicted by Russell and Light (2006) where victim/survivors were shown respect, empathy, and validation and were kept informed and involved in the processes they felt empowered and encouraged. When they did not experience these, they felt disempowered and discouraged. These issues and the impact of nuanced interactions with the police were given more detailed emphasis during the qualitative interviews and are discussed in Section 6.

WOMEN’S EXPERIENCES WITH THE PROCURATOR FISCAL

Of the 91 women who responded to the question ‘was your case referred to the Procurator Fiscal’ 50 said their case had been whereas 32 said it had not and 9 ‘did not know’.

Women’s experiences with the Procurator Fiscal appeared to be less nuanced than with the police. Those who indicated that they felt their ‘wishes were not taken into consideration’, they were ‘not kept informed’, ‘things were not explained to them in a way they could understand’, they were ‘not welcome to ask questions’ and that the ‘Procurator Fiscal was not acting in their best interests’, consistently made up the greatest proportion of respondents. The only variation was in relation to the question ‘Did you feel everything was explained to you in a way you could easily understand the majority of women said ‘sometimes’ (n=33). (Table 5.2.)

The proportion of respondents who indicated they did or did not feel that the Procurator Fiscal was acting in their best interest was relatively even (n=15 and n=18 respectively), however, a further 10 women said they ‘didn’t know’.

“I was really disappointed in my experience of the Procurator Fiscal. It was almost impossible to speak to anyone. They were not interested in hearing from me, any additional information I could provide and I felt that they had made their mind up, very early that they were not going to pursue the case, no matter what was submitted. My ex was arrested under the new law for domestic abuse - coercive control and I did submit supporting evidence and statements (which the law said you don’t need to have as much of - due to the nature of the crime) and the final decision was very clear that I had not provided any supporting evidence, and this was why they were not going ahead. It is upsetting, as the new law was supposed to help in these exact cases. Not only this, but I feel, that if they had worked with me, I probably could have provided more. I was in an abusive relationship for 10 years, there was so much that happened (and I had no control over my life, my body, my children by this point), it was hard to contain it all and tell the story, people like me need guidance on what they are looking for (I know they cannot put words in your mouth) but it is so big that a little help fishing through it all is needed.”

Table 5.2 Women’s feelings about their experiences with the Procurator Fiscal

Survey Question with respect to women’s feelings about their experiences with the Procurator Fiscal	Number of women per response			
	Yes	No	Sometimes	Don’t Know
Did you feel that they took in to consideration what you wanted to happen?	15	25	8	1
Did you feel that you were kept informed about what was happening?	11	49	14	0
Did you feel everything was explained to you in a way you could easily understand?	13	19	33	1
Did you feel welcome to ask questions when you needed to?	16	22	11	0
Did you feel that the Procurator Fiscal was acting in your best interest?	15	18	6	10

The majority of women (n=37) were referred to Victim Information and Advice (VIA) by the Procurator Fiscal. Seven, were not and four did not know if they had been referred. The responses suggest that a fifth of the participants whose case was investigated by the Procurator Fiscal, did not receive any substantive support from VIA. This was also reflected in the qualitative data garnered from the survey:

“PF decided to drop rape charges at this point but continued with attempted rape charges, however, no one told me about the dropped charges until a week before the court case. Communication with VIA very poor.”

“The only contact I had with the PF was the citations to appear on specific dates. No other contact at all. Felt very alone and did not understand what was going on.”

The period during which the Procurator Fiscal was investigating cases appeared difficult for women with the majority feeling either ‘less safe’ or that ‘nothing



changed, they felt unsafe throughout' (n=31 combined). Similarly, the majority felt 'less in control' or 'nothing changed, they felt out of control throughout the process' (n=36 combined). (Figures 5.16 and 5.17.)

Figure 5.16: Women's feelings of safety during the time their case was with the Procurator Fiscal

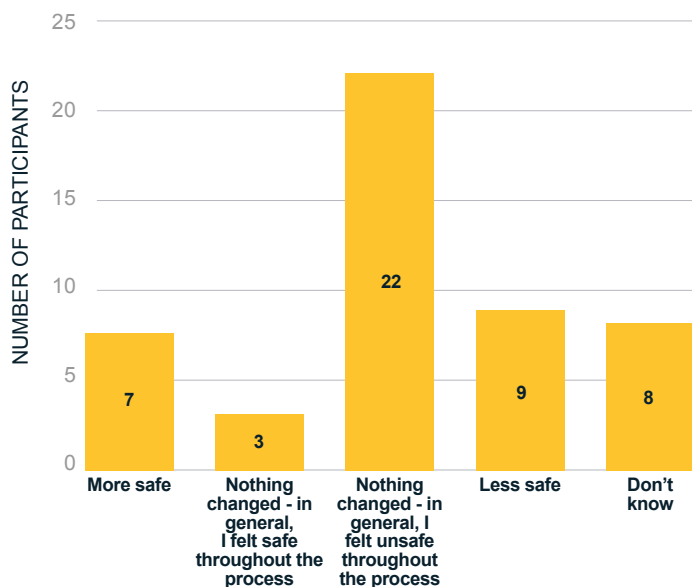
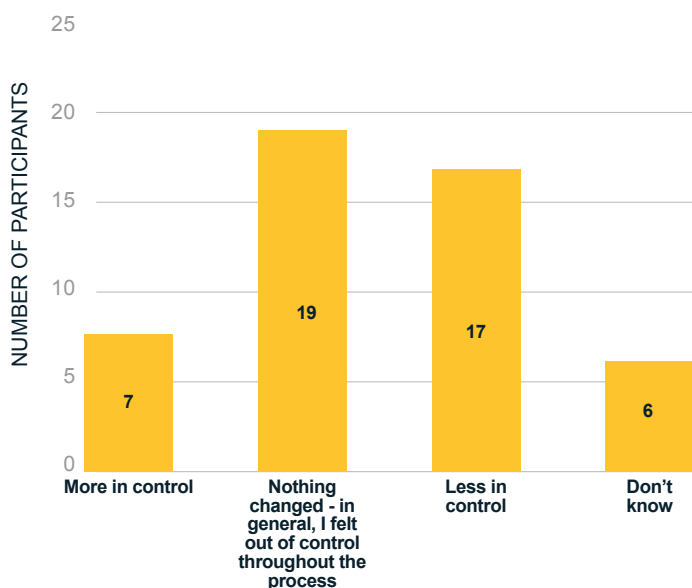


Figure 5.17 Women's feelings of control during the time their case was with the Procurator Fiscal



In the additional comments that respondents left, poor communication was the dominant theme, suggesting that an improvement here could help with safety fears and feeling out of control.

“The procurator fiscal never kept me updated on anything. I found out about my case from the newspapers before anyone even thought to contact me.”

“My case is live and therefore is still going through the process but despite me writing to them 2 months ago to ask for information on my case, they have yet to respond.”

“I was very scared throughout the whole process. I still am and I feel very alone in the aftermath.”

Women were asked how they felt when they gave their statement to the Procurator Fiscal. Again, the responses reflect that this was a difficult part of the criminal justice process. Although three said that ‘it felt good to tell them what happened’ and five said ‘it felt like it confirmed that I was doing the right thing’, 10 said it felt traumatic, seven said it made them feel vulnerable, and six said ‘it felt like they had no control of the situation’. Four indicated ‘it made me wish I had never become involved with the criminal justice system’. One woman added;

“It was all just so overwhelming. Repeating incidents over and over.”

The investigation by the Procurator Fiscal led to a variety of outcomes for the women and their perpetrators. Thirty-nine said the perpetrator was referred to the criminal courts and one said she was referred to the criminal courts because of something she did in self-defence¹⁵.

15. The decisions made by the Procurator Fiscal have been included to provide as complete a picture of our participants experiences as possible. It is important to note, however, that the proportion of cases within this sample that did or did not go to court is not representative of the proportion of cases in Scotland overall. More information can be found here <https://www.copfs.gov.uk/about-copfs/news/domestic-abuse-and-stalking-charges-in-scotland-2021-22/>.

Table 5.3 The decision made by the Procurator Fiscal

Procurator Fiscal Decision	Number of Women
The case against the perpetrator was referred to the criminal courts	39
The case against me was referred to the criminal courts	1
The perpetrator was given a warning	1
I was given a warning	0
The perpetrator was given a fine	5
I was given a fine	0
The perpetrator was given a work order	4
I was given a work order	0
The perpetrator was given a diversion from prosecution	3
I was given a diversion from prosecution	0
No further action was taken against the perpetrator	5
No further action was taken against me	1
Other	3

The outcomes of the other cases were relatively light in comparison (Table 5.3) resulting in a warning, a fine, or similar. In five of the cases ‘no further action was taken against the perpetrator’.

After the Procurator Fiscal made their decision, women were left with a variety of feelings (Table 5.4). The number of women feeling that the decision ‘was appropriate’ was almost equal to the number who ‘felt like the perpetrator was left off lightly’ (n=16 and n=15 respectively). However, despite this almost all of those who responded said that their mental health suffered (n=25). This is a strong indicator of the stress that women are put through despite the fact that they are involved in the criminal justice system as victims of a crime.

Table 5.4 How women felt about the decision made by the Procurator Fiscal

Feelings	Number of Women
I was relieved	15
I was angry	10
I was upset	13
I was happy	8
I felt like the perpetrator was let off lightly	15
I thought it was appropriate	16
I felt less safe than before	13
I felt more safe than before	3
I felt more in control than before	3
I felt I had less control than before	13
My mental health suffered	25
My mental health improved	0
It had no impact on me	1
Other	1

“I felt like they could of charged him with more but they decided to only make one charge of sexual abuse. He was stalking me and controlling my life, left me with no income, he isolated me, he left me a shell of a person”

“Even if the case wasn’t going to get to court I think I just needed to be heard more. I felt so dismissed and unimportant in the whole process that it was really difficult to deal with. In these cases the person who has literally tortured you, has just been vindicated (in their mind) and ultimately given more power and confidence to continue to abuse you or their next victim.”

“He got away with assaulting the child, his ex-partner and stalking me.”

For 27 women, the abuse continued after the Procurator Fiscal made their final decision (Table 5.5). Eight of these women said that there was less abuse but for six women, it became worse. For 15 women it felt like the outcome empowered the perpetrator in their abuse who; manipulated the decision to tell women that the system could not help them.

Table 5.5 Women’s experiences after the decision was made by The Procurator Fiscal

Outcome After the Decision	Number of Women
The abuse/stalking continued	15
The abuse/stalking stopped	10
The abuse/stalking got worse	6
The abuse/stalking didn’t stop but it was less	8
The perpetrator used the decision to show me the criminal justice system couldn’t help me	15
The perpetrator used the decision to show me the criminal justice system didn’t care about me	11
I used the decision to show the perpetrator the criminal justice system would help me	5
I used the decision to show the perpetrator that the criminal justice system cared about me	3
The perpetrator was given a diversion from prosecution	3
I was given a diversion from prosecution	0
No further action was taken against the perpetrator	5
No further action was taken against me	1
Other	3

The abuse continued even for those whose perpetrators had restrictions imposed on them, as described in the following quotes.

“He started again a few weeks later, just flying under a radar this time.”

“Even though he follows his bail conditions he finds ways around it for instance he isn’t allowed to come anywhere near my stepdad but sent a friend down to threaten him instead but because it can’t be proved that he was the one to send him down there was nothing the police could do, also his family constantly watch and video me and my family and say things to us, they are horrible people and try their best to find ways to bend the rules so there is nothing we can do and we feel powerless.”

Although women acknowledged some good practice and experiences when dealing with the Procurator Fiscal, proportionately these positives represented the minority within the sample. From these findings, there is a lack of communication and support for women at this stage in the criminal justice system. Regardless of outcome, the majority of women experienced continued fears for their safety, a lack of control within the process and it all had a significant impact upon their mental health. For those women whose cases did go to court, they were left feeling disempowered and vulnerable when they went to trial.

WOMEN’S EXPERIENCES WITH THE CRIMINAL COURTS

Thirty-nine women said their case was referred to court. Their experience of the time between the case being referred and the first trial date were similar in many respects to that of involvement with the Procurator Fiscal. Most did not feel in control of what was happening (n=28), half of those who responded did not feel they were kept informed (n=18) and a quarter (n=9) felt they were kept informed only ‘sometimes’ (Table 5.6).

Table 5.6 Women's feelings during the time after involvement with The Procurator Fiscal and before the court date

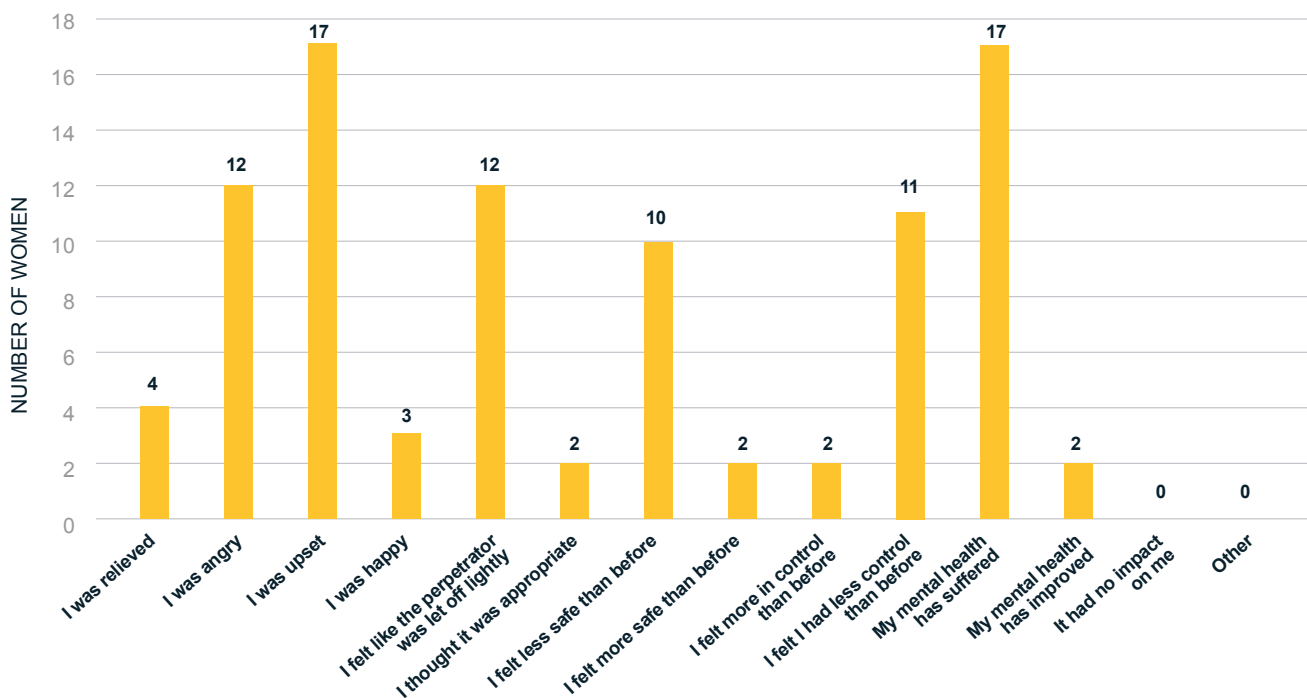
	Yes	No	Sometimes	Don't Know
Felt Safe	23	6	8	0
Felt in Control	1	28	7	1
Felt Informed	9	18	9	1
Felt Welcome to Ask Questions	9	13	13	1

However, the majority of women felt safe during this time (n=23). The reasons why were not disclosed, however, it is likely that this is a period of time when perpetrators may fear stricter enforcement of bail conditions or other restrictions or with a trial approaching perpetrators may be purposely disengaging from abusive behaviour for fear of incurring a negative outcome at court.

THE PLEA HEARING

At the time of data collection, 29 cases had gone to a plea hearing. In the majority of cases, the perpetrator pled not guilty (n=20) and nine pled guilty. Seventeen of the women involved said they were upset after the plea hearing and that their mental suffered (Figure 5.18). Two, however, felt their mental health improved at this time.

Figure 5.18 Women's feelings after the plea hearing



Due to the small number of women responding to this section of the survey, it was not possible to determine whether there was a relationship between how the perpetrator pled and how the women felt. However, as expected, none of the women whose perpetrator pled 'not guilty' felt relieved, safer or more in control. Instead, the most common feelings expressed in the survey by these women were anger (n=11), upset (n=15), feeling like they had less control than before (n=10) and that their mental health had suffered (n=15). One woman expressed her feelings in the following way;

"I had wanted him to plead guilty. He knew what he had done but was a coward by pleading not guilty and making me stand there and relive everything."

Some of those victimised by perpetrators who pled 'guilty' also experienced these feelings but some also expressed positive emotions such as relief, happiness, feeling safer and more in control and that their mental health had improved.

DELAYS TO TRIAL

After pleading 'not guilty' only five of the 20 cases went ahead on the date on which they were originally scheduled. Half (n=10) experienced two to four delays to their case but one was postponed 6 times and another 8 times.

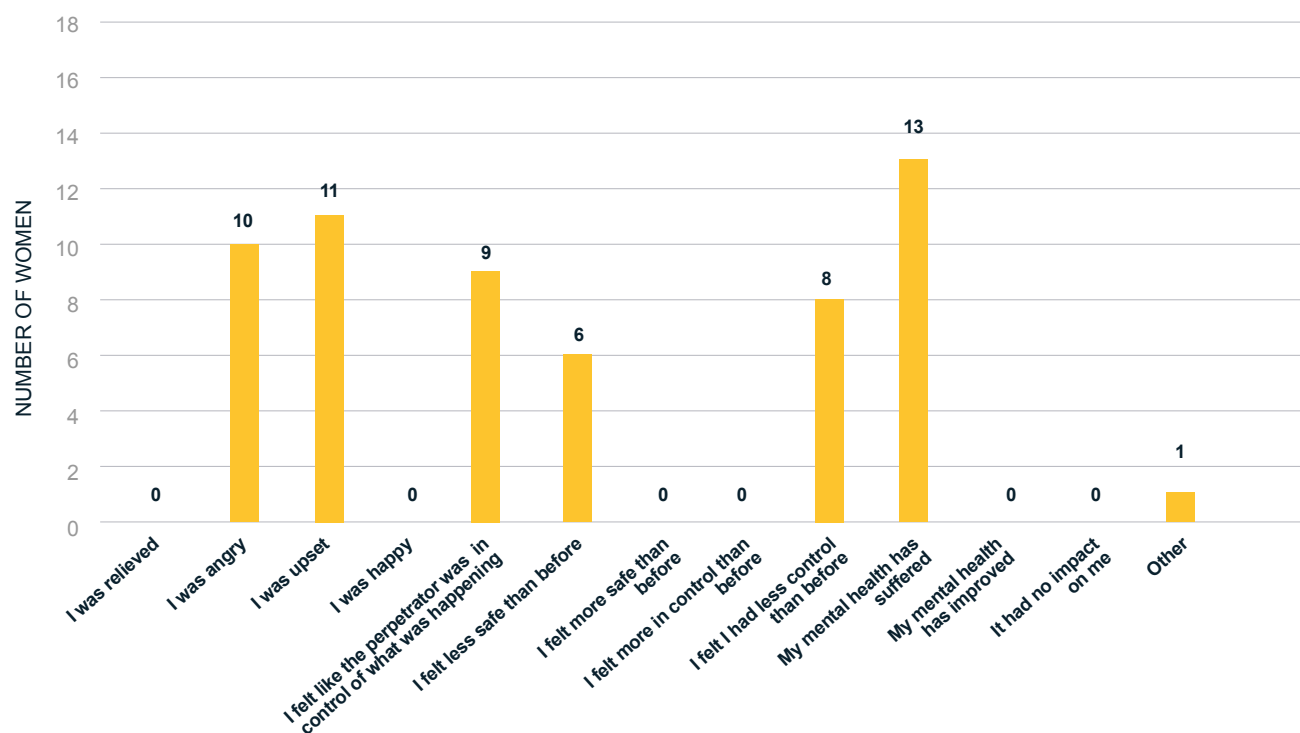
A variety of factors caused the delays as follows;

- The perpetrator didn't turn up (n=1)
- The perpetrator changed legal representation at the last minute (n=1)
- Witnesses didn't turn up (n=1)
- There was a lack of court space (n=1)
- COVID restrictions (n=4)
- Awaiting further evidence/reports (n=3)

Two women stated that they did not know what caused the delays and two indicated 'Other'. For this cohort of women, it appeared that none of the delays were caused by them and all of the delays were outwith their control. The responses suggest, however, that on a number of occasions delays were a direct consequence of the perpetrators' actions. Regardless of whether the delays by the perpetrator were deliberate or malicious, it is important to note that many women who have experienced a course of conduct crime will experience delays as distressing or as prolonging a traumatic experience. Many may understand it to be a continuation of the behaviour they have reported and experience the delays as another act of abuse.

Figure 5.19 provides further insight in to the stress and trauma women experienced because of the delays to their court dates.

Figure 5.19 How women felt about the delays to their court dates



Women expressed the delays left them feeling like the perpetrator was in control (n=9), they were less safe (n=6), in less control (n=8), and that their mental health suffered (n=13). One woman added;

“I was so confused, let down, devastated. I just wanted to try and get on with my life. The whole fear and build up to court (a whole trauma I was alone going through) and it was adjourned twice. It was like being hit on the head with a hammer. I just broke down in tears (and I’m not the emotional type). I felt that the system must be broken to drag young people through this process 3 times - I felt like I was the one being punished by this process, rather than the perpetrator.”

It is clear that, overall, these women experienced the delays to the trial as actively disempowering.

SPECIAL MEASURES

Fourteen of the women said they applied for special measures and four did not (one woman did not answer this question). Those who did not apply for special measures were asked what prevented them from doing so. These were the reasons they gave;

“I had the impression that asking for video links and screens would be a hassle, or deemed unnecessary.”

“Was not offered this.”

Those who went through the application procedure for special measures were asked how they felt about the process (Table 5.7).

Table 5.7 How women felt about the process of applying for special measures

Feelings	Number of women
More vulnerable	6
Less Vulnerable	1
In control	4
Out of control	4
I worried about my information being seen by the perpetrator	3
I was worried about letting the perpetrator know how they had made me feel	7
I welcomed the opportunity to apply for special measures	3
I felt I would give better evidence with special measures	7
I felt the process was explained well to me	4
I felt like the process was not explained well to me	2
I didn't feel welcome to ask any questions	1
I did feel welcome to ask questions	3
I felt pushed in to applying for special measures	0
I felt pushed in to giving evidence without special measures	1
I didn't know I could apply for special measures until it was too late	1
I don't know	0
Other	0

Of those who responded, three women gave their evidence through a TV link, nine women had screens around the witness box, and one gave evidence in private. Table 5.8 shows a variety of feelings that women expressed about using special measures. Most were positive, however, not all as expressed by one participant who provided some *additional detail*.

“Having a screen made me feel like I had done something wrong when I hadn’t. I wanted/needed to show him I wasn’t scared of him by hiding behind a screen. I wanted him to hear everything & observe the distress he caused.”

Table 5.8 Womens' feelings about using special measures whilst they gave their evidence

How they felt	Number of women
It made me feel more vulnerable	0
It made me feel less vulnerable	0
It made me feel in control	0
It made me feel out of control	1
I couldn't have given my evidence without special measures	3
I felt I gave better evidence because of the special measures	3
I don't think the special measures made any difference	2
I felt more anxious knowing I had special measures	1
I felt less anxious knowing I had special measures	2
I don't know	1
Other	0

These findings suggest that whilst special measures provide a positive support for many women they are not helpful for all women and in fact, their use can be disempowering for some.

AT COURT

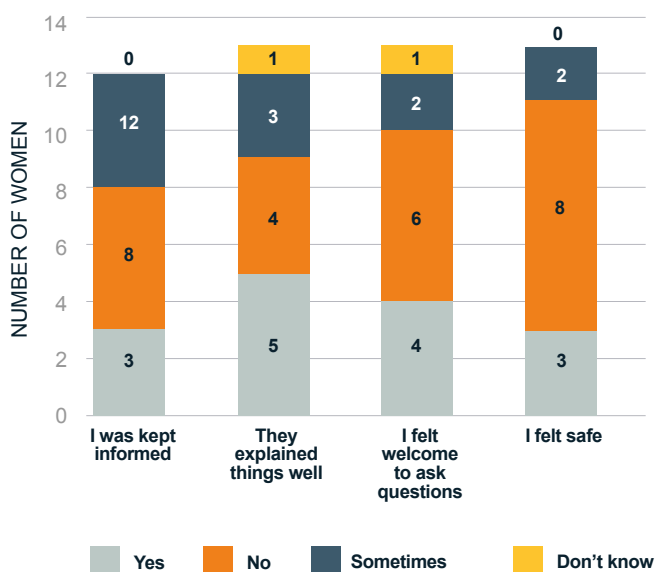
At the time of responding to the survey, 14 of the women had appeared in court. Although five expressed that they were glad it had reached court, nine said they did not want to go to court. Table 5.9 summarises the responses participants gave for not wanting to go to court. Only two women said the trial had taken place in a domestic abuse specialist court, eight had appeared in a standard court and four took place in a local authority area where specialist courts existed, however, they were not sure if that was where their case was heard.

Table 5.9 Why women did not want to go to court

Reasons for not wanting to go to court	Number of women
When the report was made to the police, I just wanted help in that moment, nothing more	2
It was a witness who reported the incident, I did not want any criminal justice involvement	0
I was frightened what the perpetrator would do to me	5
I was frightened what the perpetrator would do to someone important to me	4
I was worried about the impact on the children	5
The whole process had taken too long	5
The way I had been treated by other agencies in the criminal justice system had put me off	4
I felt like it was a waste of time - whatever the outcome at court, I knew the perpetrator would continue the abuse	5
I don't know	0
Other	2

Five of 14 trials happened after lockdown (with specialist COVID measures in place), however, all took place in a court building. Figure 5.20 shows how women felt about their treatment at court.

Figure 5.20 How women felt about being kept informed, the explanations they were given about court processes, whether they felt welcome to ask questions and if they felt safe during the trial



Participants recounted a range of experiences whilst they were at court, all of which highlighted how disempowering this period was for them. Some reflected poor communication.

“I was [...] placed in a witness room with my daughter and given no information until the court clerk arrived nearly 3 hours later.”

“This was the worst experience ever! No one met me at the start, wasn’t introduced to anyone in the court. No one came to see me when I had finished giving my evidence even though it was about to be lunchtime and there was a high chance of me coming into contact with the perpetrator.”

Others compared their treatment by the court in contrast to the way in which the perpetrator was treated.

“His 2nd plea he pled guilty so it went straight to sentencing. I still went to court. I was shocked by how many lies he was allowed to put to the judge but my voice was never heard properly. I’d given an impact statement but it wasn’t the same as me saying it on the day.”

“I felt I was on trial, not him. He didn’t have to give his side of the story. He just sat there. I had to defend myself against his solicitor. Surely he should have undergone questioning?”

Another felt that there was a lack of understanding of the dynamics of abuse which ultimately benefitted the perpetrator and disempowered her and her children.

“The Sheriff in effect gave the perpetrator a licence to continue the abuse to my children, the process was damaging and she really did not understand the dynamics involved in living with an abuser. The PF was really poor and did not represent the case to the best effect.”

Eight of the perpetrators were found ‘guilty’, one ‘not guilty’ and three cases were ‘not proven’. It was not possible to establish the specific crimes of which they were found guilty. As expected women expressed a number of feelings about the verdict of their case. None felt safer or that their mental health improved. Eight said that their mental health suffered. Those who left additional comments alluded to how confusing the process and verdict had been and the consequent impact on their mental health.

“I felt too confused by it all to really decide whether I was pleased or not. I was too busy trying to decide if the last 5-6 years of my life has been a lie and I was really a victim or not.”

“He [abused me] for three years. But it was over turned 3 months later and he was let out on condition. I spent those 3 years in therapy in my own prison in my head.”

Despite the fact that the majority of perpetrators were found guilty, only four women said the abuse stopped. Another four said the abuse continued and for one woman, it became worse (Table 5.10).

Table 5.10 What happened after the verdict

	Number of Women
The abuse/stalking continued	2
The abuse/stalking stopped	4
The abuse/stalking got worse	1
The abuse/stalking didn’t stop but it was less	1

Two women received a non-harassment order but gave no further information about its impact.

WOMEN'S EXPERIENCES WITH SENTENCING, PUNISHMENT AND PRISON

At the time of responding, six perpetrators had received their sentence (See Table 5.11).

Table 5.11 Sentences the perpetrators received

A prison sentence	4
A suspended sentence	2
A fine	3
A community sentence	5
Other	2

Those who selected 'other' gave the following detail;

“Community pay back. Sex offenders list. Some training programme.”

“Nothing that I’m aware of. The bail conditions were continued for a few months, and he was warned he couldn’t commit any criminal offences in that time. After the few months were up, that was that.”

As with previous parts of the justice system, women indicated a lack of communication at this stage in the process;

“The perpetrator last minute changed to a plea of guilty to receive a shorter sentence which ended up being 10 months. I was not told this until a court clerk came to the witness room and told me to go home. I asked if something had gone wrong and she said no he pleaded guilty you can go. My daughter and I had a bag packed and a new refuge ready to go. We didn’t know how to breathe and we had no support in the moment. The full breakdown of official charges has not been released to me. I have never been told what happened in court.”

Some expressed frustration at the severity (or lack thereof) of the sentence, however, others were left feeling safer, relieved, and like they had more control (Table 5.12).

Table 5.12 Women’s feeling about the sentences imposed

I was relieved	4
I was angry	3
I thought it was appropriate	1
I was upset	4
I was happy	2
I felt like the perpetrator was let off lightly	5
I felt less safe than before	3
I felt more safe than before	1
I felt more in control than before	3
I felt I had less control than before	1
My mental health suffered	4
My mental health improved	2
It had no impact on me	0
Other	0

The majority of the comments added by participants expressed disappointment;

“Mixed emotions. Thought the community & Caledonian Project was a cop out. He is mid 50s and a long history of abusive behaviour. Don’t think he can or will want to change.”

“I felt it wasn’t long enough for what he did to two people.”

“Confused. A little relieved it was over. Wondering if it should have been a heavier sentence due to the amount of people involved.”

“He got off lightly as his lawyer lied and said we were friends (no one asked me) and lied saying he had a good relationship with his child’s mum when in fact she had a restraining order on him but nobody checked this information.”

One woman, however, described how the sentence empowered her to feel safe.

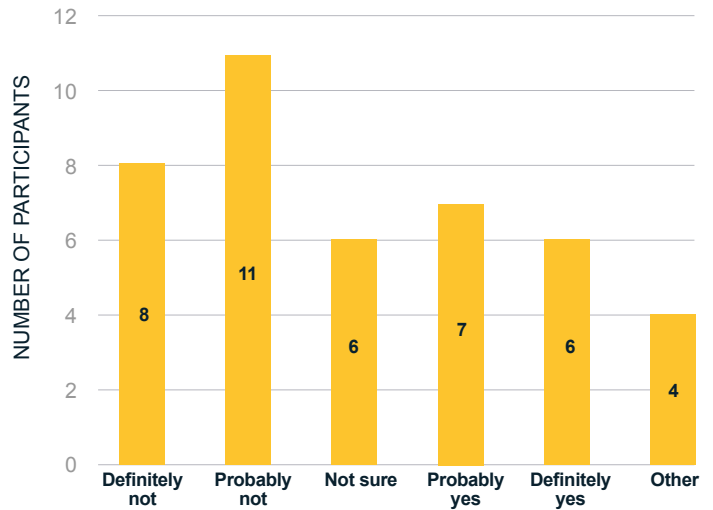
“I felt a massive range of emotions. Mostly relief that the whole thing was finally over, as it had taken years to go through the court system. Also like I finally had some protection from the stalker. He was not allowed to come on my street, or approach me or my daughter, so I finally felt like I had the ability to keep us safe.”

Although sentencing signals the end of a women’s contact with the criminal justice system, it does not necessarily mark the end of the need for support for some. Nor does it mean the abuse is over.

WOMEN’S REFLECTIONS ON THEIR EXPERIENCES WITH THE SCOTTISH CRIMINAL JUSTICE SYSTEM AS A WHOLE

When asked whether they would have chosen to become involved with the Scottish Criminal Justice System had they known what it was going to be like, there was a mixed response (Figure 5.21). Most often, respondents indicate ‘probably not’ (n=11) or ‘definitely not’ (n=8). However, a number of women indicated ‘probably yes’ (n=7) or definitely ‘yes’ (n=6).

Figure 5.21 Reflecting on your general experience of The Scottish Criminal Justice System to date, if you had known what it would be like, would you have chosen to become involved with the process?



The responses to the question ‘overall, how do you feel about the involvement of the Scottish Criminal Justice System’ were similarly mixed (Figure 5.22). Sixty-seven women responded to this question, some choosing more than one option. As would be expected, those who indicated they regretted it (n=15) also said they ‘wouldn’t do it again’ (n=15).

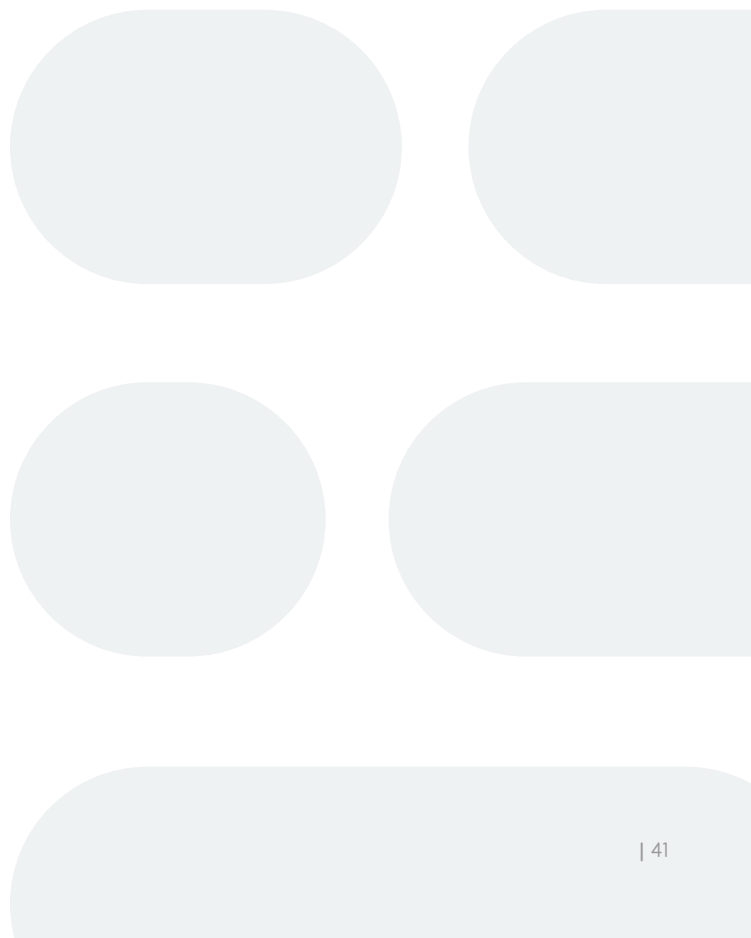
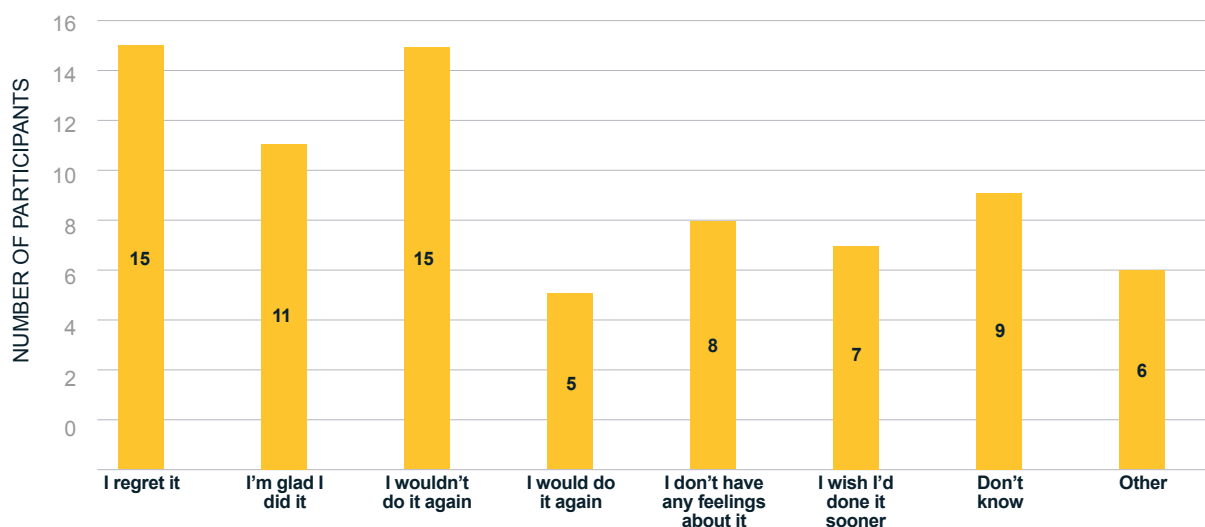


Figure 5.22 Overall, how do you feel about the involvement of The Scottish Criminal Justice System?



Conversely some of those who said they were 'glad they did it' (n=11) indicated also 'I would do it again' (n=5) and/or 'I wish I'd done it sooner' (n=7). In addition, participants added a significant amount of additional detail in response to this question. Some of this detail was inherently positive.

"It was helpful in letting perpetrator understand that we were serious and his behaviour would not be tolerated."

"It was helpful because we got a marker on the address and felt more confident that we would be protected."

"I felt incredibly reassured and supported"

However, a more significant number of responses suggested it was a negative experience. Some of which described the system as being too lenient, especially with respect to the women's ordeals.

"Felt like it was a waste of time as he got off with most charges."

"I feel perpetrator sentence was far too lenient and therefore he continued to pursue me by other means."

"The system is a joke. He was let away with a fine for my troubles. Still able to work and if he wanted come after me. I felt and still feel unsafe."

"I feel let down he wasn't charged with more and got out to live a normal life while I struggled to rebuild mine."

Such responses highlight that regardless of how justice is defined (see SCCJR 2019; Lombard and Proctor, 2022) the type of sentence handed down to the perpetrator has significant implications for women's sense of worth and mental health. Some described how the criminal justice process had made their situation worse and had a significant impact on their health.

"It made the whole thing a million times worse. It stretched the issue out over years, exhausting my mental and physical health and escalating the abuse against me whilst giving my partner justification for his behaviours."

For many, however, were a mix of good and bad as they had variable experiences throughout.

"I am glad I have done it as the stalking and abuse has dramatically calmed down but I do think more needs to be done at times. There was soooo (sic)



many times I cried out for help and was told there was no evidence so they couldn't do anything and I was left to deal with it alone. Now he has been charged and the proof is there it has been dealt with a lot better and I do feel safer, but I cannot explain how much I needed all of that before for the years I went through it with no one."

"The process of giving my statements to the police was hard but I felt listened to, respected and cared for throughout their dealings with me. The court process has been absolutely horrendous from start to finish. Truly awful. The lack of communication has been very damaging during an extremely distressing time in my life where I did nothing wrong but was treated with such disdain and like I and my children's experience of horrendous abuse didn't really matter, that the lawyers were playing a game. The stopping and starting of the part-heard case went on for two years!! Leaving me in limbo has been so damaging to me and my family. The police made me feel like they were trying to help and protect me. The court process left me feeling exposed, vulnerable, invisible and like I was just a number in their case files."

From these responses, it is clear that there is no 'one-size fits all' solution to the challenges that the Scottish Criminal Justice System poses for women who are navigating the processes after (and during) domestic abuse and/or stalking. This suggests that empowering women to express their agency and autonomy as they progress through the system to ensure they feel in control and able to decide what is best for themselves, is of paramount importance. The answers women gave to the next survey question 'If you could change one thing about the criminal justice system what would make the biggest difference to you?' reflected the need to be treated as individuals. Many services needed to be better at communication, listening, and giving information.

"Better listening and a dedication to reaching an outcome that felt."

"I honestly think it should be mandatory for every single person involved in the criminal justice system to have had customer service experience. The extent of poor communication and interpersonal capacity primarily among police officers I have encountered appals me. I would assert that this is the root cause of all negative escalation within the justice system, and that we would all feel safer if we felt like part of the justice system and not subservient to it."


"Be listened to the first time. Adverts always say... speak out... I spoke out and was not listened to. I'd be scared to speak out again."

"It would have been helpful if I had been provided with more information on what would have happened if I had chosen to go forward with the report."

"Communication - let the survivor know what's happening and as far as possible, why things happen the way they do. We are dealing in the unknown world of courts and these are alien to most of us, so they are scary places. Add that to the trauma we have endured and it seems cruel to keep us in the dark about such significant events in our life and for our healing."

Some highlighted the need for trauma-informed training, including the consequences for women if a trauma-informed approach is not taken.

"I think that people within the system need to be better trained and made to understand the state of the person that they are dealing with. The nature of abuse means that an abuse victim is a terrible witness. They will have memory problems, they are likely to shut down when questioned"



about something (even if it is not meant to be aggressive), they will minimise everything and they will normalise horrific events (so not disclose them). They will often (especially in the case of coercive control) not have had any clear cut moments of saying no (e.g. to sex) or will have agreed to things that they didn't want to happen - because that's how it works. In the end, you are willing to do and say anything, to be left alone or not deprived of more sleep, help, food etc. Those taking statements and creating the cases need to work with the victims with this in mind. So many crimes are being dismissed, passed over, because the victims (survivors) are not given a real chance to get their story across. The people who come forward have just made the bravest step in their lives and it will take so little to knock them down or even send them back to their abuser. It needs to be handled so much better. They will also be punished for this step and are acutely aware (and dreading it) of it. People need to take this into account to.

Others called for proactive action against the perpetrator to send a message as well as give women the opportunity to reflect on their situation in relatively safe circumstances.

“After more than twice of breaching bail or a non-harassment order should be an immediate prison sentence.”

“Anyone charged with dv to be remanded. When they are on bail they all worm their way back into victims' lives leading to uncooperation and dropped charges. Victims need the right intervention after arrest to ensure they don't go back.”

Similar themes appeared when women were asked what they felt the criminal justice system got right during their experience – communication, listening, and proactive action against the perpetrator and towards making women feel safer.

“I felt like my concerns really mattered and it was a relief to be reassured that I had done the right thing in reporting the incidents.”

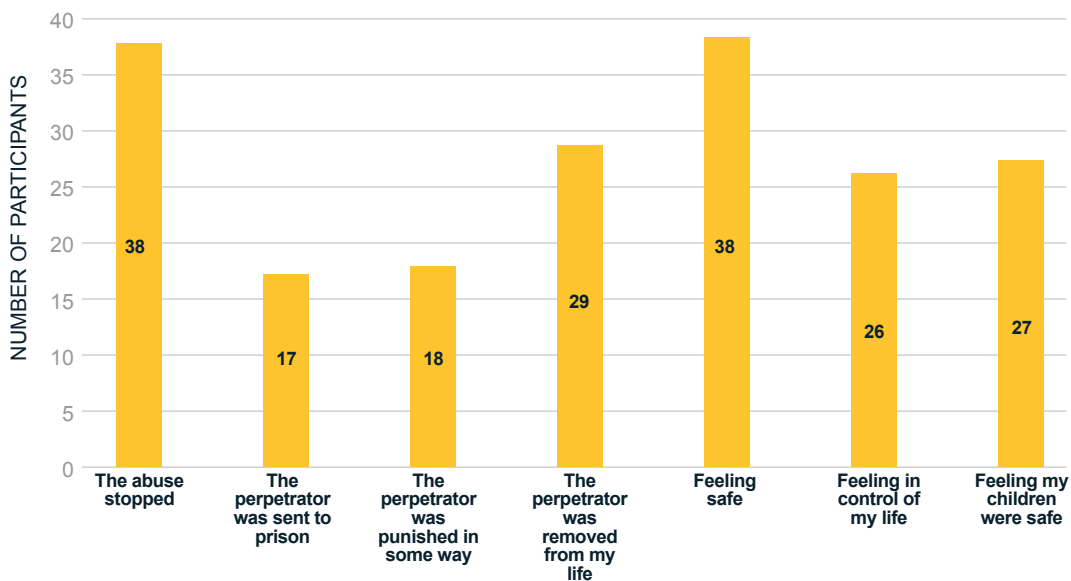
“The fact the officer's listened to me, spent time with me and chose the best course of action, while making sure that was okay with me and what I wanted.”

“The initial police officers believed me and didn't question anything I said (make it seem like they doubted it). Nothing was minimised and nothing was dismissed. It was the most empowering thing that they could have done.”

“The Sheriff seemed balanced and fair. The role the victim supporters played on each of the days in court was amazing and very much needed. The police were phenomenally supportive and I felt like they listened and believed me from the start.”

From these responses, it is clear that women have variable experiences at different times in their journey through the criminal justice system. Negative experiences are not the preserve of one agency alone, nor are positive experiences; rather they lie with individuals within the agencies. Of those who responded, the largest proportion said that the best outcome from going through the criminal justice system would be feeling safe and for the abuse to stop (n=38 for both) (Figure 5.23).

Figure 5.23 What, for you, would have been the best outcome of going through The Criminal Justice System?



Only 17 and 18 women respectively said the best outcome would have been that ‘the perpetrator was sent to prison’ or ‘the perpetrator was punished in some way’. All other options were chosen more frequently including ‘feeling in control of my life’ (n=26).

WOMEN'S NARRATIVES OF THE CRIMINAL JUSTICE SYSTEM

This section discusses the key themes identified in the women's interviews, 'Communication and Listening', 'Waiting / Temporal Injustice', and 'Justice Work', in the context of the components of empowerment defined by Russell and Light (2006) (see Table 6.1). As alluded to in Section 5, no one agency was singled out as always facilitating positive or negative experiences. The quotes in the following section were selected to reflect positive and negative experiences in the different agencies. The themes that the quotes illustrate, such as empathy and validation, were common to all agencies and should be interpreted as such.

Table 6.1 The Components of Empowerment as defined by Russell and Light (2006)

Relationship between victim and service provider	Structures and procedures
<ul style="list-style-type: none"> • Respectful treatment of victims • Validating victim experiences • Showing empathy and compassion for victims • Regarding victim reports as credible • Understanding victim reluctance • Appreciating needs of diverse victims 	<ul style="list-style-type: none"> • Thorough, comprehensive, and appropriate interviewing and investigation • Continuity of contact • Providing support through accompaniment • Providing practical help such as transportation or childcare • Securing victim safety • Effective coordination among criminal justice personnel • Prompt response to calls • Speedy processing of cases • Providing correct and continuous information • Involving victims throughout • Coordination with other systems • Attending to needs of children (if any)

By using the Free Associative Narrative Inquiry Method (FANIM) for the interviews, participants had control to construct their narrative and also the opportunity to focus on the elements that they felt were of importance. Although the following is our interpretation of their words, the content of the narratives was not shaped or directed by a questionnaire schedule. Therefore, the issues discussed were those chosen by each individual participant in reference to their own experiences with the Scottish Criminal Justice System.

Feedback from the participants showed that engaging with the research process had been valuable. Women found that having the opportunity to recount their experiences was beneficial and some described the process as therapeutic. However, it was also made clear in their feedback that their main motivation for taking part in the research was to help other women in similar positions so they can be empowered on their journey's through the criminal justice system.

COMMUNICATION AND LISTENING

Good communication and being listened to was a theme running through all the interviews and appeared to be significant indicator as to how women felt about their experiences. As predicted by Russell and Light (2006) when the components of empowerment were apparent in interactions with the criminal justice system and its actors, women felt empowered. Conversely, the absence of the components led to women feeling let down, out of control and disempowered.

EMPATHY AND COMPASSION, VALIDATION AND RESPECT

Women felt respected when individuals took the time to explain what was happening with their case;

“just the respect of being told what’s been going on, that’s what made me feel listened to, what made me feel heard.”



“The Procurator Fiscal had called to say that it was, she was passing it up to the Sheriff so that was all great because I knew then they were taking it seriously and they weren’t just ignoring this.”

Even when they knew there were limits to how they could be helped by the criminal justice system, having the boundaries and their reasons explained made women feel supported and reassured.

“I do remember that phone call to the police and, they were just being very sympathetic and understanding whilst explaining there was nothing they could really do [...] They made me feel like they would have my back within their parameters, you know, as best as they could and that I should phone at any time for help.”

“They explained very clearly what they could and couldn’t do, what the limitations were but also the sorts of things that we could do if what we were doing didn’t work.”

“The procurator fiscal’s office were great and any time I needed to talk to them or ask them a question they were very receptive to that. Couldn’t always give me the thing I needed, that I would like to have known but they were very receptive.”

When this type of communication happened in combination with empathy and compassion and validation the difference it made to women was significant;

“They took my statement and, as I said, that took about three hours because it was quite a long list of things and they were, like, open mouthed and they were brilliant, they were fantastic. I cannot tell you, I can’t praise them enough, they reassured me about the whole process, they took me through what was going to happen, you know, what my options were because I had initially reported him but the reason he had been arrested was because of someone else [...] they were very empathetic and caring and kind and very much mindful of the effect it had on me


and what I wanted to happen and what I needed to feel safe and secure.”

A lack of compassion, empathy and validation during communications, however, left women distressed and unsafe;

“Every time he appeared in court, obviously with the Covid situation, there was no one else in court, there was no members of the public, that you normally would have in a Sheriff’s court, though when he appeared in court I could see by the court role that he was going to appear at ten-ish in the morning, ten o’clock, half past ten, I’d be sitting at my work throughout that day, watching the clock, trying to keep busy, trying to keep my mind preoccupied and not trying to dwell on it, which is impossible and you’re aware that, right eleven o’clock, half past, I wonder if his case has been heard, he’d be either sentenced if he pled guilty or he would be out of court, he could be anywhere, you weren’t told what happened, you didn’t get told till I phoned. His solicitor might have made an appeal, anything could happen that day and you don’t know, and that is horrendous as well. That’s an ordeal.”

Women felt empowered when the police officers took time to explain what their role was as a police officer. In doing so the police established boundaries creating clear expectations of both them and the process. This meant that the women had realistic expectations of what would and could happen next. Although, the criminal justice process is inherently difficult, women’s feelings of empowerment or disempowerment was significantly influenced by individual actors suggesting that consistency in communication with compassion, empathy and validation would ensure women felt supported and empowered.

Women recognised that the individuals responding to them were busy and so placed emphasis on how valued they felt when time was spent listening to their concerns.



“I felt like she was interested and I felt it wasn’t like it was a chore to have to sit and listen to this, d’you know what I mean, coz it’s like they’re obviously really busy and um it wasn’t like she came in and was like ‘just tell me your story’ and get out.”

Being told that they were believed was of particular importance in feeling supported.

“They were really, really friendly and really, really kind and kept, like, reassuring me that people believed me. They were very, very kind and they listened and they’re not judgmental and they were exactly what you would want them to be.”

“... I thought he was really supportive, I felt that he listened, (...), you’re the victim, not your ex-partner, you’re the victim here, you know, he was very clear about that.”

The impact for women when they felt they weren’t believed left them feeling that the perpetrator had been empowered by the system, that they were wasting people’s time and as if they had nowhere else to turn.

“When the police say things like, when I’m sitting in the house when the door is locked and he’s trying to get in I don’t see any kick marks on the door so we’ll move him on it’s, it really does more power, more power and that’s all I can say, more power to him each time and you’ve nowhere to turn.”

“They come in the house and then their radio went, and they ran right back out says they’ll be back, and something must have happened because they came back and they said that was a real problem they had to deal with first. And it’s like I’m in total disbelief at what’s happening (long pause).”

“It felt like I was a drama queen, and I was exaggerating, and I was taking up his important time.”

“I just felt like I’d been dismissed, that I was some

silly lassie who was complaining because there had been a break up in the relationship [...] when they left I literally I burst into tears and what the fuck do I do? [...] they’re not believing me and then the phone calls kept coming and various other things and all I could think was he’s still got the power and control, even though I’m not in the relationship with him anymore.”

It could be argued that good communication is resource intensive and takes up a significant amount of time and effort from under-resourced public services. The benefits to the women, however, were considerable – greater than the sum of their parts.

Therefore, it is likely that investing this time would save time and other resources at other points in the process. A system that empowers its service users and keeps them informed as a matter of process is likely to receive fewer phone calls, gain more cooperation from victim/survivors, and spend less time dealing with complaints and concerns.

Women also felt empowered when they were encouraged to contact the services again if they felt unsafe.

“The fact that they said (...), call us back at any time if you’re ever feeling threatened at all, doesn’t matter what’s actually happening, just call us, you know. So, you know, definitely a kind of openness, a feeling that you won’t be wasting our time if you just phone us up and just say you’re scared.”

As before, if the women were unable to get a ‘speedy response’ to their call they felt reassured and understanding of the situation when time was taken to explain why services weren’t able to react immediately.

“I got a call from the Police Station saying ‘we’re going to send officers around to your house to take a statement and they said, he, the guy was really apologetic and said ‘I’m really sorry but we can’t actually send anyone out until Tuesday’, and I think this was the Saturday and he said ‘are you quite comfortable with waiting until Tuesday or do you feel

that we need to come as like an emergency?’ And I said ‘no, Tuesday’s fine because generally what happens is, you know, I get a couple of days of this stuff and then it will stop. So, let’s go for Tuesday and if anything happens I’ll phone you.’

A failure of communication compounded the lack of control that the women felt and had the power to restrict their feelings of liberty and agency.

“Why could someone not just pick up the phone after it’s heard and just say this is what’s happened, we’re going to put your mind at ease, we’re going to tell you what’s happened so you can go about your business now, you can go about, you can walk out the front door if you want, or your home, and know that this special condition bail is still there, he still isn’t allowed to come near you. You don’t know that. So that’s an area that needs to improve and the fact that you’re not informed [...] His family would know, anybody he wanted to know would know and yet the victim didn’t know.”

These examples illustrate the importance of good communication. The women felt empowered by knowing what was happening to their case (and the perpetrator) and felt more in control of their own lives whilst they were going through this process. Consequently, communication from relevant professionals keeping victim/survivors informed of what is happening (even if that is to let them know there has been no progress and why) had significant impacts on women’s feelings of empowerment and control. This highlights that even where systemic barriers and challenges are faced relatively simple and small actions will make a considerable difference to women’s empowerment and gave them some degree of control. This was especially pertinent as women were coming from situations where control had been taken from them.

RESPECTFUL TREATMENT: APPRECIATING DIVERSE NEEDS AND UNDERSTANDING VICTIM RELUCTANCE

Where women were communicating with two criminal justice actors in the same interaction the behaviour, verbal and non-verbal communications, were of equal importance in empowering women.

“The female took the lead, the other just sat back a bit and that made me more comfortable given the circumstances; that was, they purposely done that, it really kinda helped me at that time.”


“You could tell by facial expressions really how someone is reacting so I could tell from their body language that they were listening, [...] it was body language and just the feeling that they were listening to me and they believed me which was really nice and they cared.”

The behaviour of one actor had the power to undermine the impact that the other was having which left some women feeling vulnerable or that they weren’t believed.

“When I was sitting there, the woman was believing me, but I wisnae really sure the guy was believing me.”

“They knew that my head would be all messed up, they were really gentle, they explained every detail of what was going to be happening, they were just really kind and it was two women as well, they didn’t bring a guy. At the police station they would put men in with me and I didn’t understand, like, why, like, they do that. I know that they are not like my husband but it doesn’t help because, like, their voices are like the same pitch, the same, like, loud and it just doesn’t make me feel good.”





Some women felt the gender of the responding officers contributed to their respective feelings of empowerment or disempowerment. Although there was an understanding that it wasn't always possible to speak to an individual of their preferred gender their discomfort was compounded when they were asked who they would prefer but then this was not organised.

“So eventually they got in touch so they said, do you want to see women or men and I did say I wanted women to come... So they turned up and, instead of it being two women, it was like a DS and a DI, a guy. This guy, like, came in and sat down and he decided he was doing the interview so it went from this thing where I was supposed to be talking to two women but then this guy was talking to me and he was quite big and quite aggressive.”

Without empathy, compassion, good communication and listening in every interaction any efforts to treat victims with respect, understanding their reluctance to engage, and recognise the diversity in needs can be undermined or lost leaving women disempowered by the system.

INVOLVING VICTIMS THROUGHOUT

Good communication and listening appeared to lead inherently to victim/survivors feeling involved in their cases, heard, and supported.

“They were asking their questions and they were making sure that I was OK.”

“The fact that they stayed, made sure that they had a complete understanding of what it was and made sure that what happened was what I wanted to happen, it wasn't just what they wanted to happen or what they thought, that meant a lot to me and the fact they then phoned their sergeant just to double check that was a good, that was the right sort of attitude to take, that meant a lot to me and second time, I mean, it was the same sort of situation, this body language, the fact that they were listening.”

It was crucial to victim-survivors that they were involved. This was much easier to achieve when interactions were face to face but made all the difference when it continued throughout the case with frequent and informed communications.

SECURING VICTIM SAFETY

Unsurprisingly, communicating and demonstrating that efforts were being made to secure the women's safety made a significant contribution to women's feelings of empowerment and value within the system.

“When they took my statement they were like ‘that is contact’. They were like, um you know, ‘we asked him not to contact you and he has contacted you. So not only is he sort of, you know, doing something that he's not supposed to towards you,’ the police officer said ‘but, off the record, he's took the piss out of us as well, coz we told him not to do it and he's done it. So, no, that's it, game over. You know, he's been warned’.”

“I had to go back to the police station and she and a colleague accompanied me to my home to get my belongings. He was here at the time when we arrived, I was in an absolute utter state about all this, it's been very, very, very traumatic and she was very calm and I felt safe with her.”

Women felt dismissed when their safety did not appear to be of importance to those with whom they were interacting.

“I thought if I had the 99-year non-harassment order now, and I was showing them, that they would understand that this guy is a maniac um and they would maybe take it seriously. But no, they didn't. So, I got sent away.”

Several of the women felt a sense of incredulity when they had an NHO in place but this had little impact upon police action.

UNDERSTANDING THE DYNAMICS OF COERCIVE CONTROL AND COURSE OF CONDUCT CRIMES

As is recognised in law the dynamics of stalking and domestic abuse are underpinned by non-physical abuse such as emotional or psychological abuse enforced by the perpetrator with the implicit or explicit threat of physical and or sexual/violence. Despite these dynamics being widely understood and recognised in Scotland actors within the SCJS can often minimise or fail to act on coercively controlling behaviours that do not include an act of physical violence.

According to the interviewees some officers did not investigate the dynamics of stalking and domestic abuse as coercively controlling course of conduct crimes. This was particularly the case where there was a lack of physical violence and the study highlighted officers' continuing over-emphasis on physical abuse and / or injuries. During the interviews women told us repeatedly, that the criminal justice system does not understand dynamics of course of conduct crimes and do not see the pattern and often dismiss perpetrator tactics as 'not criminal'.

"They listened to the message and said 'well, there's nothing threatening in this message'."

"But I guess because it was non-threatening the police thought ah well I'd just forget about it'. But um what, what it has taken me a long time to realise is that, a non-harassment order, it doesn't matter if it's a non-threatening message, it's the fact that they've, they're not supposed to contact you at all."

"They said they can't do anything. Singing songs isn't a crime'. I said 'yeah, but this isn't singing songs. Yeah uh this is a deliberate, eerm engagement with me and my child."

"They just very much stuck to the individual incidents that were happening and the individual things they could and couldn't do in those particular circumstances. The never labelled it as stalking to me or to my brother, but it was, you know."

"Like phoning me and screaming at me, like being physically trying to intimidate my mum and the fact that my wee ones come back screaming in his sleep because he's so frightened and I'm telling them all of that and they're going, yeah, but that's just evidence that he's an arsehole, though, that's not a crime – yes, it is. If you look up coercive control and all the rest of it there's almost the definition that he is."

Participants spoke of how the police still focused upon physical altercations. This was even more so in relation to stalking.

"I was like 'look, do you not see that stalking is a course of conduct crime. It's, you have to have, like more than two incidents to be able to establish a crime'. And I was trying to explain this to them, and they were just kinda laughing at me."


"they want the textbook stalky thing, you know, if it's not that then they kinda lose eerm empathy a bit after a while, but it just doesn't sound, doesn't sound um threatening enough, I think."

"And I said '... I have found that an alarming number of stalking cases end in homicide. This man has two firearms. He's violent. What are you doing about that?' And they just shrugged their shoulders. Nothing. So that's an example of being ignored, not listened to, patronised."

Women were left feeling that they would receive help only if they became the victim of a serious physical assault.

"I think the police would only be interested if there's blood spattered all over the walls but that's, the way the police see it is it's just a domestic but it's not just a domestic it's someone controlling your life and not letting you not be in a relationship, you're forced into a relationship with someone that you clearly don't want to be in and the police contribute to that, I think."





“I’ve phoned the police, ...and by the time they’ve turned up he has left the house but they’re saying things like, well, we can see there’s been an incident and we can see there’s a punch mark on the fridge, the dog’s shaking but he’s away now, if he comes back just give us another phone, and it’s like I’m phoning you now, this is why I’m phoning you now and I feel what is it the police want? Do they have to wait till you’re dead before they’ll start investigating it properly.”

These exchanges with the police resulted in women’s experiences, and the impact of the perpetrators actions being minimised. Consequently, women were frequently told that there was nothing the police could do. At times not only did the police not understand the dynamics of the course of conduct crimes they also made the woman feel disempowered for reporting.

“Some things were trivial that I was reporting, but you know, it was still a big deal to me and I was still scared um. But I could see them kinda looking at me as if to say ‘why? Why you coming in with this information?’”

“I called the police again and they um said they would speak to me the next day, they weren’t going to send anyone out because it wasn’t important enough.”

“After he left the policeman came in and told me it’s petty and I’ve not to phone again and I never did phone again.”

On occasion, women experienced not only a minimisation of the abuse they were enduring but were told also that they should placate or accommodate the perpetrator. This is a dynamic that reflects a coercively controlling relationship – women are forced to adapt their behaviours to accommodate their abuser and minimise harmful consequences if they do not. It was made clear to these women that they were expected to curtail their own activities in order to avoid confrontation, thus making her responsible for the perpetrator’s actions.

“And I said ‘does he need to hit me before you will do something?’ and they said ‘yes’. And I was horrified. So, I looked at the law. And I saw that there was a stalking clause introduced in 2010, um section 39. And I said this next time to police look, you know there is stalking clause and if he causes me fear and alarm more than twice, then that is a criminal offence’. And they said, ‘och, he’s just trying to get a rise out of you. Just ignore him.’”

The women expressed further feelings of disempowerment when they attempted to relay their multiple experiences to the police. The problem occurred when the police officers continued to view the examples in isolation – as discrete and trivial rather than as a pattern of threatening behaviour. In doing so the perpetrator’s behaviour was minimised as harmless.

“He was texting me stuff like, oh I know where you’re going to be on this night, I’ll see you there. This police officer purposely misconstrued his texts to make it seem as, he said that he’s just saying, yeah, I’ll see you later.”

“Even with the police, I’m not getting anywhere, I’m just not getting anywhere, and the times like when I phoned the police with the door locked and my sister was videoing and the guy was shouting, your heart sinks, it makes you feel like the police aren’t interested, they’re not listening.”

“..... But they had no concept of that’s basically stalking, that was unwanted attention that had been going on for two days which was over the top, which was, the content was threatening, it was abusive and at one point I think one of the messages he said, he said I’ve got videos of you and I’m going to show everyone.”

One woman reported that they received a similar message after disclosing multiple rapes by her husband. The rapes did not occur within the context of violent physical assault and injury and so her

understanding of 'consent' and her experience was questioned, again implying she was responsible for the perpetrator's actions.

"... As soon as he [Officer from the Sexual Offence Unit] sat down, he said can you explain to me if you understand what consent is? And I was, like, well, yeah, I said about enthusiastic consent and he said, well, I've never heard of that, so I was really taken aback by that and so basically he challenged me and then he said something else and because of what I'd been through I just shut down because, obviously I burst into tears and shut down and he looked at me and he basically said, look, do you not think you just don't like sex, maybe you're just really inexperienced and, what else did he say, maybe you just don't like sex and maybe you're just naïve and he said it was my fault, yeah."

The fact that this officer headed up one of the Sexual Offence Units resulted, as she saw it, in the further invalidation of her experience. His position of authority was used to discredit her account, regardless of his apparent lack of knowledge and understanding about rape in marriage.

TEMPORAL INJUSTICE: THE UNPREDICTABLE PROCESS OF WAITING

The concept of temporal injustice is used to theorise a person's lack of control over their own time (see Gregg, 2018; Fontanari, 2017). The majority of women that we interviewed experienced long periods of waiting for progress with their case. In addition, further delays happened without warning when court dates and other processes were postponed.

"The court got adjourned two or three times and it's the whole build up to that every time it was absolutely devastating"

"He's had three different court dates but it keeps getting pushed [...] it was meant to be at the end of June, and then it was meant to be the end of July,

and now it's at the start of September, but it keeps getting pushed back."

"Just it was the waiting times, like, before it was months before you could even be seen which is for, my words aren't working, for, you know, offences like that you don't maybe want to make people wait, surely they should be taking some sort of priority because you're in some circumstances stopping you from living properly."


Because of this, women felt controlled by the system and as a direct consequence, out of control over their own lives.

"They had control and I just had to sit back and let, do you know, it play out and everybody do what they needed to do, and I just had to sit at home and wait for phone call is essentially what happened."

"They just let it drag on and drag on and for, like, little things, it's just like little technicalities like you turn up and it's, no, on for another three months because just, the only time that I, when my final court case was over that's when I felt like, that's it, I can properly move on now because before that it was always, like, in my head, what's going to happen, is he going to get jail, is he going to get a fine, am I going to have to give evidence, it's just preying on your mind."

"It just kept getting adjourned because they ran out of time which I don't think is a good, obviously in the court system there's too much going on but I don't think it's good because it's a good excuse because you're causing further torment to people because you've done nothing wrong. I mean, at its best, being in the court system and standing with a defense lawyer accusing you of things, it's bad enough for your mental health never mind three times, like not him doing that all these times obviously but going to the court three times and waiting even the whole day in the court three times for it not to happen."





This was compounded if communication was poor or, as predicted by Russell and Light (2006), incorrect and inconsistent information was given.

“I was told you’re going to be seeing the police and then I got a thing through the door saying you’ve got a court citation, you have to go to court you have to do this and then that started a two-year cycle waiting to go to court, the court has been adjourned, the court has been adjourned etc. So, I mean all of it was out of my control.”

The impact that the periods of waiting and the delays had on the women were considerable. Women’s lives were on hold, they were still controlled by the perpetrator and powerless to change anything. Some identified that the system was empowering the perpetrator and disempowering them.

“The whole process was a rollercoaster and therefore impossible to identify exact emotions - these could fluctuate from moment to moment. Because my perpetrator pled guilty I didn’t have to make a statement or attend court. This was a huge relief, however because of this he was also able to drive the narrative through his defence statement and social work reports, and my voice was very much lacking from proceedings. This enabled him to continue to exert control even in the midst of his conviction and I had no route to challenge this.”

“It’s that limbo where I feel I can’t... you know, I just need to know what’s happening so that I can either prepare myself for like, worst case scenario of going to a trial, or prepare myself for this getting thrown out and it isn’t over, because if it gets thrown out, knowing [him], that is going to be like an ego boost to him, d’you know, like? ‘I’ve done all this, I’ve been through and I even got charged and I got away with that.’ That’s how he’s gonna see it. So, I’m really worried in that scenario as well because I think at that point, he’s going to think he’s invincible.”

Women experienced the system as a punishment and as a process that prevented them from recovering from their abusive relationship.

“Why are we being punished? It felt like the whole court system was just a continual punishment from being adjourned to not knowing what’s going on.”

“It’s like a kinda prolonged agony because you’re in this period when you can’t move on, you can’t try to repair, you can’t heal because you’re still waiting.”

Although there were long periods of waiting for information or action in their case, this was coupled with situations or events that were unpredictable. The inconsistency in communication meant women lived with constant anticipation and anxiety about what could happen next, mirroring the impact of being in an abusive relationship. They were given little choice regarding their engagement and therefore felt uninvolved by the system or the actors involved (Russell and Light, 2006).

“Every single time you start pulling your life back together you get another phone call that throws you because once again you have to talk about it and there was no warning so you can’t like build up your mental shields or anything, you just get this Hi is this an OK time to talk? And inside you go NO but you say Yes, of course, because you know logically that you have to talk to them, you can’t avoid having the conversation but you don’t want to have the conversation, my god, I would like to have a week without somebody phoning me and asking to go over all the times that I have been raped, or abused, I would just like a week to be a normal person and you don’t get that because obviously everybody has their own schedules that they’re all working to so you just get random phone calls at like three o’clock in the afternoon, just, Hi is this an OK time to talk?”

“People not really understanding or they try to fit it into their own framework. Even when people are kind it is still intrusive... having to talk about abuse all the time and at unexpected times...”

Some women were treated without compassion or empathy and forced to engage with the process at times that were uncomfortable and were denied the ability to mentally prepare for what they were being asked to do.

“They came to my work. Basically, I was, when do you need to speak to me and they were, like, now, so they’d gone and picked him up. So that was quite, what’s the word I’m looking for, scary, I guess. I felt like I was a little bit backed into a corner of we need to speak to you now, it was the police and you have to do what the police say and maybe, in retrospect, I would not have chosen to have that at my place of work, given that it ended up being a three-hour interview in a very busy place of work where people could have seen and I maybe didn’t want them to know what was going on.”

“I’d just gone back into my house and found it in disarray, just like, you know, furniture tossed over, in part I was embarrassed. I remember saying to them, my house doesn’t look like this, this is not how I live I promise you but I was kind of overwhelmed by what I was seeing and thinking, of God, I’m going to have to get that fixed and how much is this going to cost and I’ll have to get someone in to do it so all those gazillion thoughts were going through my head and then the dogs were going crazy, it felt quite chaotic and I wasn’t, I just don’t think I was clear why they were there. I know they picked me up and took me home and that was nice and they wanted to finish off the statement but I had started my statement with someone else so it was, it was a little bit odd. But, yes, I think I was overwhelmed, I was exhausted, I’d been awake all night at that point and it must have been about 6, 7 in the morning by the time they came back. So, I still had this fear going to

meet uncertainty but really overwhelmed and not understanding what these questions were and why they were asking them.”

For some of the women we spoke to their frustrations about complying with the system came from having to answer questions when they did not want to, or engage with professionals when they did not feel up to it. Their lives were dictated by the system and they were given little to no choice about what would happen, where or when. Women saw the system as imposing its processes at times when they were more concerned with their own safety and well-being.

“They were all really, really nice but there’s not a huge amount I feel in control of, [...] I couldn’t say please don’t arrest him just now because he’s going to be really, really angry and I would like to be somewhere he doesn’t know where I live before you do that.”

“I’d told someone at my work but they’d also noticed that I was starting to come in with like bruises on my neck and things like that. So, one day I came into work and the police were there, cos my boss had phoned the police and told them and got them round and to be honest I wasn’t happy about that at all because I wasn’t ready to tell anyone, I wasn’t ready to tell the police [...] it was just all out of control.”

“The way I had phrased it I was working to get my ducks in a row because I was keeping lots of notes about how the contact wasn’t really good for my son and how like any interaction that my ex had with me. [...] I’d been keeping detailed notes of all of that like dates and times and screen shots and text conversations and all this [...] so then the social worker phoned the police which I did agree to because I didn’t see, I’d been backed into such a corner that it’s like, well that’s the only option because either the police get involved now or he has every right to just come and break down the door and take my wee boy and then he won’t give him back.”



As a consequence of the challenges the women faced, women felt let down, betrayed, and failed by the systems they had turned to for help.

“I was told by the police ‘you’re just gonna have to trust, start trusting the criminal justice system’. Uh, which was a struggle because I, I had trusted the criminal justice system until I started reporting to them.”

“I’ve lost so much faith in the criminal justice system.”

“It kinda felt like I was betrayed by the police, I thought they were there to help people, I thought they’d help me; they just wanted me out the building.”

“I don’t think I’ll ever forget the feeling at being told I’m petty and my abusing husband loves me very much by a policeman. Like you grow up and the police they come in the schools and they tell you all the stuff and that they are there to protect you.”

“I just feel failed by the police. I can’t get over all the posters about it that tell you to speak out and it took me over a year and I finally done it to no be helped and that, like, I don’t feel good about myself but that took courage to do that because he had hurt me.”

Women spoke of going to the police as their first contact with the criminal justice system – many after enduring years of abuse. To feel that this was a waste of time and that the police and criminal justice system let them down illustrates that for them seeking justice or help was ineffectual. Many felt the abuse they endured was replicated in the control they felt the system had over them, further contributing to their disempowerment.

When the criminal justice system enforces hierarchies, imposes unilateral control, does not communicate with empathy and consistency it is replicating the dynamics of the abusive relationship or situation that women are trying to escape. Therefore, it is unsurprising that

under these circumstances women can experience their criminal justice journey as disempowering and traumatising. The following quote expresses how one woman summarised the impact of her own journey.

“It failed me. It gaslighted me. It traumatised me. It made me feel like I didn’t matter. It made me feel like I was being dramatic. It made me feel like I was crazy. It made me lose trust in people and institutions.”

Replacing ‘it’ with ‘he’ when reading the quote illustrates with clarity how similar the impact of the system can be to the impact of an abusive relationship. It is critical that actors within the criminal justice system consistently embed the components of empowerment (Russell and Light, 2006) in to their day to day interactions with victim/survivors of domestic abuse and stalking.

‘JUSTICE’ WORK

In our study we found that women invest enormous emotional energy in their engagement with the criminal justice system. This can include concern for the perpetrator and criminal justice actors, ongoing caring responsibilities, and performing and managing their emotions at work and in public. Furthermore, they spend practical energy gathering evidence, help-seeking and information gathering. All this can have serious impacts on women’s wellbeing and mental health, especially as they often relate putting concerns about this ‘on hold’ to enable them to continue with their case.

What we found here however was that it was more than just emotional investment in the process and outcome. There was hidden practical and emotional labour within the justice process. This constituted active and measurable ‘work’ on the part of the women. Drawing upon the existing work of Hochschild (1979, 1983), Kelly et al. (2014) and Vera-Gray (2018) we identified seven areas where women performed ‘justice work’¹⁶. This ‘justice work’ forms an integral part of victim-survivor participation with the criminal justice system, engagement which utilises their own labour. These forms of ‘work’ had varying degrees of visibility and prominence but all were necessary to the progression

16. See ‘Justice Work: Women (having to) do it for themselves’ Lombard and Proctor (forthcoming).

of their case within the criminal justice system and to their own sense of self as a 'believed' victim/survivor. Such examples of work shared important commonalities and examples of injustice: being unpaid, unnecessary (within a system that should be doing this), resource intensive and not recognised. We provide a brief overview of these forms of justice work below.

EMOTION WORK

Here we want to adapt Hochschild's concept of 'emotion work' to describe these two forms of emotion work: the work of managing emotions and the work of displaying them. Our participants described an array of emotions that they felt: jumpy, scared, anxious, fearful, terrified, catatonic, completely done in, absolutely devastated, confused, always looking over my shoulder.

"I shut down because he was questioning me and being quite aggressive and he just treated me like I was pathetic and Women's Aid explained, they said you've had a completely normal reaction, you were being challenged and you were being silent because that's the safest thing for you to do when a man challenges you."

Women were continually regulating their presentation of 'self'. This was dependent upon situational contexts and expectations but this constant 'identity work' meant that women were aware of how they presented to police officers and the perpetrator was crucial in terms of the case progressing and not endangering their lives respectively.

"But, yeah, when they left I literally I burst into tears and thought what the fuck do I do? What do I do because it's like, well, they're not believing me."

"All that not being believed and not being supported and not being seen as credible by people that are actually meant to protect you. Yes, I felt very frightened and very, very placid and very weak and very vulnerable and exposed for a long time."

Related to this, several of the women talked about not feeling judged by the police officers and why that was significant. Body language, empathy and clear

explanations as to what could or would happen were detailed by women who had positive experiences with the police.

VIOLENCE WORK

Kelly's concept of violence work (2016) details the work that women need to do to recover themselves, and their bodies, from the violence. This takes the form of both visible and invisible work.

"And I mean I was, it was not the only thought and feelings going through everything I was experiencing during that time either because I was so concerned with, like, the end of the marriage, involving my child and looking after him and going to work and doing all the things that you have to do, you know, there was a lot of fallout in terms of employment... the normal, yeah, all sorts of things so."

Women were having to do this at the same time as dealing with their interactions with the criminal justice system alongside living their daily lives. For some this may mean finding a safe place to live, or moving to a refuge as well as all the repercussions of extricating yourself from a violent relationship.

SAFETY WORK

Vera-Gray (2018) theorised work that women had to do to stay safe as 'safety' work.


"Like, how is that fair, how is that justice, like the victim has to go to put things into place themselves, that should just automatically, that should just be a right of the people, to have that protection and to feel safe."

Not only were women dealing with the police and other agencies but they were still having to protect themselves (and their children) from their abusive partners.

EDUCATION WORK

Women described spending significant amounts of their time educating themselves about the law, what constituted 'coercive control' or a 'course of conduct' and then trying to educate the professionals they had





contact with. This was particularly the case when police officers failed to understand how individual incidents contributed to a course of conduct.

“He’s repeatedly approaching me and he is repeatedly trying to engage. I said he’s singing nursery rhymes... [they said] ‘singing songs is not a crime’”

For the woman this was a clear indication of control by the perpetrator that constituted a criminal course of conduct and despite her efforts to educate the police officers they saw this as a discrete incident that did not warrant criminal investigation.

INVESTIGATION WORK

A common theme once the report had been filed was that police officers requested the women gather evidence to corroborate her story. This was done at various stages in the criminal justice process, sometimes immediately after reporting, during a statement or throughout the course of the investigation. In the course of our research women told us how they collated evidence and information alongside researching as to what evidence was relevant and likely to be included in their cases. They described how they felt they needed to collate and gather the evidence otherwise the case would not progress.

“They said, ‘well, we don’t have enough witnesses’. I said I ‘look, I told you about the witnesses, er I then drafted a, I think about a four page list, of witnesses,”

“I read out all that he’d done to me cos I’ve got a list in my diary and they told me it’s historic and I was to go home.”

Some women felt that the evidence was not only deemed necessary for the case to progress but also for the officers to believe them in the first instance.

LEGAL WORK

The criminal justice system presents itself as victim centred but at times it appeared there was an expectation that it was victim coordinated.

“I was having to prove every little thing and it was really wearing”

“I had to write everything down and that was just to make my statement so the police.”

“The police said, well, we need to build up a case’, you know, but they kept going to ‘you need to speak to a lawyer... [I said] is there’s nothing you can do and they were really quite insistent that it was on me. That I had to get something sorted.”

Women were often told this was their responsibility to gather evidence and build up their case, before any further action could be taken.

RESOURCE INVESTMENT WORK

Many women were expected to commit their own resources to the case, in particular time and money. A common response, when women reported their partner or ex-partner, was for the police to recommend that they get an injunction.

“The police, that first time I reported the police told me that it wasn’t a crime and there was nothing they could do, and, um, they told me that I had to go to speak to a lawyer, it was a civil matter and that was it. I was told that I would need a non-harassment order for them to be able to do anything. Um and I sort of, not really knowing, knowing what my rights were at that time or, you know, I just, I just wanted, I just wanted protection that was all, and I felt, when I left the police, I felt so disappointed that there was nothing they could do to help me, or so I thought.”

“I did exactly what they asked. I’d remortgaged my house to get a non-harassment order in place and still they were telling me ‘no, it’s not a crime’.”

This showed a lack of awareness from the police about the financial implications of civil action and it also placed the responsibility to move things forward upon her.

CONCLUSION

Women described positive and negative experiences during each stage of their journey through the criminal justice system. Both negative and positive incidents were related to individual actors and incidents within each agency as opposed to specific agencies being responsible for all good or all bad experiences.

The quantitative data highlighted mainly positive police experiences whereas the qualitative data from the survey and the interviews focused more upon the negative. Most wholly negative experiences however were reserved for the Procurator Fiscal where women named lack of communication and support as key reasons for their criticisms.

Positive and negative incidents with all agencies contributed to women's feelings of empowerment and disempowerment. Unfortunately, regardless of positive experiences or case outcomes, systemic processes and structures of the criminal justice system left women feeling disempowered, out of control of their own lives and unable to exercise their own agency.

Women described repeatedly, how they felt the criminal justice system allows and facilitates the perpetrators abusive behaviour to continue. Whether this is explicitly through not turning up at court, ignoring bail conditions, being gaslighted, or feeling like they have no control in any of the processes it is critical that women's experiences are recognised and acknowledged.

EMPOWERMENT

Communication from all structures within the criminal justice system is key to women's sense of empowerment but also to their general wellbeing. This encompassed being listened to, feeling heard and forms of communication that meant that women were kept informed of the progress of their case – even at times when little progress was made.

Knowledge of the dynamics of coercive conduct crimes were imperative to the progress of their case through the system and these differed greatly between different actors and different agencies with the exception of Third Sector women's organisations. These organisations were singled out for their knowledge of domestic abuse and stalking and their exemplary support of the victim-survivors.

Special measures can support women and empower them within the system but these should be individualised and subject to choice, otherwise they feel like another tool of control.

DISEMPOWERMENT

The dynamics of coercive control and associated crimes need to be fully understood by all personnel and ways found to highlight how evidence is applicable within such a pattern of abuse rather than as individual incidents. At times it was suggested that women should take civil action with the lack of consideration to the cost of civil actions rarely addressed by criminal justice actors. Being steered down this route, women felt disempowered and that their abuses were undermined or minimised and not named as 'coercive control'.

HAVING CONTROL, LACK OF CONTROL AND BEING CONTROLLED

Negative experiences were associated with lack of communication and delays to progress. When this happened, women were more likely to feel controlled by both the system and their abusers. Delays and lack of progress highlight examples of 'temporal injustice' where women feel simultaneously out of control whilst being controlled by the system leading to their disempowerment.

Women described the significant amount of practical and bureaucratic work they had to engage in to keep their cases 'live'. This includes investigation and gathering evidence, record keeping, and maintaining the visibility of their case within the system which we have identified as 'Justice Work' (see Lombard and Proctor, forthcoming).

This research project has shown that the criminal justice system can be a source of empowerment and disempowerment for women reporting domestic abuse, stalking and associated behaviours. It is however imperative that it provides forms of justice where women feel supported, acknowledged and safe as well as having their experiences named and validated by the system. When this fails, women can feel that the abuse, power and control they have escaped from is simply replicated by a system that should be there to help them.

RECOMMENDATIONS

We make the following recommendations to improve safety, communication, empowerment, working knowledge of coercive conduct crimes and application of the law;

SAFETY

- **Ensuring safety at throughout the criminal justice journey is imperative. This is the main reason women seek help and can be catastrophic when it is not provided. Safety can and should be promoted through the use of bail conditions, MARAC, more frequent use of risk assessments and the linking of these to more practical measures (markers on homes for example).**

COMMUNICATION

- **Listening and being heard is key for all survivors but becomes imperative the investigation and prosecution of coercive control.**
- **Methods of open, clear and frequent communication agreed in collaboration with the victim/survivor is essential. Stress was identified as a factor in all of the cases and not knowing what was happening compounded this.**
- **Delays are inevitable especially post COVID-19 but every effort should be made to ensure open and frequent communications with victim / survivors so they do not feel out of control by the process or further compound their disempowerment.**
- **Support needs to continue after sentencing and NHOs should be issued automatically following conviction.**
- **Support needs to continue after not guilty or not proven judgements.**
- **All sentences or not guilty/not proven judgments should be clearly explained.**

EMPOWERMENT OF VICTIM – SURVIVORS

- **Two-way communication from all structures within the criminal justice system is key to women’s sense of empowerment but also to their general wellbeing.**
- **Continuity of roles and contact helps women to feel part of the process – women should be given a named officer that they can contact / and who contacts them for updates.**
- **Opportunities to express and act with their own agency and autonomy as they progress through the system is essential to ensure women feel in control. The ability to decide what is best for themselves, is of paramount importance.**
- **Use of special measures should be commended but it needs to be recognised that they are not useful or wanted by some victim-survivors.**

BETTER WORKING KNOWLEDGE OF DOMESTIC ABUSE / STALKING

- **The dynamics of coercive control and associated crimes need to be fully understood by all personnel and ways found to highlight how evidence is applicable within such a pattern of abuse rather than as individual incidents.**
- **Officers, Procurator Fiscals and other criminal justice actors (particularly those that mark the cases for progression) need a working knowledge of course of conduct crimes.**
- **It should not be women’s responsibility to join the dots for police or prosecutors.**
- **All criminal justice staff need to understand the dynamics of coercive control and all training needs to be trauma informed.**
- **Better application of current laws and procedures**
- **Police should explain what they can and cannot do when communicating with victim/survivors.**
- **Civil action routes should not be promoted as a matter of course or as an alternative to pursuing charges. This undermines coercive control as a crime and also ignores the financial burden this places upon women.**



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APPENDIX 1: SCOTTISH GOVERNMENT DEFINITION OF GENDER-BASED VIOLENCE

“Gender based violence is a function of gender inequality, and an abuse of male power and privilege. It takes the form of actions that result in physical, sexual and psychological harm or suffering to women and children, or affront to their human dignity, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. It is men who predominantly carry out such violence, and women who are predominantly the victims of such violence. By referring to violence as ‘gender based’ this definition highlights the need to understand violence within the context of women’s and girl’s subordinate status in society. Such violence cannot be understood, therefore, in isolation from the norms, social structure and gender roles within the community, which greatly influence women’s vulnerability to violence.”

Sourced from Equally Safe: Scotland’s Strategy to Eradicate Violence Against Women.

APPENDIX 2: DOMESTIC ABUSE (SCOTLAND) ACT 2018

The Offence of Domestic Abuse as defined in the
Domestic Abuse (Scotland) Act 2018 [Accessed 6th
January 2022]



DOMESTIC ABUSE (SCOTLAND) ACT 2018

2018 asp 5

PART 1

OFFENCE AS TO DOMESTIC ABUSE

Engaging in course of abusive behaviour

1. ABUSIVE BEHAVIOUR TOWARDS PARTNER OR EX-PARTNER

- (1) A person commits an offence if—
- (a) the person (“A”) engages in a course of behaviour which is abusive of A’s partner or ex-partner (“B”), and
 - (b) both of the further conditions are met.
- (2) The further conditions are—
- (a) that a reasonable person would consider the course of behaviour to be likely to cause B to suffer physical or psychological harm,
 - (b) that either—
 - (i) A intends by the course of behaviour to cause B to suffer physical or psychological harm, or
 - (ii) A is reckless as to whether the

course of behaviour causes B to suffer physical or psychological harm.

- (3) In the further conditions, the references to psychological harm include fear, alarm and distress.

2. WHAT CONSTITUTES ABUSIVE BEHAVIOUR

(4) Subsections (2) to (4) elaborate on section 1(1) as to A’s behaviour.

(5) Behaviour which is abusive of B includes (in particular)—

- (a) behaviour directed at B that is violent, threatening or intimidating,
- (b) behaviour directed at B, at a child of B or at another person that either—
 - (i) has as its purpose (or among its purposes) one or more of the relevant effects set out in subsection (3), or
 - (ii) would be considered by a reasonable person to be likely to have one or more of the relevant effects set out in subsection (3).

(6) The relevant effects are of—

- (a) making B dependent on, or subordinate to, A,
- (b) isolating B from friends, relatives or other sources of support,
- (c) controlling, regulating or monitoring B’s day-to-day activities,
- (d) depriving B of, or restricting B’s, freedom of action,
- (e) frightening, humiliating, degrading or punishing B.

(7) In subsection (2)—

- (a) in paragraph (a), the reference to violent behaviour includes sexual violence as well as physical violence,
- (b) in paragraph (b), the reference to a child is to a person who is under 18 years of age.

APPENDIX 3: CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010

39. OFFENCE OF STALKING

(1) A person (“A”) commits an offence, to be known as the offence of stalking, where A stalks another person (“B”).

(2) For the purposes of subsection (1), A stalks B where—

- (a) A engages in a course of conduct,
- (b) subsection (3) or (4) applies, and
- (c) A’s course of conduct causes B to suffer fear or alarm.

(3) This subsection applies where A engages in the course of conduct with the intention of causing B to suffer fear or alarm.

(4) This subsection applies where A knows, or ought in all the circumstances to have known, that engaging in the course of conduct would be likely to cause B to suffer fear or alarm.

(5) It is a defence for a person charged with an offence under this section to show that the course of conduct—

- (a) was authorised by virtue of any enactment or rule of law,
- (b) was engaged in for the purpose of preventing or detecting crime, or
- (c) was, in the particular circumstances, reasonable.

(6) In this section—
“conduct” means—

- (a) following B or any other person,
- (b) contacting, or attempting to contact, B or any other person by any means,
- (c) publishing any statement or other material—
 - (i) relating or purporting to relate to B or to any other person,

- (ii) purporting to originate from B or from any other person,
 - (d) monitoring the use by B or by any other person of the internet, email or any other form of electronic communication,
 - (e) entering any premises,
 - (f) loitering in any place (whether public or private),
 - (g) interfering with any property in the possession of B or of any other person,
 - (h) giving anything to B or to any other person or leaving anything where it may be found by, given to or brought to the attention of B or any other person,
 - (i) watching or spying on B or any other person,
 - (j) acting in any other way that a reasonable person would expect would cause B to suffer fear or alarm, and
- “course of conduct” involves conduct on at least two occasions.

(7) A person convicted of the offence of stalking is liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both,
- (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both.

(8) Subsection (9) applies where, in the trial of a person (“the accused”) charged with the offence of stalking, the jury or, in summary proceedings, the court—

- (a) is not satisfied that the accused committed the offence, but
- (b) is satisfied that the accused committed an offence under section 38(1).

(9) The jury or, as the case may be, the court may acquit the accused of the charge and, instead, find the accused guilty of an offence under section 38(1).

APPENDIX 4: HOW WOMEN FELT ABOUT THEIR EXPERIENCES WITH OTHER AGENCIES DURING THE CRIMINAL JUSTICE PROCESS

Figure 0.1 How women felt regarding whether the agencies kept them informed of what was happening

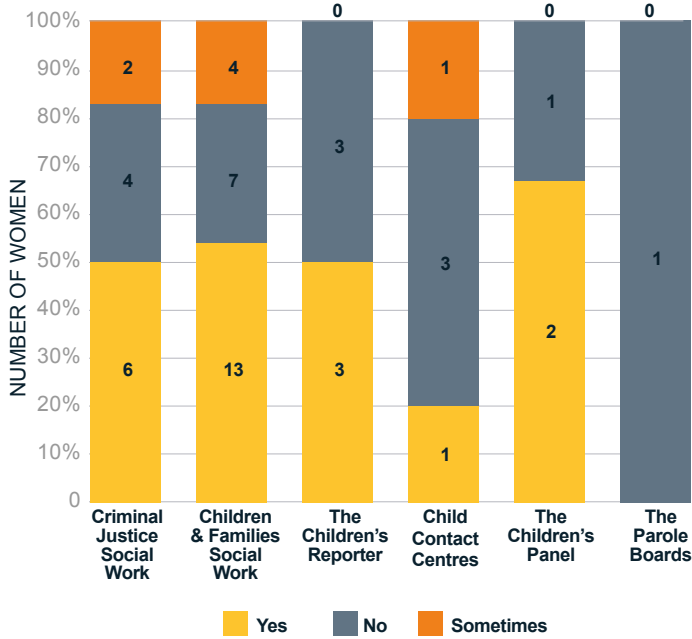


Figure 0.3 How women felt regarding whether they felt welcome by the agencies to ask questions

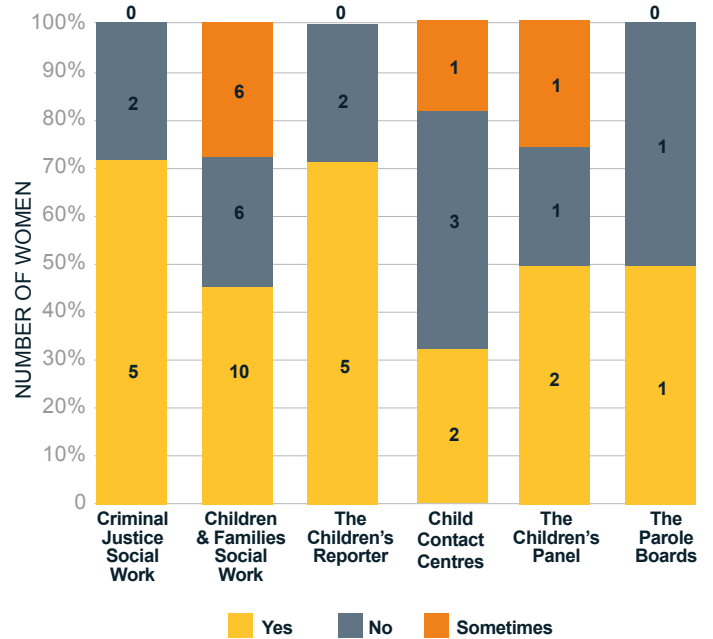


Figure 0.2 How women felt regarding whether the agencies were acting in their and/or their children's best interests

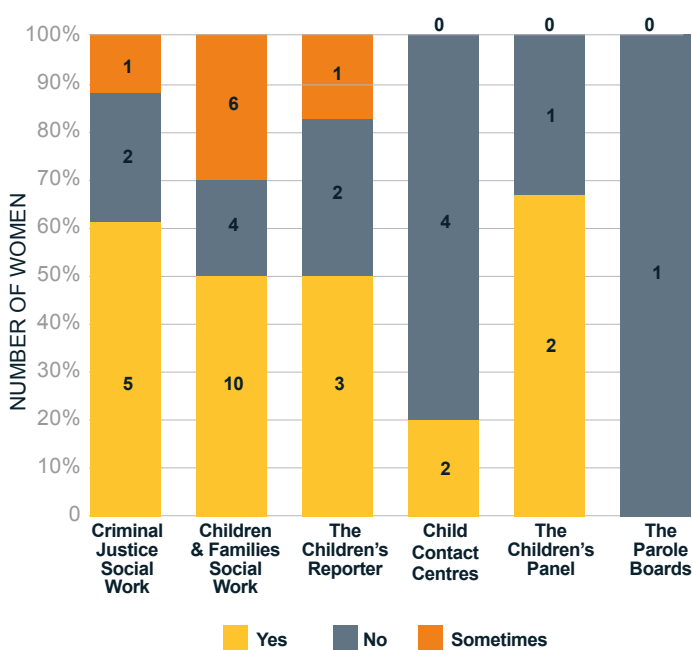


Figure 0.4 women's feelings of control whilst they were dealing with these agencies

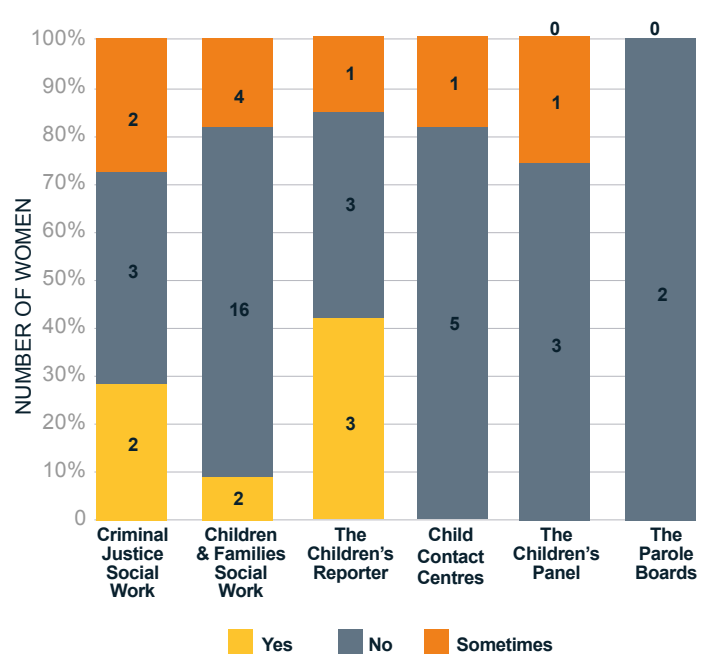


Figure 0.5 Women's feelings of whether the perpetrator had control over what was happening whilst they were dealing with these agencies

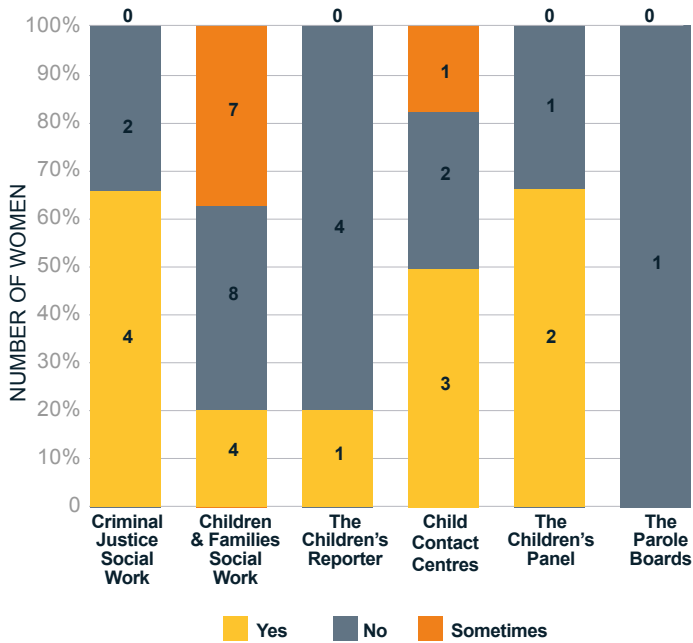


Figure 0.7 Women's feelings of whether things were explained in a way they could understand whilst they were dealing with these agencies

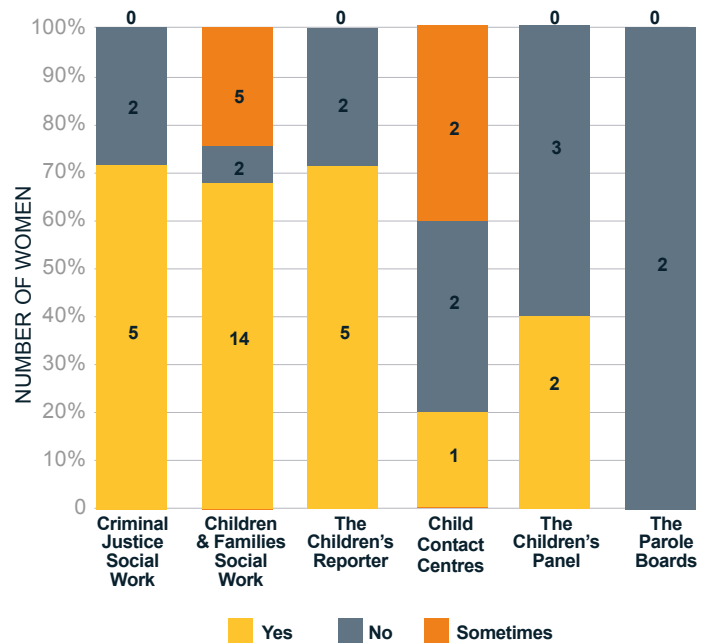


Figure 0.6 Women's feelings of safety whilst they were dealing with these agencies

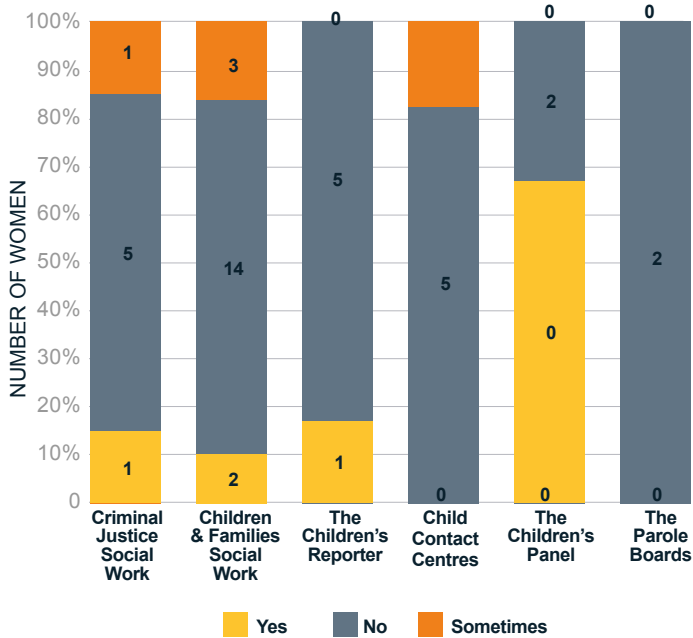


Figure 0.8 Women's feelings of whether what they wanted was taken in to consideration whilst they were dealing with these agencies

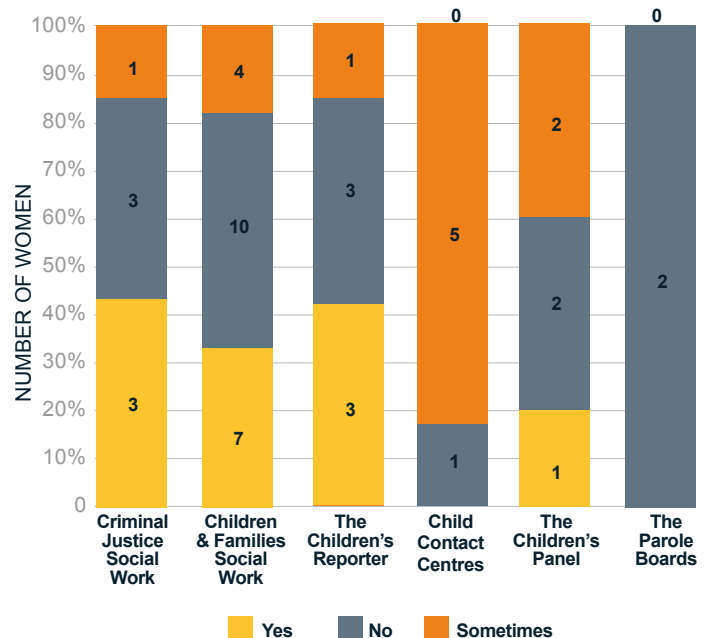


Figure 0.9 Women's feelings of whether what they were listened to whilst they were dealing with these agencies

