

‘Doing his job for him’

**How the criminal
justice system
responds when victims
of coercive control are
accused of offending**

‘Doing his job for him’: How the criminal justice system fails victims of coercive control who are accused of offending

Full report

About the Centre for Women’s Justice

Centre for Women’s Justice (CWJ) is a lawyer-led charity. We carry out strategic litigation and work with frontline women’s sector organisations to challenge police and prosecution failings around violence against women and girls (VAWG). Our evidence base is built on the experience of frontline women’s sector support workers discussed during our training sessions with them, the requests for legal advice they send to us, other enquiries and referrals we receive and our research. In 2024 we responded to 689 legal enquiries, including 410 in which we gave legal advice.

About this report

In this report we build on our [Stop Criminalising Survivors](#) film series and earlier research reports, [Women Who Kill](#), [Double Standard](#) and [No Safe Space](#), by presenting the detailed accounts of seven victim/survivors of coercive control, exploring their experiences of being investigated and charged for alleged offending that took place in the context of their own experience of abuse. Led by the survivors’ experiences and insights, we explore the following questions:

- How does coercive control lead victim/survivors to be accused of offending?
- How is victim/survivors’ experience of coercive control taken into account in proceedings against them, if at all?
- What is the impact on victim/survivors?
- What reforms are needed?

Credits and acknowledgments

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"I kind of resigned myself to the legal system carrying on what my ex-partner had done. I was still the one being blamed. I was being charged, I was being accused, and I felt like they were just doing his job for him really."

Megan, survivor

Foreword by Dr Cassandra Wiener

It is well understood that a large proportion (now understood to be nearly 70%) of women in prison or under community supervision are victims of domestic abuse. Less understood is the relationship between the abuse and the offending. Ten years have passed since England and Wales became the first jurisdiction in the world to criminalise 'controlling or coercive behaviour in an intimate or family relationship'. Coercive control is now better understood. We know, for example, that it is almost always perpetrated by men against women, and that coercing a woman into crime is a subjugation tool of choice for many perpetrators. Nevertheless, the detail of the links between abuse and victims' criminalisation, is still often absent from public debate and a sense of the urgency of the reforms needed to better protect victims can perhaps feel muted as a result.

I first started working with CWJ in around 2022, when they published their groundbreaking research 'Double Standard'. This wide-ranging report built on Prison Reform Trust's earlier work¹ to explore in greater depth the myriad ways in which victims of coercive control find themselves unfairly criminalised. Double Standard showed how prosecution of women and girls in circumstances arising directly from their experience of abuse happens routinely, and that defences that exist in law are unjustly unavailable. With expert input from Hibiscus Initiatives and Pragna Patel, the report explored the particular challenges faced by Black, minoritised and migrant victim/survivors in accessing support and justice. The report concluded with detailed recommendations for reform.

Three years on, and while CWJ has worked hard to keep the pressure for these reforms building, progress has remained for the most part elusive and slow. In 2023 the centre for justice reform, which I co-direct, held the first screening of CWJ's powerful short film series '[Stop Criminalising Survivors](#)' here at City Law School. These films are first person accounts of five women's stories of criminalisation, and they have now been disseminated widely throughout the criminal justice system including to police, prosecutors, magistrates and probation services.

This new research represents a unique opportunity to continue to put women's voices at the heart of the debate. No one is better placed than survivors themselves to explain in depth the way that perpetrators of coercive control use the criminalisation of their victims as a tool to control them and to deflect the criminal justice response to their own offending. The seven survivors presenting their accounts here speak powerfully about their experiences of coercive control and, with their insight into what could have been done differently, speak to the reform agenda in a way which has been expertly summarised in the last section of the report.

CWJ's recommendations, which include introducing an effective defence for coerced offending and strengthening partnerships between the police and women's specialist services, will not in themselves 'solve' the problem of coercive control. But they will contribute to a criminal justice system that no longer shamefully colludes with abusers by punishing the victim survivors it has a duty to protect.

Dr Cassandra Wiener
centre for justice reform
The City Law School
July 2025

Introduction

Context for this report - offender or victim?

Nearly 70 per cent of women in prison or under probation supervision in the community in England and Wales are known to be victim/survivorsⁱ of domestic abuse.² For many this is directly linked to their offending.³ The true figure is likely to be higher because of barriers to women disclosing abuse.⁴

In our [Stop Criminalising Survivors](#) film series, launched in 2023 and since disseminated to hundreds of policy makers and practitioners across the criminal justice system, five survivors bravely told their stories of domestic abuse, coercive control and criminalisation.⁵ The courage of these five women (two of whom appear in this report) has contributed to decisions by the National Police Chiefs Council (NPCC) and Crown Prosecution Service (CPS) to begin work to improve police and prosecutors' understanding of the links between victimisation and women's offending and ensure they take this into account in decisions.

The Labour government has also signalled a shift in approach. On launching the Women's Justice Board (WJB) in January 2025, with the purpose of reducing women's imprisonment sufficiently to close a women's prison, the Lord Chancellor Shabana Mahmood MP told the story of 'Elizabeth' who was forced into her abusive boyfriend's business, 'carrying drugs for him', was prosecuted and ended up in prison. The Lord Chancellor commented:⁶

"This story raises profound questions about our justice system:

- *Was Elizabeth really an offender, or was she a victim?*
- *Why was the system blind to the abuse that led Elizabeth to her jail cell?*
- *And in whose interest was it that Elizabeth was locked away?"*

It is hoped that the WJB's forthcoming strategic document and the new cross-government Tackling VAWG Strategy will include a focus on preventing inappropriate criminalisation of victims of domestic abuse and other forms of VAWG. The Law Commission is considering the effectiveness of self-defence for domestic abuse victims who kill their abuser, as part of their review of the law of murder.⁷ The government has confirmed it will consider legislating to reform self-defence, if this is recommended by the Law Commission.⁸ The government has, however, so far rejected calls to introduce a statutory defence for victims of domestic abuse who, like 'Elizabeth', are coerced into offending.

In the meantime, on the ground, the Lord Chancellor's assessment of 'blindness' in the system remains true. As recent research has made clear, and as this report forcefully confirms, victim/survivors continue to experience punishment where they should receive protection and reforms in law, policy and practice remain desperately needed.

In this report we aim to help answer the critical questions raised by the Lord Chancellor, with a particular focus on the criminalisation of victim/survivors of coercive control.

ⁱ In this report we use the terms 'victim/survivor', 'victim' and 'survivor' interchangeably.

Coercive control

For many domestic abuse victim/survivors caught up in the criminal justice system, it is the experience of coercive control that has directly led them to be accused of offending. In this report, drawing on the experiences of seven women, we explore how this happens and what needs to change to ensure victim/survivors are protected from abuse and not unfairly criminalised.

Coercive control is now understood to be a form of domestic abuse, representing a pattern of behaviour over time through which the perpetrator exerts control over the victim/survivor. Cassandra Wiener explains:⁹

“...the dimensions of coercive control are best seen as a strategy of domination. The strategy involves making the victim afraid – which usually, but not always, involves the fear of physical and/or sexual violence. The taking away of ‘for granted’ rights and freedoms makes it harder for the victim to resist. The totality of the harm experienced by the survivor can only be understood with an appreciation of this infrastructure and context.”

Ten years ago, in an attempt to equip the criminal justice system to hold perpetrators to account for coercive control, legislation was introduced (through Section 76 of the Serious Crime Act 2015) to make ‘controlling or coercive behaviour’ a specific criminal offence. This has also since been included in the statutory definition of domestic abuse (at Section 1 of the Domestic Abuse Act 2021).

Social entrapment

As well as the impact of the perpetrator’s behaviour, victim/survivors’ options are directly affected by what is realistically available to them in terms of protection and support if they try to resist their abuser or leave the relationship. Indeed, as this report illustrates, perpetrators may well manipulate gaps in protection in order to extend their control. Recent literature has argued that criminal proceedings against victim/survivors should therefore place the concept of coercive control within the context of ‘social entrapment’, allowing for a more complete approach to understanding the realities facing domestically abused people’s ‘space for action’ and their available options in responding to it.¹⁰ Thus, the New Zealand Family Violence Death Review Committee has argued for a social entrapment approach that understands a woman’s circumstances as not only comprising her partner’s abuse but also the failure of community and government agencies responsible for assisting her.¹¹ In England and Wales the barriers to support and protection remain significant, particularly where victim/survivors find themselves accused of offending.

How victims of coercive control are criminalised

The nature of coercive control is such that it will impact every aspect of a victim’s life, severely limit their options and cause significant trauma. This experience can lead to victims being accused of offences either falsely or in circumstances in which they had no control. This can involve almost any criminal offence, ranging from school truancy to shoplifting, to handling stolen goods, to more serious offences including violence against the person.

Black, Asian, minoritised and migrant women are particularly vulnerable to unfair criminalisation in the context of coercive control.¹² This is because they experience additional barriers to disclosing abuse and accessing support, and they face systemic racism from criminal justice agencies. This manifests itself in failures by agencies to respond appropriately to evidence of abuse, misinterpretation of women's behaviour and failures to ensure women are able to participate fully in proceedings against them. Research by Refuge found that Black victim/survivors of domestic abuse are less likely to be referred by police to their services for support.¹³ Migrant women are put at greater risk by 'hostile environment' policies, including the lack of a firewall to prevent the police sharing information about victims' immigration status with immigration authorities, inhibiting victims' disclosure of abuse.

Home Office statutory guidance explains how victims may find themselves criminalised as a direct result of coercive control.¹⁴ The guidance lists examples of behaviours that can form part of controlling or coercive behaviour, including '*Coercing the victim into carrying out criminal behaviour such as selling drugs or carrying weapons*'. As well as this obvious example, many of the other behaviours listed in the guidance could also indirectly force the victim into a criminal act, such as:

- Acts of coercion or force to persuade the victim to do something that they are unwilling to do
- Economic abuse (e.g. coerced debt, controlling spending/bank accounts/investments/mortgages/benefit payments)
- Using substances such as alcohol or drugs to control a victim through dependency, or controlling their access to substances
- Withholding and/or destroying the victim's immigration documents, e.g. passports and visas.

The all-pervading effect of coercive control means that the ways in which victims can find themselves criminalised are probably limitless and defy categorisation. However, Bettinson *et al* refer to three broad offence types, often overlapping:¹⁵

- 'Status' offences in which victims are placed in a precarious position by an abusive partner, for example, in respect of immigration or benefits, or a failure to act to protect vulnerable others;
- 'Consequential' offences in which victims are put into criminality under pressure from partners; and
- 'Liberation' offences, in which victims commit crimes to improve or remove themselves from their abusive situation, such as acquisitive crimes to mitigate a lack of access to independent finances or acts of violent resistance targeted against partners.

Research has confirmed that victims are criminalised for offences fitting within these and other categories.¹⁶ We have grouped the women's accounts in this report under three headings:

- **Coerced offending** – Olivia and Isabella were directly coerced by their abusers into committing an offence. (These might be termed 'consequential' offences.)

- **Counter-allegations** – Choum, Jane and Aleksandra were subject to counter-allegations by their abusers, leading to criminal proceedings against them.
- **Criminalisation by association** – Cara and Megan were prosecuted as co-defendants in connection with their abusers' criminal behaviour. This type of criminalisation can also arise in the context of joint enterprise prosecutions, particularly involving young women and girls.¹⁷

There are further categories of criminalisation. For example, where victim/survivors' accounts of abuse are not believed, they may be criminalised for 'false' allegations – sometimes through the offence of perverting the course of justice. This is explored in CWJ's 2022 submission to the Sentencing Council's consultation on Perverting the Course of Justice and Witness Intimidation Guidelines, in which we give case examples and argue that sentencing must take account of any context of domestic abuse and evidence of mental health needs.¹⁸

Another category of criminalisation arises where proceedings are brought against victim/survivors for behaviour which is a trauma response or a natural response to traumatic circumstances, for example lashing out verbally or physically at a police officer or emergency worker at the scene of a domestic abuse incident or in other circumstances when in distress. This type of criminalisation may also arise where victims are accused of malicious communications and similar offences against the police where they have exhibited frustration with a police failure to address their complaints of abuse. Case examples of this type are included in CWJ's 'Double Standard' report¹⁹ and in the Baird inquiry²⁰. This category of criminalisation appears to have contributed to the disproportionate prosecution of women for Assault of Emergency Worker²¹, an offence introduced in 2018, which the Independent Sentencing Review has recently recommended should be investigated by the Ministry of Justice due to its disproportionate impact on women.²²

Gaps in law, guidance and practice mean coercive control is not properly considered

The campaign and criminal appeal by Sally Challen is probably the most famous case of criminalisation of a victim of coercive control in this jurisdiction. Challen killed her husband with a hammer and was convicted of his murder. On appeal, the court heard expert evidence on coercive control from the late Professor Evan Stark, who pioneered the concept and was instrumental in improving understanding of this form of abuse and its impact on victim/survivors. The court recognised that Challen's experience of coercive control over decades had contributed to the deterioration of her mental health which in turn strengthened the defence of diminished responsibility, and her conviction was quashed with a retrial ordered. Subsequently, the Crown accepted her plea of guilty to the lesser offence of manslaughter.

As highlighted in CWJ's 'Women who kill' research, expert evidence can be key in building an effective defence for victims of domestic abuse accused of offending, and it should be allowed on any issue which is outside the experience of the jury. However, it is rare for permission to be granted to adduce expert evidence on domestic abuse, coercive control or the cultural context for Black and minoritised women, or indeed any non-medical expert evidence.²³

Homicide laws are distinct from nearly all other types of offences as there are partial defences available which can reduce a murder defence to manslaughter, as in Sally Challen's case. However, it is very rare for women to kill and in any other offence for which

a victim may be prosecuted, there are no effective defences realistically available which recognise coercive control as the driver for that offence. Victims who are coerced into offending would only have the common law defence of duress available, which has been found to be ineffective in cases of domestic abuse;²⁴ while victims who use force against their abuser are likely to find it very difficult to rely on self-defence, because the law has not developed and is not implemented in a way that takes proper account of the impact and dynamics of domestic abuse.²⁵

Victims accused of offending arising from their experience of abuse are instead reliant on the police and CPS deciding it is not in the public interest to prosecute them. In more serious or complex cases like those in this report, the decision to charge resides with the CPS.

In deciding whether a suspect should be charged with an offence, the Full Code Test must be applied.²⁶ It is a two-stage test. The first is the evidential stage, which is then followed by the public interest stage. At the evidential stage a prosecutor considers whether there is sufficient evidence to provide a realistic prospect of the suspect being convicted of the charge. If the prosecutor is satisfied that there is sufficient evidence to justify a prosecution, then they will move on to consider if it is in the public interest to prosecute the suspect. This element of the test requires prosecutors to balance factors in favour of prosecution with factors against. It is a flexible test and is specific to the facts of each case. CPS guidance sets out a non-exhaustive list of questions that a prosecutor should consider when deciding whether it is in the public interest to charge. One of these questions is the level of culpability of the suspect. CPS guidance states (our added emphasis):²⁷

“Culpability is likely to be determined by:

- i. the suspect’s level of involvement;*
- ii. the extent to which the offending was premeditated and/or planned;*
- iii. the extent to which the suspect has benefitted from criminal conduct;*
- iv. whether the suspect has previous criminal convictions and/or out-of-court disposals and any offending whilst on bail or whilst subject to a court order;*
- v. whether the offending was or is likely to be continued, repeated or escalated;*
- vi. the suspect’s age and maturity...*

A suspect is likely to have a much lower level of culpability if the suspect has been compelled, coerced or exploited, particularly if they are the victim of a crime that is linked to their offending.”

The cases in this report build on earlier research in suggesting that the Code for Crown Prosecutors is not effective in ensuring proper account is taken of victims’ experience of coercive control when they are accused of offending. There is very little further guidance for police, prosecutors and the courts on the approach to be taken to ensure suspects and defendants who may be victims of coercive control are identified as such, and that their experience of abuse is properly taken into account in proceedings against them.²⁸ In her important research on the barriers to police recognising women suspects as victims of coercive control, Julia Pitman describes such victims as ‘invisible in current police professional practice guidance’.²⁹

Such guidance as exists is mainly limited to circumstances in which a perpetrator of domestic abuse makes counter-allegations against their victim, to help police and prosecutors correctly identify the primary perpetrator and avoid inappropriately criminalising

the victim. Again, this report and earlier research suggest that this guidance has not been effective in ensuring good practice.³⁰

The need for additional guidance is particularly acute because of the barriers faced by victims in disclosing abuse and, in some cases, as described in the Home Office guidance which points out (para. 23):³¹

“Victims of controlling or coercive behaviour may not be aware of, be ready to acknowledge, or be able to communicate that the abuse they are currently experiencing, or have previously experienced, is part of a pattern of controlling or coercive behaviour.”

The gaps in law, guidance and practice outlined above mean that victim/survivors of coercive control face prosecution in circumstances where they should have received protection as a victim of crime.

Insights from seven women

In preparing this report we have worked with seven women who are survivors of coercive control and criminalisation, to set out what happened to them, the impact on them and their children, what should have been done differently and what needs to change in the future.

As can be seen from these accounts, coercive control itself causes devastating damage to victim/survivors and their children. Unjust criminalisation of victims then drastically compounds this damage, as well as using up the scarce resources of the criminal justice system in a way which is directly contrary to its overall aims, against the public interest and which pays no regard to safeguarding victims who are also defendants.

Through our exploration of these seven women’s cases, led by their own reflections and insights and concluding with recommendations for reform, we hope to accelerate progress towards a just response to victim/survivors who are accused of offending as a consequence of their experience of coercive control – in whatever circumstances that may arise.

Methodology

In order to take part in the research, participants needed to be victim/survivors who had been accused of offending in the context of their own experience of coercive control, where the alleged offending had taken place within the last ten years. The seven cases in this report include alleged offences that took place between 2018 and 2021, so between four and seven years ago, with the proceedings against some of the women concluding as recently as this year.

This was a small-scale study taking place from January to July 2025. We began by reviewing our records of all enquiries received by CWJ's legal enquiries service from frontline services or direct from a victim/survivor, from January 2019 to March 2025. We followed up potentially suitable cases by contacting the relevant frontline service or victim/survivor, providing information about the project and a consent form, and offering a meeting to provide further information.

This led to us identifying four cases in which the victim/survivor wanted to take part, of whom two initially came to CWJ through our work around police-perpetrated domestic abuse (PPDA).³² We identified two further participants from participants in our 'Stop Criminalising Survivors' film series, and a further case from another survivor with whom we were in contact as a result of her campaigning work.

Having identified these seven cases, we reviewed the information we already had in each case and identified any gaps based on our research criteria. We then filled those gaps through an online interview with the victim/survivor, following up with clarifications by email and further discussion where necessary. One account was taken through discussion and email with the survivor's Independent Sexual Violence Advocate (ISVA), as the survivor is currently too traumatised to provide a first person account. In every case, a signed consent form was obtained from the victim/survivor following discussion of the project and provision of information about what would be done with their accounts. All information in the report has been anonymised, and pseudonyms used, unless otherwise indicated. All interviews and email correspondence took place from May to July 2025.

Victim/survivors' accounts

Coerced offending

Statutory guidance on coercive control explicitly recognises that this may include the perpetrator coercing their victim into committing an offence.³³ Yet there is no effective defence in law to protect victims from prosecution in such cases³⁴ and limited guidance for criminal justice practitioners as to how such cases should be investigated and processed. This is in contrast with the position for trafficking victims who are compelled to offend as part of, or as a direct result of, their exploitation. In such cases, a specific statutory defence is available which is accompanied by detailed guidance for criminal justice practitioners on decision-making and referral to support services.

Olivia

Olivia's experience of abuse

"I was a Police Constable in the team that responds to emergency and non-emergency calls made by members of the public (the Response Team). I met my abuser, David, after he transferred to the station I was working at. He was also a PC in the Response Team. At the time I was living with my daughter's father, Jack, but our relationship had become strained after I gave birth in 2018. By the time I met David, Jack was living on one floor of the house, and I was living on another.

"After a retirement party for a colleague in December 2019 I started to spend time with David. He would come round the house for coffee or pick me up and take me out. I initially thought David was being polite and seemed pleasant. But in hindsight I think that was his way of trying to cause more issues between Jack and me, and trigger Jack in some way.

"David quickly became jealous, possessive and controlling. He would drive past my house in his police car. If he saw cars out front, he would ask me who I had round, why they were there and what I was doing. When I was at work, he would check what calls I had responded to and use his police radio to contact me to check where I was. If I didn't answer, he would contact my mobile and keep calling both until I answered him. More than once a colleague joked that he was my 'stalker'. He constantly rang and texted me; he was relentless.

*"He called the house at all times of the day and night. He kept threatening to come round and ring the doorbell and 'f***ing sort Jack out'. Covid-19 had hit by this point. Jack and I were still living on separate floors of the same house and Jack was by then working full-time from home because of the restrictions. We had a two year-old daughter as well, that we were trying to co-parent. It already felt like a pressure cooker and I was concerned David was going to make it worse. I felt so on edge.*

"David used to tell me that he was having conversations with my colleagues and they'd said to him that I was terrible at my job and my decision-making was poor. I was already struggling with tiredness and lacked confidence as a new mum. His comments undermined my remaining self-confidence to such a point where I thought about leaving the force.

"By July my relationship with David was at its most intense. His messages and calls were all day, every day by this point. One time I drove Jack back to the hotel he had gone to stay in

after visiting our daughter and David messaged asking me why I was taking him into town. I hadn't even told him I was taking him, so I think he'd followed me. It felt like he had complete and utter knowledge and control of what I was doing.

"I didn't feel there was anyone I could turn to at that point for help. I felt completely alone. I had become isolated from my colleagues, my relationship with Jack had completely broken down and I didn't have any friends to go to, as I had cancelled my plans with them so much because of David. None of my previous support mechanisms were left.

"David also used to say that if I told my sergeant (who is my line manager) about his behaviour, it would get back to him and he would do something to jeopardise my job. He used to say, 'Remember who I know.' which felt like a subtle threat to my livelihood. I thought that even if I did complain, he was untouchable. I knew other colleagues had made complaints about him and nothing was happening. I thought he was pulling strings because he used to say things like he was on his way the Chief Superintendent's house, to get him to sort out the complaints against him. I don't know if he actually did this, but I believed him at the time.

"In around September my mum intervened. She had noticed how isolated I'd become and decided to take me away. This helped me to look at my relationship with David differently. When I returned to work, I found that David's attention had shifted to another female colleague. I was thankful. It enabled me to distance myself from him."

Olivia's disclosure of the abuse

"Later that month I was told by colleagues that David had been arrested on suspicion of controlling or coercive behaviour towards a civilian woman he'd been in a relationship with. After the arrest my sergeant told me now was the time to have a conversation with the Professional Standards Department (PSD) and report David for his behaviour towards me. He told me he thought the behaviour that David had displayed towards me was concerning and similar to what he'd been arrested for. Even after hearing this, I genuinely believed no one would support me as David had made me feel like I had no one to turn to. David had told me that he had contacts in high places and that everything would get back to him. He told me the only person I could trust was him. Sadly, I believed that.

"I was then approached by members of the Police Federation and PSD. They asked if there was anything I wanted to disclose and told me I was 'not the only one', which I took to mean I was not the only woman he'd abused. I provided a six-page statement which described some of his behaviour towards me but didn't go into as much detail of the abuse as it could have done. I thought if I made allegations against him, there would be repercussions to me, my family and for my job. For the same reasons, when they asked if I wanted to press charges against him, I said no. Even without all of the details, the PSD officer who took my statement considered it clear that David had abused me. I remember them telling me that he is a manipulator, and that I was a victim of his behaviour. I think that was when it started to sink in; it was coercive control that I'd experienced.

Details of the proceedings against Olivia

"A month later, in December 2020 after I'd been at the hospital all day because I had pneumonia and had phoned in sick, a different officer from the same PSD turned up at my house. They told me I was being suspended for a data protection breach and gave me a

piece of paper. I became so upset. A few days later a Police Federation representative called me and told me I'd been invited in for a voluntary interview.

"During the interview the officers asked me how I knew David and how he was towards me, which I answered. Then they said I'd given David my login details to the police system. It turns out that as part of PSD's investigation into David, his phone had been seized and his text messages examined, including those between us. In one of the messages from July 2020 I'd given him my login details to the police data system. From what I later discovered, he was doing nefarious activities, like accessing restricted information about ex-partners and using my account instead of his own, to avoid detection. I had no recollection at that time of giving him my password, but there were a lot of things from that period that I just didn't remember. When they put this allegation to me I thought, 'No I hadn't, why would I be that stupid.' But then they showed me a copy of the text message and it was clearly there in black and white.

"At that point in the interview my solicitor advised me not to say anything. It felt very unnatural to not answer the officers' questions, but I followed my solicitor's advice because I'd never been in trouble before, so didn't know what to do. I thought I should follow their advice.

"Throughout the whole interview the officers never asked me about the abuse. It was almost like they tried to just scrape it under the carpet because that was now in the 'too difficult to deal with' box. It didn't fit their narrative, which was that we had been in cahoots.

"In October 2021 I was charged, along with David, with breach of the Data Protection Act. The following month the charge was inexplicably changed to misconduct in public office. Because the case against me was linked with the case against David, when the case went to court, I was seated next to him in the dock for a couple of early pre-trial appearances. This put me constantly on edge. I pled not guilty on advice from my barrister who had told me that he had never seen such a degree of coercive control. Thankfully David pled guilty, otherwise I would have been seated next to him during the trial as well.

"Before the trial began my defence team received in disclosure the text exchange which had led up to me giving him my password. It was a barrage of controlling messages from him asking me to give him my password, repeating the demand again and again. The call log showed that he had called me in between the texts. In some of the texts he threatened to turn up at my house if I didn't. I think I was beaten down by him and did it just to appease him and stop him from turning up at my house.

"The trial started in June 2023 and lasted for over two weeks. I had family support during the trial, but nothing from the Police Federation. I had been told that someone would attend the trial with me but then two days before the trial was due to start, they said no one was available.

"I gave evidence about the abuse at the trial. The prosecutor who cross-examined me was vicious. The prosecution's narrative was that I was 100% in cahoots with David. When I gave evidence about the abuse, the prosecutor accused me of being a liar. She used my gaps in memory to make me look like I was lying. I felt very vulnerable at the time and found it difficult to respond to the brutal cross-examination.

“After a day of deliberations, the jury returned a guilty verdict. Before the sentencing hearing, a pre-sentence report was prepared which mentioned the abuse I’d experienced, but I don’t think this was taken into account by the judge as in his summing up he said that he did not accept I was a victim of controlling or coercive behaviour and instead thought I’d given David my password because I was ‘besotted’ with him. I received an eight-month custodial sentence, suspended for 12 months. I also had to pay a fine, attend trauma counselling as part of my rehabilitation activity requirement and complete 150 hours of community service. David received a similar sentence, which made me feel like the judge saw me as a co-conspirator and not a victim of David’s behaviour.”

The impact of the criminal proceedings on Olivia and her daughter

“I had to try and hide it all from my daughter but that’s not as easy as you think it is. She was six years old by the time the criminal proceedings had ended. She picked up on so much and her behaviour became challenging during the criminal proceedings. I had this fear that I was going to lose her. I had her sleep in my bed every night as I didn’t want to be away from her. I became too dependent on her and, as a consequence, she became too dependent on me, which has been difficult to rectify. When I think about the effect this has had on her, that’s the worst.”

“Practically, it was massively difficult trying to complete my community service alongside caring for my daughter. It felt like they were trying to trip me up, with the number of hours I needed to work. The emotional impact was worse though. It was not like fulfilling a requirement, it was a daily reminder of what had happened, both the abuse and the criminal proceedings. Every day I would have to build myself up to go to it. My probation officer was understanding of what I had gone through and told me she found it difficult to write a report on my rehabilitation because it was clear that I was a victim.”

The impact of the conviction on Olivia

“Following the result of my criminal trial I was dismissed from the police force. Since then, I’ve been working with a boy with cerebral palsy because I already knew the family. But I want to do something where I can use the experiences I’ve had to support others to move forward, like working with survivors of domestic abuse. I’ve applied for jobs and every time I get an interview, I feel I have to explain about the conviction because it looks like I’m an awful person. Now when I apply for a job, I think is it worth spilling my guts?”

“My mental health has been terrible. Whilst the proceedings were ongoing, I was embarrassed and paranoid. I felt like anyone who looked at me knew what had happened. This hasn’t gone away. I still automatically think when a stranger looks at me, they know what has happened. I don’t sleep properly and I’m on escitalopram for depression. I would say half of this is a result of my relationship with David, but the other half is because of the police’s behaviour. I found their actions so damaging because these are the people that were supposed to support me, and they just didn’t.”

What could have been done differently?

“I think the PSD should have referred me to support services, instead of criminalising me for being a victim of David’s behaviour. I think if I had been referred early on it would have helped me to come to terms with what had happened to me and understand his behaviour, rather than blame myself for his actions.”

“I also think a better knowledge and understanding of coercive control and the impact it can have on somebody is needed. It was just so disregarded in my case. I especially think the jury had no idea of the implications it can have on someone, how it can stop a person really being able to function. I think experts on coercive control are needed, to give evidence at trials about what can actually happen to someone subjected to such behaviour in order to educate everyone involved in the proceedings. We have experts for other things, so why not coercive control?”

“Finally, I think evidence of David’s behaviour to other women should have been disclosed to my defence team. It was only after the trial I found out that he had abused at least 11 other women – both civilians and other police officers – and at least five of these women had made allegations against David, either internally to the PSD or to the anti-corruption unit (ACU), or had made a report at a police station. I also found out that at one stage he was on the Notable Person List, which is a list of officers who have come to the repeated attention of a force’s ACU where there is a concern about a pattern of behaviour which warrants further investigation. None of this evidence was presented at trial, which I think would have helped support what I was saying about David.”

Discussion

Olivia’s alleged offence took place in 2020, the year that CWJ submitted a police super-complaint regarding PPDA.³⁵ Many of the recommended reforms that followed that super-complaint have yet to be achieved.³⁶

The police had evidence of the coercive control experienced by Olivia, including in the statement she provided to the PSD. They also had records of allegations previously made by others against David. Olivia was being treated as a victim of his behaviour until the point at which it was discovered that she had given him her password. At this point, no attempt appears to have been made to investigate whether she did so under coercion, in light of the abuse she was known to have been experiencing. This was contrary to the College of Policing’s guidance which states that investigators should *‘be professionally curious, ask searching questions, and employ effective communication skills’*.³⁷ The guidance lists examples of professional curiosity, including *‘exploring and understanding what is happening by asking questions’*, *‘not accepting things at face value’* and *‘being open to change – for example, in relation to who is the victim and who is the suspect’*.

Instead, the officers investigating Olivia’s case do not appear to have looked at the case in the round, but instead have only viewed Olivia through the lens of a suspect. Had Olivia been a trafficking victim, instead of a victim of coercive control, the police might have taken a different approach. College of Policing guidance is stronger and more detailed in relation to cases involving a suspect who is a potential victim of trafficking. It emphasises the need to identify victims early on, to remain alert to and check for indicators of exploitation and exercise professional curiosity to establish the context of the situation.³⁸

Section 45 of the Modern Slavery Act 2015 provides a statutory defence for trafficking victims who are forced into offending. This serves to focus police officers’ and prosecutors’ minds on both the evidential and public interest tests. Had Olivia been a victim of trafficking, rather than coercive control, her prosecutors would have been required to follow the four-stage test required in such cases, which might have led to a different decision on prosecution.

In any event, although the suspect's level of culpability is not determinative of whether it is in the public interest to charge, Olivia's case also raises questions about how culpability is being approached by prosecutors at the public interest stage of the test.

The way in which proceedings against Olivia were then conducted, as shown in earlier research, involved serious failures to safeguard her as a defendant witness who was also a victim.³⁹ Olivia appeared alongside her abuser during the initial court hearings. She was not provided with any support in court. She was subjected to a 'vicious' cross-examination illustrating an apparent lack of understanding on the part of the prosecutor of the impact trauma can have on memory. The prosecutor accused Olivia of lying because she could recall some events around the time of the offence and not others. Gaps in memory are not necessarily indicative of someone lying, but can also be a trauma response.⁴⁰ It is even stated in CPS guidance that inconsistencies in accounts 'may in fact provide evidence that the victim has been, and/or continues to be abused'.⁴¹ Olivia could and should have been protected as a vulnerable witness, but this does not appear to have been considered.

Olivia did not have confidence that the jury understood the impact of coercive control and suggests that expert evidence on domestic abuse and coercive control would have been helpful in her case, to put her actions into context. Such evidence might indeed have been of great assistance to the court in Olivia's case. We have concerns about the safety of her conviction, given the deficiencies in understanding of coercive control which are known to exist throughout the criminal justice system.⁴²

As it was, Olivia was subjected to the ordeal of the court proceedings and conviction, all the while struggling to cope with the impact of the abuse and subsequent proceedings on her, her young daughter and her career, without any support. The impact on Olivia's daughter of her mother's prosecution and trial, the subsequent challenge of completing her community order, and the long-term impact on her mental health and employment prospects, is also doubtless substantial and does not appear to have been given any consideration.⁴³ Both Olivia and her daughter were utterly failed by the system that should have protected them.

Isabella

Due to Isabella's vulnerability, her account is given by her ISVA.

Isabella's experience of domestic abuse

Isabella met Oscar in 2018. The first few months of their relationship were lovely. Then he started making rude comments about her body weight, which hurt her as she had always struggled with her weight. She stopped eating meals, and later in their relationship it was suggested she attend an eating disorder clinic.

Oscar followed her on runs, supposedly for her safety, because he claimed to be receiving threats. If she went on her own, he would constantly call her. It got too unbearable, so she stopped running, something she had been doing for years. She tried going to the gym, but then he called when she was there. Eventually she stopped going because of how angry it made him.

Initially they would go to dinner with Isabella's daughter, Kate, and Kate's boyfriend, until Oscar became jealous of Kate's boyfriend speaking to Isabella at these dinners. This led to arguments between Oscar and Isabella, so she stopped seeing her daughter as much after that. He then stopped her from seeing other family members and friends.

When Isabella applied for a job, he told her he owned her and that she was not allowed to work. He said, *'No woman of mine works for anyone, I would look a joke.'* He undermined her capability and told her, for example, that no one would employ her as she was useless.

Isabella had pet dogs, who were her world. When she was offered a job, Oscar told her that if she went to work, she would find the dogs dead when she returned home. Even though she complied, she found him one day punching and strangling the dog, which resulted in the dog having a stroke. Oscar was frequently violent towards Isabella as well. On one occasion he suffocated her with a pillow. He used to make verbal threats, such as threatening to chop her up using the weapons he owned.

After a period of time Isabella stopped wanting to have sex with Oscar but didn't feel able to say no when he initiated it. On one occasion when she did say no, he accused her of having an affair with someone else. When she refuted this, he told her if she was lying, he would strangle and burn her. He then raped her. He continued to rape her on further occasions after this. He tended to lock the doors and turn off the lights before he raped her, which has resulted in Isabella being afraid of the dark and having difficulties sleeping. Her GP has since prescribed her diazepam.

Matters reached the point where Oscar was constantly threatening Isabella with rape, physical violence and death. She did not believe anyone could keep her safe from him. He also made numerous threats to kill her mum, brother, daughter and dogs, and she believed he would carry out these threats.

Isabella's arrest

During their relationship Oscar and Isabella lived together in a caravan on a campsite run by him. In this time, Oscar received seven stolen caravans, which he stored on the campsite. Of the seven, he sold four. He put the cash from these sales into Isabella's bank account, which

he controlled. He kept hold of her bank card and knew her online banking details. If she asked for her bank card, it would usually result in an argument and Isabella being punished.

Oscar put Isabella's number as the point of contact on advertisements for the caravans that he put up on social media and then took her phone for days at a time. On one occasion Oscar instructed Isabella to write a receipt for the buyer of the caravan and count the cash they had paid. Isabella complied with Oscar's instructions. He had complete control over her, to the extent that she didn't feel she was allowed to have her own mind.

Oscar was arrested for handling stolen goods and fraud, as he had presented himself as the legal owner of the caravans to buyers. Isabella was also arrested and interviewed three times between July 2021 and February 2022. Isabella did not disclose domestic abuse and coercive control to the police during the interviews. She still lived with Oscar at the time and was very scared of him. She thought she was keeping her loved ones safe by staying silent.

Isabella's report to the police

By December 2022 the rapes were becoming more frequent, and the level of violence was escalating. Oscar started locking Isabella in an outside shed for hours on end with no food, water, light or means to go to the toilet. On these occasions he would sometimes beat the dogs, knowing she could hear everything but could not do anything about it. She felt that it was only a matter of time until he killed her, so she found the strength to disclose the abuse to her GP. That was the first disclosure she had ever made about the abuse. Her GP said she needed to report the abuse to the police, so she made the call from the doctor's surgery and decided then that she needed to leave the relationship.

The police investigated Isabella's allegations against Oscar. They took a statement from her and her daughter. Isabella also had audio recordings of several of the rapes and of Oscar beating the dogs, which she provided to the police. Eventually Oscar was charged with rape and coercive control. A trial against Oscar began in June 2023. Isabella had a breakdown on the stand when the recordings of the rapes were played. She started scratching her face and neck during the first recording and smashing her head on the desk during the second. As a result, the judge had to stop the trial. The trial was relisted for November 2023, but was then adjourned to June 2024, following which Oscar was convicted of eight counts of rape, but acquitted of coercive control.

Criminal proceedings against Isabella

In the intervening period, Oscar was charged with seven counts of handling stolen goods and four counts of fraud in relation to the sale of the caravans. Isabella was charged with the same, on the basis that she had assisted him with the fraud and because the proceeds had been put through her bank account. The trial against them both was listed in January 2023 to begin in January 2025.

Isabella's ISVA contacted CWJ's legal advice service for advice about the criminal case against Isabella. A solicitor at CWJ and a barrister acting *pro bono* met with Isabella's criminal defence solicitor to explain how the public interest considerations could be used to try to get the case against her dropped pre-trial. Isabella's ISVA recalls that they seemed quite astonished by this. After the meeting, in October 2024, Isabella's defence solicitor

telephoned the prosecutor assigned to the theft and fraud case against her. He told the prosecutor about Oscar's convictions for rape. The prosecutor had no idea.

Once the prosecutor looked into the case and saw that Oscar had been convicted and sentenced, she was very receptive. Four days after the phone call Isabella received a letter telling her all the charges against her were going to be dropped, stating it was no longer in the public interest to prosecute her. However, as the case was so far along, the CPS needed to offer no further evidence at a mention hearing, which did not take place until January 2025.

The impact on Isabella

Isabella saw a Community Psychiatric Nurse (CPN) on the day she was informed that the CPS were dropping the charges. The first thing Isabella said to her was that she was seeing her daughter for the first time in eight months that day, and that she 'didn't have to say goodbye anymore'. When the CPN asked Isabella what she meant by that, Isabella explained that it had been her intention to commit suicide before the trial started and she had been planning to see her daughter that day to say goodbye. Isabella's ISVA believes the criminal proceedings have had an irreversible effect on her.

What could have been done differently? Reflections from Isabella's ISVA

Isabella's ISVA notes that Oscar had an extensive history of domestic abuse-related allegations by previous partners and an active non-molestation order against him in relation to another partner at the time of the investigation against Isabella. Given his history, and what is likely to have been Isabella's demeanour at the time, it would have been reasonable to expect the police to have picked up on indicators that he was abusing Isabella, and to investigate whether this was the case before bringing proceedings against her. If the police had asked Isabella during one of the interviews if she felt safe in her relationship with Oscar, she might have opened up.

Isabella's ISVA suggests that there should be mandatory training that enables the police and criminal justice agencies to understand the dynamics of domestic abuse and how much power and control perpetrators have over their partners, including the ripple effect into every single part of their daily lives. For Isabella, no one was more powerful or frightening than her abuser. Not a police officer, a social worker, a prosecutor - no one could make a victim suffer like her perpetrator would for disobedience. She argues:

"There must be changes in how survivors are handled under these circumstances with the police and the CPS. There should be new structured guidance introduced that has been developed by women's services who work with survivors day in and out and understand 'the rules of the game'."

The prosecutor assigned to the case against Isabella 'had no idea at all' that Oscar was being investigated for rape or coercive control. This is despite the officer in charge of the case against Isabella being aware of it, and even knowing Isabella was going to court to give evidence against Oscar. Isabella's ISVA comments:

"I think there should be a system in place, if there is not one already, within the CPS, to flag where an individual is both a suspect and an alleged victim. This could be used as a prompt that prosecutors need to probe further into a case. I also think

there should be a procedure in place between the police and the CPS to ensure this information is communicated.”

She goes on:

“Survivors should not be facing these situations in 2025. For Isabella to have suffered abuse over and over again, to then face prosecution for something completely outside of her control in 2025 is an injustice itself. I know without a doubt that the handling of the case against Isabella would have resulted in her death had it not been for CWJ speaking to her defence team.”

Discussion

Oscar had an extensive history of domestic abuse-related offences and allegations. When the investigation into Isabella commenced there was an active non-molestation order against him obtained by a previous partner, which the police should have been aware of given that such orders must be served on the police. When Oscar and Isabella were investigated in relation to the stolen caravans, the police would have been aware of Oscar’s offending history and it would have been reasonable for them to suspect he was abusing Isabella, rather than assuming she was a co-conspirator. They could have, as her support worker suggested, asked about her relationship with Oscar during the police interview.

It would have been very difficult for Isabella to disclose the abuse to the police at the time, given the terrifying situation in which she was living, but it appears an opportunity was missed at this point to attempt to understand the underlying circumstances. If Isabella had been a suspected trafficking victim (rather than a victim of coercive control), with a statutory defence and accompanying guidance, this might well have focused minds and led to an investigation of the context and a decision not to prosecute.

Isabella reported Oscar’s abusive behaviour to the police in December 2022 and an investigation began into multiple rapes and coercive control by him against her. It is inexplicable that the proceedings against her were not dropped at this point. The officer in charge of the case against her knew about the proceedings against Oscar for the abuse, and knew Isabella was giving evidence in court. What is even more astonishing is that this information was not passed on to the CPS, even after Oscar had been convicted of eight counts of rape. The failure of Isabella’s solicitor to make representations on her behalf, until CWJ’s intervention, is also damning.

As a result of all these failings, the proceedings against Isabella continued for a further two years after she reported the abuse, and very nearly resulted in her taking her own life.

Isabella’s ISVA rightly points out the need for improved training and guidance, developed in partnership with women’s specialist services, to ensure the police and prosecutors understand the nature of coercive control and its impact on victim/survivors. This must also address how experiencing coercive control can lead to victims being accused of offending, and the importance of taking this context into account in decision-making. Training is also needed for criminal defence lawyers.

As Isabella’s ISVA also suggests, a system needs to be put in place to ensure that where a suspect is also a victim of domestic abuse, this is known about, taken into account by the

police and communicated to the CPS. She suggests that some kind of prompt could be used to effect this. We recommend below the introduction of a joint Police/CPS protocol to this end, to ensure evidence that a suspect may also be a victim of domestic abuse is shared between the relevant individuals within the police and with the CPS as a matter of course, and that this is properly investigated and taken into account.

Counter-allegations

In cases where allegations have been made in both directions, it is important for the police and prosecutors to take a careful overview of the whole situation, in order to identify which person is the 'primary' victim. This is recognised in detailed guidance for police and prosecutors as we have seen above,⁴⁴ but the cases below suggest – echoing earlier research - that this is not consistently followed in practice.⁴⁵

Recent research also points out the impact of such cases on national data, noting that even where counter-allegations are recognised by police as having been made by primary (often male) perpetrators, they still become part of the police data as victims, with genuine victim/survivors (often female) listed as suspects. This means that national police data distort both the nature of the problem and police responses to it.⁴⁶

Women's specialist service Advance has found that around half of recent referrals to their police diversion scheme for women (in which the police offer women a conditional caution provided they attend the Advance service for support) stemmed from women being arrested as a result of counter-allegations.⁴⁷ Advance's senior service provider Dali Kaur comments that police tend to believe men over women in these cases, explaining, *'He gains so much power over years of abuse that he can manipulate the situation and turn it around.'* Previous research by Marianne Hester has found that women are three times more likely to be arrested than their male partners at a domestic abuse incident involving counter-allegations, often where they have used force to protect themselves.⁴⁸

Counter-allegations made against victims may also arise in many other contexts, including accusations of harassment or child abuse, often in the context of family proceedings. Perpetrators of coercive control may use counter-allegations as a way of undermining their victim's credibility, deflecting attention from their own behaviour, gaining an advantage in family proceedings and punishing their victim for leaving them or reporting them for the abuse. It is essential for police and prosecutors to be able to recognise where perpetrators are attempting to manipulate the criminal justice process in order to escape justice themselves and extend their abuse and control over their victims. As Home Office statutory guidance on controlling or coercive behaviour points out, College of Policing guidance specifically guards against this.⁴⁹

"[The] College of Policing guidance on arrest and other positive approaches states that 'a manipulative perpetrator may be trying to draw the police into colluding with their coercive control of the victim; police officers must avoid playing into the primary perpetrator's hands and take account of all available evidence when making the decision to arrest'."

Aleksandra, Choum and Jane were all subject to counter-allegations by their abuser which led to their investigation or prosecution. In each case this arose post-separation in the context of family proceedings, after they had disclosed their partner's abusive behaviour either in the family proceedings or to the police.

Aleksandra

Aleksandra's experience of abuse

"I met Harrison online in 2017. When he said he was a police officer, I felt instantly safe. Years earlier, my first husband had tried to kill me and the police had responded quickly and

decisively. He was convicted and sent to prison. That experience left me with deep trust in the police. I believed Harrison would be someone I could rely on, someone safe.

“Our relationship progressed quickly. I became pregnant with our daughter and soon I moved into his home, letting out my own flat. That is when things began to change. Harrison’s charm gave way to control. He became increasingly demanding, the house had to be spotless and dinner had to be cooked and served to his exact standards at exactly the right time. He gradually isolated me from my friends and family. He imposed strict rules about where I could and couldn’t go with our daughter, and he would become angry if I spoke to her in my native language. Any non-compliance, or what he called a lack of respect, had severe consequences. He covertly recorded me on audio, and installed nine CCTV cameras, one inside the house and the rest outside, to monitor my movements. If I ever switched them off, he would explode with rage.

The first allegation against Aleksandra

“By 2021, the abuse had escalated. Harrison would threaten to throw me out of the house if I did not comply with his demands. On one occasion, he disassembled my work station, making me unable to work from home; his rage became so intense, shouting, slamming doors, I feared he was about to throw me out of the house. I locked myself in the bathroom and called the police.

“When officers arrived, they were not supportive. Despite me being the one who had called for help, Harrison told them that I had hit him. Rather than recognising the signs of domestic abuse and investigating properly, they recorded the incident as a non-crime domestic. The officers told me that since Harrison owned the house and there was no formal tenancy agreement giving me the right to live there, I would have to leave if he wanted me to. Feeling powerless, I told them I would leave that night. But after the officers left, Harrison apologised and convinced me to stay while I looked for alternative accommodation for myself and our daughter.

“We separated in July, shortly after the police incident, but continued living together because I had rented out my own flat. In early August 2021, Harrison collected our daughter from nursery and did not bring her home. I did not know where she was. I contacted the police, but they refused to intervene. The following morning, I received a solicitor’s letter. Harrison had made an emergency application to the Family Court for custody, falsely alleging that I had abused both him and our daughter. The emergency hearing took place the following day. No one questioned his allegations until I interrupted the proceedings and told the judge that Harrison had not returned our daughter home, and I did not know where she was. Only then did the judge order Harrison to return her. However, the judge required us to agree a care arrangement by 4 p.m. that same day. I felt I had no choice but to agree to joint custody, under extreme pressure from Harrison, who, through his barrister, said he would not return our daughter unless I signed the agreement on his terms. I was deeply concerned that if the case went back before the judge, my daughter might not see me for many more weeks or even months and that I could lose custody altogether, given the serious allegations he had made.

“He continued to make malicious and inconsistent allegations in the Family Court, falsely accusing me, initially, of psychological abuse, and then making allegations of physical violence relating to the same period as the case progressed. This led to an investigation being conducted by Cafcass. As part of this they spoke with each of us individually and I told

them about Harrison's abusive behaviour, but they didn't seem very interested in either his allegations or mine. In their final report they dismissed our allegations against each other as 'parental differences' and recommended that our dispute over custody should be resolved via mediation.

"As part of the Family Court order, I was allowed to stay in the house for five more days to pack and leave peacefully. Harrison was meant to stay with his parents during this period. He continued to monitor me through the CCTV system. When I turned off the cameras, he would come back to the house unannounced to switch them back on. I felt constantly watched and never safe.

"The day before I was due to move out, Harrison arrived at the house accompanied by a police officer. The officer told me he was there to 'prevent a breach of the peace'. While he stood by the loft ladder where the CCTV server was located, Harrison climbed up and reconnected the cameras. I pleaded with the officer to intervene. I explained that Harrison was spying on me and that I did not consent to being monitored. The officer shrugged and told me it was Harrison's house, so he could do what he wanted. I later requested the officer's bodycam footage but was told it had been deleted.

"The following morning, I took our daughter to nursery. As I walked back, Harrison sent me a message, 'I am home now and cannot allow you back in the house... I have phoned police and made them aware.' He did not let me come back to the house and finish my packing contrary to the court order. When the removals team arrived later that day, Harrison handed my belongings to them through the door. I was standing outside. After my belongings arrived at my flat, I discovered that several of my personal items were missing.

"The abuse didn't stop there. Harrison demanded that all handovers of our daughter should take place in public places in front of CCTV, 'for his protection'. He also demanded that I come alone. If I brought a family member with me, he would disrupt the handover or refuse to hand over or collect our daughter. On one occasion, he came to my house with three police officers to collect our daughter after refusing to collect her the previous night."

The first police report against Aleksandra

"In January 2023, three weeks before the final hearing in the Family Court, Harrison reported to the police that I had assaulted him outside a station during a handover. He told the police he didn't want to press charges, he just wanted the incident 'on record'. I suspect he was hoping I would never find out about the report. However, as a child was present during the alleged assault, the police were required to notify children's services. They did, and that is how I found out.

"It was not the first time Harrison had come to the attention of children's services. Previously paramedics had made a safeguarding referral to children's services when we were still together. This was after they had responded to a 999 call by me because our daughter had been very ill. Apparently, they thought the way Harrison had spoken to me during their visit was really abusive and raised concerns of domestic abuse within the referral. Children's services contacted me following their visit, but I did not want to support any action against Harrison at that time because he said he would lose his job. He told me we could sort out our issues and began acting nice to me. After children's services took no further action, he became horrible again.

“The social worker immediately recognised signs of coercive and controlling behaviour. I was told that it appeared Harrison was attempting to build a record against me ahead of the final court hearing. The social worker advised me to report him to the police. I was told that if I failed to take action, I risked being seen as a weak mother, incapable of protecting my child. Children’s services also referred me to a Women’s Aid support programme for women experiencing control from male partners. It was the first time I felt that someone within the system actually understood what was happening to me and offered practical help.

Aleksandra’s police report

“I called the police as soon as I got off the phone with children’s services. Several officers arrived at my house almost immediately, carried out a DASH risk assessment and took a brief initial statement. For reasons that were never explained to me and despite my repeated requests, the police did not want to request CCTV footage from the station, so I obtained the CCTV footage myself and then forwarded it to the police. Although the cameras did not record continuously, parts of the handover were captured, which supported my version of events.

“In March 2023, an experienced sergeant was appointed as the Officer in Charge (OIC) of my case. He took a lengthy statement from me and then, after new provisions of the Domestic Abuse Act 2021 came into force in April 2023, allowing post-separation abuse to be formally recognised, he began to document important incidents to establish a pattern of coercive control.

“The OIC identified three potential charges: coercive control, theft of my belongings, and assault on a child. The latter referred to Harrison’s repeated behaviour over a period of three years, during which he regularly covered our daughter’s body with an excessive number of temporary tattoos, sometimes up to 24 at once, covering her small legs entirely. These included large, dark scorpion tattoos, which is his star sign and clearly intended as a symbol of ownership and control. It felt as though he was branding her to assert dominance. The tattoos normally took days to remove and caused significant distress to her and me.

“In May 2023, Harrison was invited for an interview under caution. He was presented with all the exhibits supporting my statements (which included messages between us) and was asked to respond. After the interview, he was given several weeks to submit his own evidence in response to my allegations.

“I later learned that three months after his interview with the police, Harrison had made counter-allegations of controlling or coercive behaviour against me. The day-to-day handling of the case against me was assigned to a trainee detective (‘Harrison’s OIC’), under the supervision of an experienced and award-winning sergeant. Both were based at the same police station and worked within the same department as my own OIC. Although Harrison disclosed to his OIC that he was already under investigation for domestic abuse, they failed to make any enquiries, consult with my OIC, or seek appropriate guidance.

“In December 2023, my OIC informed me that the case against Harrison was nearly ready to be submitted to the CPS for a charging decision. A few days later, during an audio-recorded Family Court hearing, Harrison told the court that the police had informed him there would likely be no further action in the case against him. This directly contradicted what my OIC had told me, so I immediately contacted the police. They confirmed that no such information could have been given to Harrison, as the case was still active and due to be referred to the

CPS. The detective leading the internal disciplinary investigation into Harrison advised me to lodge a formal police complaint. I followed that advice and submitted a complaint in early January 2024. It was handled by a different officer and was ultimately dismissed in early 2024. I was told that Harrison lying in court was a matter for the Family Court, not the police.”

Counter-allegations against Aleksandra

“On the same day that I made the police complaint against Harrison to the force’s Professional Standards Department (PSD), at 19:30, three officers arrived at my home. They informed me that I was under arrest because Harrison had made allegations of coercive control against me. I was shocked. I explained to the officers that Harrison was already under advanced criminal and disciplinary investigations for coercive control and that his case was being finalised for submission to the CPS. I gave them the name of the OIC leading the investigation against Harrison. I wanted to call him. But as I reached for my phone, they confiscated it. I asked if the OIC of my case was aware of my arrest, but the officers didn’t answer. It seemed they were deliberately trying to break the trust I had placed in my OIC.

“I informed them that my four-year-old daughter was in my care. They acknowledged that they were aware of this and confirmed that the presence of three officers at my home was specifically to deal with her. This only strengthened my belief that the timing of my arrest had been deliberately selected for maximum impact. That Harrison had orchestrated it so the arrest would take place when my daughter was with me.

“Thankfully, my daughter was in bed and had fallen asleep just before the officers arrived, and my parents were present at the house and were able to stay with her while the police took me away in handcuffs. Had they not been there, my daughter would have witnessed the arrest and might have been taken into care or handed over to Harrison by strangers in uniform. I believe such an experience would have caused her lifelong trauma.

“I was transported to the police station in handcuffs. I was searched multiple times. My fingerprints and DNA were taken, and I was placed in a cell to wait for the duty solicitor. I felt humiliated and violated. When I had reported Harrison for coercive control in January 2023, he was invited to an interview under caution. He was not arrested, not handcuffed, not searched, and his phone was not seized. His interview took place when he did not have our daughter in his care. I repeatedly asked the officers why such a heavy-handed approach was being used on me. In response, Harrison’s OIC kept saying that they needed to protect their ‘victim’, Harrison.

“I was placed in a police cell with a hard bed and a metal toilet, images that still haunt me. It was the first time I had ever been in, or even seen, a police cell. In fact, I had never been inside a police station before. It was a Friday night, and I was terrified that I might be kept there until morning and wouldn’t be home when my daughter woke up.

“I was acutely aware of the cameras monitoring me, which made me feel even more anxious. Having lived under constant surveillance by Harrison, the sensation of being watched like that again was deeply triggering.

“When the duty solicitor arrived, he immediately expressed concerns. He said I should have been invited for a voluntary interview under caution, not arrested. He advised me to file a complaint with my MP and the Independent Office for Police Conduct (IOPC).

"The duty solicitor and I went through the one-page Record of Pre-Interview Briefing document that Harrison's OIC had given me. It set out three allegations: (1) that I had pushed Harrison at our home; (2) that I assaulted him in January 2023 outside a train station; and (3) that I had sent him messages of a controlling nature. Despite requests, Harrison's OIC did not show me any of the messages mentioned, nor was I given the opportunity to verify their authenticity or provide any context.

"I was finally interviewed later that night. I don't know the exact time, it all blurred together. All I wanted was to be home before my daughter woke up. I now know the interview lasted 53 minutes, but at the time it felt like an eternity. Most of the questions were general and focused on my relationship with Harrison. I denied both allegations of physical abuse. I explained that the CCTV footage from the train station had been obtained, proving the allegation false. I further explained that it would make no sense for me to assault Harrison, given my history as a survivor of physical domestic violence.

"I also took the time to explain that Harrison was a dominant and abusive man, providing specific examples in the hope that this would help the officers see what was really happening. My overall impression was that Harrison's OIC was poorly prepared for the interview. This raised questions in my mind about why there was such a sudden arrest.

"After the interview, I was taken back to the cell. I was eventually released without charge in the early hours the following day. My release came with two bail conditions: (1) I was not to enter or approach Harrison's address for any reason, and (2) I was not to contact or interfere with him, either directly or indirectly, and this included video calls with my daughter when she was in his care.

"I did not understand why these conditions were considered necessary. I had not been anywhere near Harrison's road since he had locked me out of the house. The entire experience felt utterly humiliating and degrading. I was treated as though I was a dangerous criminal, when all I had done was try to protect myself and my child from ongoing abuse.

"Harrison's OIC informed me that my phone would remain seized and asked me to provide the passcode. I was hesitant, unsure whether providing it was optional, or if refusing might be seen as obstruction and create further problems for me. By that point, the duty solicitor had already left and I was uncertain about my legal rights. I ultimately provided the passcode. It was unclear to me what the police expected to find on my phone that would not also be available on Harrison's device. The allegations against me related to communications between the two of us, messages to which we were both party. Harrison should have been required to evidence his allegations, just as I had been when I reported his abuse, not the other way around.

"I left the station at around 2:00 a.m. Thankfully, my mother had the foresight to slip some cash into my pocket before I was taken away. The police had kept my phone, and without that cash I do not know how I would have managed to get home. I spent the entire weekend in bed, crying. I did not go to work for the whole week. I felt broken, too traumatised to face anything or anyone. My family stepped in to care for my daughter while I tried to recover from what had happened. They also bought me a new phone.

"The following Monday, I spoke with my OIC. He had not been informed of Harrison's allegations or my arrest in advance. He told me that he did not understand why I had been

arrested at all. The allegations of coercive control were non-violent and historical, with no indication of any immediate risk to life or safety. Given these circumstances, and the fact that I had my young daughter in my care, he said there was no justification for arresting me. I should, he stressed, have been invited for a voluntary interview under caution, just as Harrison had been."

Investigations after Aleksandra's arrest

"I believe that my arrest should have raised immediate concerns because my OIC and his supervisor flagged issues internally immediately after my arrest. A detective inspector was appointed to oversee both investigations approximately three weeks after my arrest.

"The detective inspector with responsibility for overseeing both cases directed my OIC not to send the file to the CPS despite it being finalised. He said that the case against me and the case against Harrison should be sent to the CPS together, however, the case against me was not ready and this meant a delay in sending the case against Harrison to the CPS.

"At that point the detective inspector and Harrison's IOC, stopped responding to my emails. I did not know what was going on. Harrison's OIC appeared to make no progress on the case. I formed the impression that this was a deliberate attempt to prevent the file against Harrison from being submitted to the CPS. I have also since found out that the recording of my interview following my arrest has been lost. The only copy that remained available but inaccessible to Harrison's OIC was the sealed copy of the disk stored off site.

"A month after my arrest a Multi-Agency Risk Assessment Conference (MARAC) was held during which my case was discussed for a second time. I know because I received a letter from the chair after the meeting informing my risk of serious harm from Harrison had been determined to be high. I'm not aware what the level of risk to me was determined to be before my arrest because I didn't receive a letter after that meeting. However, as only high-risk cases of domestic abuse are discussed at MARACs, I presume the risk was considered to be high then as well.

"Following my arrest, my professional regulating body received a misleading anonymous report notifying them of my arrest and bail conditions. I believe it was sent by Harrison as it included a police case number. My regulator reported this to my employer, so I had to explain everything that had happened in a meeting with Human Resources, which was very distressing. I started working from home after that as I didn't know how many of my colleagues knew I was under investigation. I also notified the police of the misleading report.

"Six months after my arrest, in July 2024, I wrote to the Chief Constable's office, hoping that the Chief Constable would intervene. It appears that the Chief Constable did intervene as the following day both files were sent to the CPS. I immediately raised concerns, both in correspondence and in a telephone conversation with Harrison's OIC's new supervisor, that it was inappropriate for them to refer the case against me to the CPS. I had not been informed of the specific allegations against me and had been given no opportunity to respond. I raised concerns that the most likely outcome of submitting an incomplete file would be its return by the CPS, resulting in further delays. This is exactly what happened. The file was returned by the CPS a few days later.

"In October 2024, Harrison's OIC tried to submit the file to the CPS for a second time, but it was returned unread with a note enclosed stating the CPS were not going to read it. After

my solicitor's follow ups, a new police officer was assigned to review both cases but made no progress. Frustrated, I emailed the Chief Constable in February 2025 and quickly received a response. A third officer, a detective sergeant, had been appointed to review the case against me, to decide whether to close it locally or refer it back to the CPS.

"In March 2025, I was informed that the PSD had determined Harrison had a case to answer for gross misconduct and referred his case for a misconduct hearing. As of June 2025, the case is still awaiting legal counsel's review.

"In May 2025, I was informed that there would be No Further Action in respect of Harrison's allegations against me. The case was closed locally without further reference to the CPS. By that point, I had been under a criminal investigation for nearly two years.

"Unfortunately, the following week, my OIC informed me that the CPS had decided not to proceed with the case against Harrison due to insufficient evidence. The CPS felt that the high criminal threshold for coercive and controlling behaviour was not met. They did not explain why they chose not to apply for a court order to disclose the family court file, which was relevant to Harrison's repeated false allegations against me in the family court. As far as I am aware, neither the CPS nor the police considered Harrison's allegations against me, the ones that ultimately led to my arrest, in the context of his coercive and controlling behaviour. I have submitted a Victim's Right to Review to the CPS and am currently awaiting the outcome."

The investigations into Aleksandra's arrest

"I believe the officers involved realised almost immediately that my arrest had been unlawful, but no one was willing to admit it. I escalated my complaint to the IOPC. My complaint was upheld, and the IOPC directed the force's PSD to reinvestigate my police complaint. Only then did the police admit that both the arrest and the seizure of my phone had been unnecessary and unreasonable. However, none of the officers involved faced disciplinary action and my phone was not returned to me for another six months despite the fact that no data was downloaded from it. Instead, the PSD recommended 'reflective practice' with the officers' supervisors, describing my arrest as a 'mishap' and blaming it on training gaps and staffing issues without actually checking what training the officers had and what hours they worked.

"I found this deeply unsatisfactory. The officers had known that Harrison was already under criminal investigation, yet they chose to ignore this. Instead, in November 2023 they had made a note on the police system that I needed to be arrested, before they finished reviewing evidence that Harrison gave them. They had been planning my arrest for two months and so had every opportunity to make enquiries and prevent it. Even after arriving at my home, a single phone call to my OIC or his supervisor, who was heavily involved in the case and was on night duty at the time of my arrest, would have clarified everything. Instead, they deliberately chose not to make that call.

"The IOPC are currently reviewing the outcome of the re-investigation."

The impact on Aleksandra

"I have installed cameras outside my house. For a long time, I resisted. Surveillance reminds me of Harrison, how he used it to monitor me, to control me. But now I feel I have no choice.

I will not open the door unless I can see exactly who is there. If the camera lags or does not load, I do not answer. I live on edge, always bracing for the possibility that it might be the police again. I never know what else Harrison might try, or who else he might convince to come after me next.

"I have spent the past year in domestic abuse counselling, working to heal the damage, but it has been incredibly difficult while remaining under a criminal investigation and being denied the opportunity to defend myself. The investigation broke something in me. I went months without sleeping properly, crippled by anxiety. I still get flashbacks. Sometimes at night, I am back in the cell, sitting on the hard bed, staring at the metal toilet, waiting for someone to tell me what I had done wrong. Every time I pass my front door, I am taken straight back to the moment the police stood outside it.

"My home was meant to be my refuge from Harrison. After my arrest, it stopped feeling safe. It became something else, a trap, a reminder, a place I am afraid of. The trauma didn't end with the abuse. It deepened when the system that was supposed to protect me, or at least not to harm me further, turned against me."

What could have been done differently?

"The police should have recognised the signs of domestic abuse much earlier. There were multiple opportunities: when I first called for help after Harrison threatened to throw me out of the house; when he returned with officers to reconnect the CCTV system to monitor me despite my explicit objections to the police; and when I reported that he had failed to return our daughter home. Instead of protecting me, the police stood by. Their inaction made them complicit.

"That complicity became active assistance once Harrison made counter-allegations against me. His claims should have been properly scrutinised and investigated. I should not have been arrested. I should not have been placed on bail. I should not have gone from being a person with no criminal record to someone with an arrest record, simply because a police officer reported 'experiencing feeling harassed and controlled' (the explanation for my arrest in the re-investigation report). I should have been afforded the same opportunity as Harrison to attend a voluntary interview and defend myself against specific allegations, allegations that were never disclosed to me.

"Above all, the police should have taken every possible step to avoid re-traumatising me, especially considering both my history as a survivor of domestic abuse by my first husband and my status as a high-risk victim, as assessed by MARAC, due to the abuse by Harrison. These facts were known to the police.

"The police's complicity and active support for Harrison should never have escalated into a cover-up, but it did. I should not have been forced to go through the trauma of filing multiple complaints with the PSD, the Chief Constable and the IOPC, just to begin the process of decriminalising myself. To date, I have not succeeded in holding anyone accountable and my arrest and personal data remain on police record. As far as I know, no one has investigated Harrison's involvement in my arrest beyond superficial checks on the police system, nor has there been any consideration of whether he perverted the course of justice by making false allegations against me to disrupt the investigation against himself.

“Harrison used to boast that his management would do anything to protect him. At the time, I thought he was bluffing. But in the end, I was the one who was arrested, handcuffed by the police, and left with a record of an arrest on the PNC. Every threat he made, he followed through on. The result is that even though some of my experience of dealing with the police has been positive, I will never again seek help from the police, even if I am harmed, as I have completely lost faith in the police.”

Discussion

At the time of Aleksandra’s arrest, the investigation against Harrison for coercive control had been ongoing for a year and the file was being prepared to be sent to the CPS for a charging decision. That investigation had indicated that he had on at least one occasion made a false allegation of assault against her to the police.

The officers investigating Aleksandra appear to have focused narrowly on securing her conviction rather than critically assessing the circumstances in which the allegations against her had emerged, namely when an investigation into Harrison for coercive or controlling behaviour was gaining traction. There is a clear risk here of the police being manipulated by a perpetrator who seeks to deflect attention from his own behaviour, diminish his victim’s credibility, punish her and extend his control, contrary to College of Policing guidance. The question must also arise as to whether Harrison’s status as a serving police officer assisted his credibility. The officers twice sent a file against Aleksandra to the CPS, even though the first file was rejected immediately. This suggests a doubling down by the police on their presumption of guilt, rather than considering whether they had been misled by Harrison. The police then kept the file open on Aleksandra for a further seven months, although it does not appear that any further steps were taken to investigate the allegations against her.

Aleksandra’s case is a shocking example of the failures in policing around PPDA, for which the police should be held properly accountable. It is a classic example of how a coercive controller who is a police officer may use his powers to further control, as explained in CWJ’s police super-complaint regarding PPDA and recent update report.⁵⁰ Aleksandra’s alleged offences took place between 2021 and 2023, after CWJ had submitted the police super-complaint.⁵¹ Her treatment was outrageous and discriminatory. More broadly, the case reveals significant deficiencies in the police handling of malicious counter-allegations by domestic abuse perpetrators.

The decision to arrest Aleksandra in handcuffs and detain her for several hours, as compared to Harrison being invited for a voluntary interview without arrest, was clearly disproportionate and has been recognised as wrong following Aleksandra’s complaint; there has been no explanation as to why this approach was taken and whether it had any connection with Harrison’s status as a police officer or any undue influence he may have had over Aleksandra’s treatment.

The decision to arrest Aleksandra when she had their daughter in her care is troubling, given that it would have been easy for the police to choose a day when she was in Harrison’s care. Aleksandra interprets this as being designed to cause maximum harm to her. If so, this leaves the police effectively in collusion with Harrison in his harmful behaviour to both Aleksandra and their daughter, whether this was done knowingly or not.

The police investigation and repeated referrals to the CPS appear chaotic and clearly caused significant delays. If there had been a joint Police/CPS protocol in place for the

handling of cases where a suspect is also a potential victim of domestic abuse or coercive control, with clear guidance on identifying indicators, gathering evidence, passing it on promptly and taking it into account, this might well have assisted.

Choum

Choum's experience of abuse

"I met my ex-husband in my home country of Cambodia in 2004. We married there two years later. He is white British and we moved to the UK and had two children together. We decided to separate in 2017.

"Things became bad after we came to the UK. He was always controlling me, at first in a 'nice' way – he said, 'You don't know about the UK, so you need to ask me.' He didn't want me to learn anything as then I would know what he was doing to me was wrong.

"He stopped me speaking with my brother, my sister-in-law and my friends. He used to track where I went on my phone. He told me that he should have the banking app on his phone, as he speaks English and I don't speak English. He gave me a card and controlled how much money I was allowed each month. He would not allow me to see a doctor. He raped me many times. One time he pushed me very hard, I fell on the sofa. Another time he spat on me and pulled back his fist.

"He would always tell my friends and family that I was so stupid and that he had to do everything for me. He made me feel very small. He would text me in the morning a list of things that I had to do that day. He treated me like a slave. He taught our children not to listen to me. He told them that my English was not very good and that they didn't need me and should listen to him only. He would not let the children show affection to me. He told them I was worth nothing. I was not allowed to wear make-up or perfume. He pointed at me like I'm a servant.

*"I stayed because of the children, because I didn't know I could remain in the UK if we separated. He said, 'Don't trust anyone, otherwise they will tell the government and will remove you.' I eventually ended the relationship once I had indefinite leave to remain in the UK, but we continued living in the same house. He would still rape me. He would say, 'I hate you, but I still want to f*** you.' In 2017 I said he should stop, but he never stopped. I went to sleep on the sofa, but he would still rape me.*

"He continued to sexually abuse me until 2019. After that, I moved to sleep in the living room. Although he attempted to assault me there as well, I made sure he was not able to. This made him very angry. All of these problems arose because he could not rape me anymore."

The allegations against Choum

"Early one evening in 2021 we had an argument. I said, 'Please can you stop controlling me. We are mother and father, but we are separate.' I threatened to call the police about his abuse. He called the police himself at 11pm. He falsely claimed that I had harmed the children. He asked the police to let him take the children away for just one night to his mum's, and they let him. The police investigated but found no evidence to support his claim about me.

"He never returned the children to me. After two weeks I applied to the family court to have them returned. In my application I disclosed his abuse and sexual violence towards me. The court ordered him to return the children, and that is when he made allegations about me to a social worker. At the time my children were five and eight. He alleged that I was sexually abusing the children because I was still breastfeeding my son. In my country we breastfeed quite long, especially the boys. I wanted them to be healthy. He also said that it was sexual

abuse for me to put cream on the children's bodies, to wash their bums after they had a poo, and to kiss my daughter's neck.

"This triggered a child protection investigation; the social worker assessed my children seven times, and they said it was very clear that there was no sexual abuse. He then repeated his allegations to the police. I was invited for a voluntary interview. I got a lawyer and an interpreter for the interview, which lasted three and a half hours. They said they were going to close the case as there was no evidence of abuse.

"Later, at a case conference in the family proceedings, my ex-husband got angry and told the child protection boss to report me to the police. She said she couldn't as there was no evidence of any abuse. So he reported me to the police himself again. This time he had coached my children so it seemed like there was new evidence and they investigated again, but again found no evidence that I had done anything wrong.

"The police had to keep investigating to keep my husband happy. Finally, after the family court closed their case, the police closed their case against me with No Further Action. From the time of my voluntary interview to the closing of the case, it was three years.

"After we separated, the children lived with my husband. They are now 11 and 13. The court never stopped me seeing my children; I should see them twice a week. For the first two years I saw them, but now I haven't seen them for two and a half years. He always makes an issue. He has a high paid solicitor to protect him."

Choum's disclosure of the abuse

"Before making the family court application, I had only told my friend and some family members about the abuse. I was too scared to report it to anyone. I eventually reported him to the police for the rapes and domestic abuse in 2022, about six months after they interviewed me about his allegations against me. This was because the social worker told me to go to the police. I said, 'I don't have evidence. Every time he raped me, it was midnight.' She said I am the evidence. I told them everything: that he controlled me, he abused me. I said, 'He came to have sex with me without my permission.' I said, 'I had no freedom, I was a servant.' They did not arrest him but called him for a voluntary interview. I don't think they really investigated him. They took No Further Action because I had no evidence."

The impact on Choum

"My mental health and ability to work have both been badly affected. He doesn't like me having a job – he lost me two other jobs. He called my employer and said I was no good. I lost another job because of his allegation against me. I had worked for three months at a school. When I applied my DBS was clear. It then came up on the enhanced DBS and I lost the job. This affected me so much. I am not working at the moment as I have very bad health and a bad knee issue. I am currently receiving Universal Credit."

What could have been done differently?

"It is very unfair. He abused me, controlled me, scared me. He was the one who abused me, and then changed the case, and made me look like the bad one. He is English and I am Cambodian. He had money and paid a high solicitor. The best in the UK. That is why the case turned against me. He flipped the case – he turned their attention on to me."

Discussion

As well as coercive control, including multiple rapes, there is evidence in Choum's account that she may have been a victim of domestic servitude, a form of modern slavery. She disclosed the abuse in family proceedings before the police began investigating her husband's allegations against her, and she later reported his abuse to the police. This was well before the investigation against her was closed. She does not believe the allegations against her husband were seriously investigated. The police also do not appear to have considered referring Choum into the National Referral Mechanism as a potential modern slavery victim.

Choum's then husband had threatened that she would never see the children again if she left him or disclosed his abuse. Her immigration status made this a particularly powerful threat. After she refused to allow him to continue having sex with her, and then disclosed his abuse in the family proceedings, he made the allegations against her which could indeed have stopped her seeing the children, if they had been believed and substantiated. Choum believes he began his campaign of allegations against her as a direct punishment for her refusal to allow him to continue raping her, saying:

"All of these problems arose because he could not rape me anymore."

All the above is consistent with Choum's ex-husband using the allegations as a way of punishing and continuing to control and abuse her.

By contrast with their response to Choum's allegations against her husband, which resulted in No Further Action with apparently very little investigation, the allegations against Choum appear to have been taken very seriously. Both initial investigations of her (by the police and social services) found no evidence of wrongdoing. After her ex-husband apparently raised new evidence, a further investigation again found the allegations to be unsubstantiated. The matter was eventually closed when the family proceedings came to an end. The allegations hung over Choum for three years, causing significant harm to her wellbeing. The impact on Choum's children is also likely to have been significant. There does not appear to have been any consideration given to holding him accountable for making false allegations.

There is an apparent imbalance between the seriousness with which the allegations against Choum were taken, as compared to the response to Choum's allegations against her ex-husband. The allegations against Choum may have been taken more seriously because they related to alleged abuse of children. However, Choum also felt under the impression that the police felt pressurised by her ex-husband's insistent approach, commenting:

"The police had to keep investigating to keep my husband happy."

She also notes the imbalance between her legally aided representation and her ex-husband's much greater resources and ability to pay for his legal representation, as well as the fact that he is English and she is Cambodian. Choum's relative unfamiliarity with the English legal system is likely to have put her at a disadvantage, as well as the fact that English is not her first language.

As noted in research by CWJ and Imkaan on preventing domestic homicides and suicides of Black and minoritised women, '[w]here counter-allegations are made against a survivor her access to quality interpreting can be crucial to how she is assessed'.⁵² Choum was rightly provided with an interpreter for her voluntary interview, but language difference is likely to have affected her ability to participate in the family and criminal proceedings more broadly, including through her understanding and ability to advocate for herself. The mental distress

Choum was experiencing at the time may well also have affected the seriousness with which the police treated her allegations.

As an Asian woman defending herself against allegations by a white man, Choum may also have been subject to racial discrimination. It is well understood that Black, Asian, minoritised and migrant women are particularly vulnerable to unfair criminalisation.⁵³ Choum's immigration status added to her vulnerability to her partner's abuse, as his threats that she would be deported prevented her leaving him and disclosing the abuse. He used this deliberately as part of his tactics to control her, specifically playing on her fear of losing contact with her children.

Migrant women who have no settled status are known to be exposed to higher rates of domestic and sexual violence, including cultural forms of harm, psychological abuse, domestic servitude and so-called 'honour-based' violence.⁵⁴ Migrant women also face the risk of their immigration status being reported by police to immigration authorities, creating barriers to disclosing abuse and accessing protection and support. Policing bodies have recognised that vulnerable migrant victims of crime, particularly domestic abuse, need help to report incidents.⁵⁵ Given Choum's status as a racially minoritised migrant, it appears the police should have been more alert to her status as a victim in this case. This suggests a need for better training and guidance, focused on the particular challenges experienced by Black, minoritised and migrant victims of coercive control.

If the police had had a proper understanding of the relationship at an early stage, it is possible they might have been able to bring the investigation against Choum to an earlier conclusion. When her ex-husband made his allegations, Choum had not yet reported his abuse to the police. However she had disclosed the abuse in the family proceedings, and she did later disclose it to the police. Opportunities were missed to understand the overall context of the relationship before Choum's report to the police, as no information about Choum's allegations was apparently shared with the police by professionals involved in the family proceedings, and because the police appear to have missed indicators of the abuse. Once she reported her husband's abuse to the police, the question arises as to why the police appear to have given this so little weight in comparison with the investigation against her, including whether this was influenced by the fact that English is not her first language and that she is a racially minoritised, migrant woman. This appears to have been a failure properly to investigate coercive control, rape and potentially modern slavery offences committed against Choum over some 13 years.

The impact of the police response to the allegations against Choum and her allegations against her ex-husband was significantly detrimental to her at the time and appears likely to have a long-term negative effect. Choum's mental health has been severely affected. The allegations against her remain disclosable on an enhanced DBS check and therefore have a severe effect on her employment prospects.

With a different professional approach, the outcome in the criminal proceedings could have been very different. Choum might have been subject to a shorter investigation, and her ex-husband might have been subject to a serious investigation for very serious offences against Choum, as well as being held to account for making false allegations against her. This, in turn, might have affected the outcome in the family proceedings. Choum's mental health might not have been so adversely affected; she would still be in employment; and the outcome for her children might have been entirely different. As it is, Choum has not seen her children for two and a half years as her ex-husband obstructs the contact to which she is entitled, effectively continuing his punishment, control and abuse with impunity.

Janeⁱⁱ

Jane's experience of abuse

"I'm quite a shy person, quite introverted. We met in 2005. We both worked at a law firm; I was a family lawyer and a partner, and my husband was a trainee. He pursued me and declared his love for me within weeks. We got engaged and married in 2007. We went on to have two daughters in 2009 and 2011. We were married for 12 years. While I looked after the girls and taught piano, he worked his way up the career ladder.

"After the first couple of months all the kind of romance died down and his temper was there. There was pushing and shoving. When we were out at social occasions he liked to physically trip me up when I was carrying drinks. He once locked me in the car. But the worst abuse was the cruelty of how he treated me day to day, so that I felt - and still feel now - like I'm nothing. The impact on me was slow and insidious, bringing me down every day. My behaviour changed. He organised my hen do with friends of his that I didn't know. I actually tried to cancel the wedding but I couldn't. By then it was almost too late; we had bought a house.

"When I was pregnant I bought a Miriam Stoppard book, and I was reading this book and he came home from work, and I said, 'Can I show you what size she'll be now?' And he lost it. He took the book and he ripped it up on the stairs in front of me, shoved past me, and I sort of fell down the stairs and ended up at the bottom. But I didn't say anything to anyone. I bought another book and hid it under the mattress.

"I had to do everything for the children and around the house. I couldn't do anything right. I remember I used to rush to empty the dishwasher before he came home from work, otherwise I would be upstairs with the children and would hear him coming in, 'F-ing and blinding', saying the house was a 'shithole'. I wasn't allowed to make any decisions. My bank accounts, and even the girls' padlocks for school, had to have the same passcode that he knew. I became squashed; it was just survival. It was a breakdown of my whole character. There was no relationship between us; he literally didn't see me.

"His physical aggression was there all the time. I was very conscious of when to speak to him about things. If I picked the wrong moment I'd get this complete flare up. It became intolerable. The kids were everything so I just focused on that. The temper was something else. Once my daughter dropped a glass of orange juice during a meal; it was like a nuclear bomb going off. He used to kick the cat and spray Dettol at it.

"He had these moments where his eyes would roll up into his head and he would screech. He would then ignore me – this might go on for an hour or for three days. Then, when he was ready, he would do this 'time out' sign in front of my face. That was him saying that's over now.

"I didn't go out anywhere. I can count maybe four haircuts I had during our 12-year marriage because I could never get out. One night during the pandemic I did go out to a choir rehearsal. Someone asked, 'What brings you here?' And I realised it was the first time I had been out of the house on my own since 2006.

ⁱⁱ 'Jane' appears in CWJ's 'Stop Criminalising Survivors' short films.

“He said that if I ever challenged him he would make my life difficult. My mantra was to get the kids through to 18. The intelligent bit of me goes, ‘What an absolute fool; why didn’t you just get out?’ But it’s just not that simple.”

His arrest

“We eventually split up in 2019 when he came out as being gay.

“On one occasion, in March 2020, he rang and rang, and I wouldn’t pick up the phone. He left messages demanding to speak to the children. My eldest then phoned him back and basically said she didn’t want to speak to him. That was the first time she’d stood up to him. With that he sent me messages saying, ‘I’ve called the police, they’re on their way. I’m on my way.’ I rang my late dad. My ex-husband turned up at the house. He blocked the driveway with his car in a really threatening manner, and he just banged and banged on the door. I didn’t open it; the kids were shouting, asking him to go away. Then my dad turned up and I opened the door to my dad, who was frail, then he was about 78. And as I opened the door to my dad, my ex-husband pushed his way in.

“Knowing how volatile he is, I then rang the police. My opening words were, ‘I think my husband’s already called you.’ And he just stood nose to nose with me and smirked, and said, ‘No I haven’t.’ The officer was speaking to me on the phone, told me to take the kids upstairs; I did that. My dad was trying to stop him and stand up to him and as I came down I watched him assault my dad. The police arrived and they took him away in handcuffs. That was the last time he saw the children. And then I got a call early morning to say that he’d been released, no further action.

“We began family proceedings. He was empowered that he hadn’t been charged. He was told by his solicitors not to write to me and he wrote a ten-page letter the next day, full of threats. I called the police to get a red flag put on our home, to protect us, and told them on the phone about what had been going on. A couple of days later I had a call from the police to say that they were going to investigate a case of coercive control. The financial proceedings and Children Act proceedings ran from then until Autumn 2022. In 2021 a No Contact Order was made against him, preventing him having contact with the children and stopping him bringing any application in the family court without the court’s permission for three years.”

Jane’s alleged offence

“During our marriage he had set up my banking app. And after he’d left he set up a new account and I started to get notifications through. And I could see from that account that he wasn’t disclosing in the financial proceedings fully. I told my solicitor about this, and she thought it best to disclose this to him. He had disinstructed his solicitors by then which gave him free rein to behave at will - his conduct was not checked by his own solicitor which would have maybe made things easier as to what he could and could not do. However this inadvertently gave him a new way to use the system to continue his abuse.

“He had started this campaign of using the police to abuse me. He’d already reported me for homophobia, my parents for homophobia, the solicitor for homophobia; theft of post, because we were re-directing his post to his home address and I was accused of harassing him by re-directing it. All these allegations were dealt with by different police stations as individual incidents, so the link was never made between them. He did the same in the

family court, even going so far as to apply for a Non-Molestation Order against my late father, who was then 80 years old. Every time he made an application it went to a different judge and nothing was linked up, so it was looked at in isolation.

“And now, in January 2021, he reported me for the Misuse of Computer Act. Over the next few months, despite evidence provided by me, the police failed to recognise the allegations against me as part of the pattern of his controlling behaviour.”

Police awareness of the abuse

“The police already knew about his behaviour because they were investigating him for coercive control. I went in to give an interview to the officer dealing with the case against me. He was totally uninterested in the coercive control case – he just said dismissively, ‘Oh I’m aware of it.’

“At this point the initial officers on the coercive control case against my ex-husband had been sacked and replaced due to issues of competence. By then there were new officers put on the case. I spent five days in the police station giving evidence. They said, ‘Don’t worry, we’ve got loads of evidence here... Nothing will happen to you on the banking app case. We’ve spoken to the officer, we’ve put it on hold. We can see it’s part of his abuse, it’s part of the pattern. We’re going to send the whole lot to the CPS and let them look at it and see the context. It’s not helpful for you to worry.’

“Physically and mentally it was so hard. I was trying to protect the children and not let them see how I was feeling. If it wasn’t so destructive, it would have been farcical.”

Extent to which the abuse was taken into account in proceedings against Jane

“The officer dealing with the case against me made clear he was not interested in the abuse. He said it was not relevant. He said the matter against me would be dealt with by community resolution, but I couldn’t accept that because it would have come up on a DBS check which would have affected my employment prospects.

“And then my faith in the police was eroded further. The police realised they had no record of my ex-husband’s second arrest for coercive control. They also realised that a lot of my evidence pre-dated the 2015 Act (when coercive control became a criminal offence) and a lot of it was post-separation (at that time the Act only applied to abuse within a relationship, not post-separation). I was advised by Women’s Aid to give the police evidence about coercive control between the two dates, but I had lost heart. The police dropped the case against him.

“The number of officers that have been involved, over three and a half years with me, it must be at least 20, from very senior to very junior. My children gave evidence in the police station on camera for this coercive control. I would never, ever have put them through that if I had realised this would happen.

“We were dropped in thin air. The system failed. I was left high and dry, with the case against me being looked at in isolation, waiting to find out whether I would be charged or whether it would be dropped.”

Jane's prosecution

"The period from when my ex-husband first reported me to the police about the banking app until finding out I had been charged was hideously long. In November 2022, 22 months after he had first reported me to the police, I received a charge sheet through the post, out of the blue. I was charged with a computer misuse offence in relation to my viewing of the banking app. It was just now me, in isolation, I was the criminal, he was scot-free.

"It empowered him. I was trying really hard to protect the kids; my daughter was self-harming; I was trying to keep them at the school. I was trying to put food on the table, with food banks, battling what was happening with him and all the things he was coming up with and trying to have faith in the system; petrified I was going to be convicted of something.

"By this date the family and civil proceedings had all ended as he had been shut down effectively in all avenues through the family and civil courts. He actually tried to make the banking app issue part of a separate Non-Molestation Application against me but was severely berated by the Circuit Judge for doing so and had to be pushed very hard by my Children Act barrister for this application to be dismissed, as it was running in tandem with the Children Act proceedings.

"So on the same day the No Contact Order was made against him, he still wanted to push ahead with this further application to punish me. It was finally dismissed as I offered an undertaking just to get rid of it, that confirmed I had no access to his bank account as I had already deleted my banking app by then on the advice of my family solicitor. I informed the police about this - that on the civil side the same issue had been accepted by him as finished and dismissed – but the police weren't interested. The officer in charge, for whatever reason, seemed intent on a charge against me at any cost.

"At my first Magistrates' Court hearing in December 2022 I pleaded not guilty and elected for a Crown Court trial because I wanted a jury to hear my case. My experience of abuse was not mentioned at this first hearing. I wanted to scream and tell those magistrates what the reality was, but you're just told to keep quiet. At my Crown Court plea hearing in early January 2023 I had to go and stand in the dock, and you're locked in, and I was just utterly destroyed. The criminal barrister said I shouldn't go to prison for the offence but with the clear caveat that there was 'always that risk' and by then I had no faith in the system so started to plan in my head and with friends whether they would look after the girls in that eventuality.

"My defence solicitor had sent written representations to the police in July 2021 explaining why this wasn't in the public interest and why there was no offence here. He later sent representations to the CPS.

"I just sobbed through the whole hearing; the prosecution clearly hadn't read anything. The judge could see I was really distressed. It was the first time the barrister had the opportunity to say there is more to this case than meets the eye - evidence of the abuse was heard for the first time. The judge gave the CPS two weeks to read the letter of representations and review the case. Then the two weeks were up and they sought an extension for a further week. That was absolute torture. I didn't know where to turn.

"As soon as somebody looked at it in the CPS, it was thrown out for public interest but also on evidence, because they found I had not used the app illegally. I should never have been

charged. This was in late January 2023. I got a cost order in my favour by the court, but I haven't had any money back. It had taken two years from him first reporting me to the police until the CPS dropped the case against me. It was such a waste of police time."

Support Jane received from women's services

"This one girl in Women's Aid was there for a long time and she was amazing. She got him and what was going to happen next. She understood the whole abuse thing. She understood the court system and the criminal system. Without her I don't think I could have got through it."

"One of the most distressing things to be told by Women's Aid almost in a matter of fact way was that the conduct of the police was 'secondary abuse - it happens all the time'. What a terrible admission that this is both regular and recognised in the area of domestic abuse by those who work in the system on the front line."

"There was no support at all other than Women's Aid to go through this whole process. The first day I went to Mags Court for my hearing – all the security staff thought I was counsel. There was nowhere to sit quietly. The process is not geared towards looking after your welfare."

Impact on Jane

"The criminal case against me was the breaking point because I trusted the police. I was so staggered with how it didn't support me but in fact twisted it back so that I was the one in the Crown Court."

"The lasting impact is the loss of my beloved dad last year. My fear was always the toll it was taking on my parents. I have no doubt my dad's illness and subsequent death was attributable to this period, not just my ex-husband's conduct, which was expected, but more so the abhorrent failings of both the civil and criminal justice system in particular."

"My whole belief systems coming out of this in every way have been shattered – my beliefs over marriage, over love, everything. My belief over systems that should be there to protect you. For me, for the whole 3½ years, the worst part for me has been the criminal part. I still regularly have nightmares that I am being pursued by the police."

"Lives are being destroyed by these failings. My eldest daughter self-harmed as a result of the trauma experienced throughout this period. My parents lost every penny they had, helping me pay for legal representation. I had the money behind me to fight the criminal stuff and had the background legal knowledge. I had the money to get my children counselling. What about those who don't have the money or knowledge?"

What could have been done differently?

"The statute when passed on coercive control wasn't thought through enough to include pre and importantly post separation abuse. It therefore did not protect me. If victims of abuse were more widely listened to with sincerity we would all shout out about the abuse heightening and increasing when you take a stand finally against the abuser."

“The new government is not now wishing to engage with the statutory defence are once again failing to protect victims of the future.

“In my case the failings of the police and IOPC who are the body supposed to independently ‘police’ the police were catastrophic. The latter process wasn’t independent at all - a retired police officer protecting his own with my voice going unheard. No full or detailed evidence was taken from me and I was belittled and shut down with the police failings being hidden.

“On the substantive issues the police didn’t seem to have a grasp either of the coercive control legislation or the impact on the victim of the abuse - it was a complete shambles from start to finish and the destruction of lives - mine, my children, my parents - should not be underestimated. The reality is that action should have been taken on the criminal side for all my ex-husband brought to me and his own crimes, and there were many, including wasting police time. The OIC should have been pulled up for misconduct within a public office in pursuing the charge blindly and wilfully against me.

“Things need to change urgently from the top down and I remain focused on supporting CWJ in their amazing work to change things to ensure no other women or their families have to go through what me and my family had to endure at the hands of those whose duty should have been to protect not prosecute.

“I believe it would have helped if the same professionals had been involved in every aspect of my family’s case – the police, family courts, criminal courts and prosecutors – and if there had been effective communication between them and a common sense approach. If that had been the case, then the dots would have been joined much earlier and my ex-husband would have been stopped from pursuing vexatious applications in the family courts and malicious allegations to the police.”

Discussion

The police were well into an investigation of Jane’s ex-husband for coercive control when he reported her for the alleged misuse of computer offence. They had taken detailed evidence from Jane and her children about the abuse; and they had previously arrested her ex-husband for assaulting her father.

The investigation into Jane and the investigation into her ex-partner were being carried out by different police officers. She was given conflicting information by each team; she was told by the officer investigating her alleged offence that her experience of abuse was not relevant, while the officers investigating her allegations against her ex-partner told her that the matter was being looked at in the round, and she would not be prosecuted. This bears similarities with Aleksandra’s experience.

The coercive control case against Jane’s ex-partner was closed apparently following police officers’ errors in taking evidence from periods of time not covered by the offence at the time. It is not clear whether the closing of that investigation affected how the same evidence was (or was not) taken into account when considering the charge against her. Clearly it should still have been taken into account.

The proceedings against Jane were not stopped when Jane’s defence solicitor sent written representations to the police in July 2021 asserting that the prosecution should not proceed on evidential and public interest grounds and referring to the history of abuse. It is not clear whether these representations were considered by the police or whether the police

considered or passed on any of the detailed evidence they had gathered about the context of the abuse when they referred the case to the CPS. In any event, the CPS later received the same representations from Jane's solicitor. Nonetheless, it was not until a Crown Court judge hearing the case directed them to do so, that the CPS looked at these representations and then dropped the charges. This was two years after the allegations against Jane were first reported to the police.

There is no question that the police had extensive evidence about the coercive control experienced by Jane. The matter should have been looked at in the round, taking account of this context from the outset. Jane attributes the fact that this did not happen, at least partly, to a personal determination by the investigating officer to pursue the matter against her, particularly after she challenged him by refusing to accept a community resolution.

Jane suggests that if a single professional had had an overview of the whole matter from the beginning – including both family and criminal proceedings – the pattern of abuse would have been very clear and the matter could have been brought to a conclusion much earlier and with much less damage to Jane and her daughters. This may be right, however, the approach taken by the police also suggests confusion as to the relevance of the context of domestic abuse and coercive control in which Jane (the victim) was accused of offending. The police had plenty of information about the overall context, but this does not appear to have influenced them when deciding to pass on Jane's file to the CPS.

The approach taken by police and prosecutors in Jane's case is rife with inconsistencies, communication failures and delays, all of which had a terrible impact on Jane, her daughters and her parents over that two-year period, and which have no doubt had a longer lasting impact. There has been no accountability for the officers involved, nor any prosecution of Jane's ex-husband for any offence.

Criminalisation by association

Cara and Megan were prosecuted as co-defendants alongside their abusers, in connection with their abusers' criminal behaviour. Such cases may arise, as in Cara's case, for victims who live with their abuser, where weapons or drugs belonging to him are found at their shared home; or in other circumstances in which the victim/survivor is suspected of assisting their partner in his criminal behaviour. Victim/survivors in these cases sometimes appear to be used, as both Megan and Cara believed, to 'get at' their partner and his offending. What is notable in these cases, is the seriousness with which police and prosecutors approach the perpetrator's criminal activity outside the home, such as drugs offences and serious violence, as compared to their relative lack of interest in the often severe abuse that he is perpetrating at home.

The treatment of victim/survivors in these cases appears to be influenced by their association with a known criminal, which leads them to be stigmatised, rather than being seen as a victim of his criminal behaviour. This in turn reveals a lack of understanding of domestic abuse and coercive control in particular, its impact on victim/survivors and the realistic options available to victim/survivors in those circumstances. Cases of 'criminalisation by association' may also arise in the context of joint enterprise offences, particularly involving younger women, as previous research shows.⁵⁶

Cara

Cara's experience of abuse

"I met my ex-partner on a day out with my friends at the races. The relationship lasted four and a half years. He was charming at first. I felt sorry for him, he seemed really down on his luck. There was some questionable behaviour a few months in, but I used to second guess myself and wonder if I had remembered it right. I moved in after about two years. That's where things got really bad.

"He brought frightening people to the house. I said, 'Why are these people in the house all the time?' He told me to shut up. I was paying for everything, doing everything for his kids. Once he had left some chicken out overnight in the kitchen; I threw the chicken away and he lost it. He threw me against the wall and screamed in my ear. That was a way of making sure I was hurting but it wasn't visible. I started googling his behaviour – how he stared at me, his tone, the names he called me, the allegations and threats he made against me – I didn't know to join the dots.

"On another occasion he assaulted me before I attended a work event, causing a small cut on the back of my head which I covered with a bun. A colleague noticed later that I was in pain. Everyone knew about it because my abuser used to come to the workplace and bang on the door and demand I finish work at certain times, so he had been banned from picking me up.

"His daily behaviour was temperamental at its mildest and completely wild and unhinged at its worst. I had started to feel very unsafe. We lived in the countryside, away from any friends and family I could turn to for help, and he would drain my monthly wage and keep his earnings for himself. I later discovered he had previously bullied and tormented the mother of his kids until she was almost completely out of their lives. He completely broke down my personality, constantly insulting and degrading me in arguments and then switching to the most loving and spontaneous partner."

Prosecution of Cara's abuser

"Things came to a head when he strangled and headbutted me during a horrific and sustained assault in March 2018. A neighbour called the police and they responded with three officers. I really thought the police were there to help me. I was so relieved to see the officer enter the bathroom where my abuser was actually about to drown me in a full bath. Imagine my fear and confusion when the lady officer I was left with said to me, 'I think you're alright, you seem alright.' She completed a risk assessment which scored five. This was later repeated with the same answers by a women's centre and scored 17.

"Seeing the way the police acted towards me and towards him, as if he was just a normal guy, or these things happen, and just the attitude that they had, it made me really confused and made me feel like maybe I'm in the wrong and I got myself into this – because that's how I was being treated. The nonchalant attitude of the officers smacked of a culture which thinks women who are beaten deserved it or had a part to play. My abuser was well known to the police for drugs offences and I believe they were delighted to be able to gain entry to the property.

"After the assault the police took me to the home of my abuser's mother. They didn't tell me I could have been driven all the way back to my own family. In my confused state I found it hard to make any decisions and I was not seen by medical staff either (something I now think should be an automatic requirement). The police came the next day and took a formal statement from me. My abuser was prosecuted for common assault; he was convicted and had community service and a suspended sentence.ⁱⁱⁱ

"Abusers who operate at this level are devious and calculated and their victims have been worn down to the point that they don't know their own mind. In my eyes he was the law. So it is no surprise that after a few weeks he coaxed me back with promises of a fresh start and anger management, etc. I feel a bit responsible for not leaving right away, but I felt exhausted.

"Going through probation, he used to come home with stories of laughing with his probation officer and how she thought he was wonderful and she would say, 'There's not much I can do with you – just go and get on with your life.' That made it harder for me, because overhearing him on the phone and having a good rapport and no authoritarian stance made me feel like I had got it wrong and maybe this is what I deserve, back to what the police made me feel. There was no probation engagement with me as the victim."

Police raid and Cara's voluntary interview

"Not long after this, the house was raided by police with a warrant to search for drugs; a large amount of cannabis was found, belonging to my abuser, and I was arrested alongside him. I was taken to the police station. They told me I had to do a voluntary interview. They asked if I wanted a solicitor. I said no because I hadn't done anything. It was confusing for

ⁱⁱⁱ Since these events, non-fatal strangulation was made a specific offence under the Domestic Abuse Act. The practice typically involves a perpetrator strangling or intentionally affecting their victim's ability to breathe in an attempt to control or intimidate them. It followed concerns that perpetrators were avoiding punishment as the act can often leave no visible injury, making it harder to prosecute under existing offences such as Actual Bodily Harm (ABH). Studies have shown that victims are seven times more likely to be murdered by their partner if there had been non-fatal strangulation beforehand. ([HM Government press release, 'New non-fatal strangulation offence comes into force', 7 June 2022](#))

me. I broke down hysterically in tears. The older male officer who was interviewing me said, 'Why are you crying?' That set me off even more because that's what abusers say.

"They didn't ask me about the abuse during the interview and I didn't say anything. I felt I couldn't trust the police. I was later released, however the worst part of it all was that they took my phone, leaving me with a dangerous abuser and no phone. Planning any escape or attempt to get help would now be impossible in the near future."

Leaving the relationship

"During one of my many attempts to leave, my abuser followed me in the car and found me at the bus station. He threatened that if I didn't get in the car, he would drive to my parents' house and tell them that I was a prostitute. A claim which is untrue, but I still didn't want my parents to have to hear such vile accusations. I finally found my courage. After I had lost my job and been made homeless along with him, I made a break to the train station. I carried everything I could but left most of my life and possessions behind."

"A few months later, I made an application under the Domestic Violence Disclosure Scheme (Clare's Law) to find out whether my abuser had a past history of violence or abuse. I attended the local police station near my parents and heard the reams of convictions he had, including driving a car at the mother of his children and assaulting his own five year-old son."

Proceedings against Cara

"To my horror, three months after escaping my abuser I was issued with a charge sheet by post. I was accused of 'possession with intent to supply class B drugs'. How ridiculous, I have never smoked a cigarette let alone tried or sold cannabis. My only crime was to live with someone who was not the person he had talked himself up to be."

"I decided to visit the sergeant at the police station where I had previously lived with my abuser. Surely, I thought, if I explain exactly what has happened and all of the abuse, they will realise I can't possibly be complicit. I believed they would have the professional knowledge to understand. I was unfortunately wrong. I went there and spoke to a sergeant privately but he didn't take a formal statement from me. He was very offhand and dismissive, not listening. I explained that I had a restraining order and had left my ex-partner, and that if he looked in the records he would see what had happened to me and that I wasn't responsible for anything else. I asked for information about what would happen now. The sergeant took a very sarcastic tone, smiled and said, 'Well that's great, then I'm sure you'll be able to completely clear your name at the Crown Court.'"

"I returned to my parents' home in complete shock. I told my solicitor about the abuse and they made representations to the CPS. The solicitor told me that it was simply a matter of explaining to the CPS who would then dismiss the case. I entered a not guilty plea and hoped for the best. My nightmare was set to continue as the CPS continued to press a case against me, despite the lack of evidence on my phone and the fact I had now finally left my abuser and obtained a non-molestation order against him."

"At my third hearing, in the Crown Court, my abuser was also present. I was seated next to him with no separation. That was the first time I had seen him since I had left. It was horrible. He was saying a lot of things to me during the hearing. I kept my eyes fixed forward. I think the security guard told him at one point not to talk to me. I was double scared because what if they didn't dismiss it and I had to sit next to him again."

"The charge against me was completely dismissed at this hearing, six months after I had first received the charge sheet. The judge was angry at the prosecution for bringing me in. The words of the judge to the prosecution were something like this:

'I have told you before I have no idea why [Cara] is stood here in front of me and I have no problem in dismissing her charge.'"

Help Cara received from women's services

"A family member told me about the local women's centre after I had left my abuser. I had a support worker from there. They talked to me and I did the Freedom programme with them which was great. That has been one of the most useful things I have done. It helped me understand that everything he was doing was intentional and all part of the abuse. It helped me to understand the patterns of behaviour."

The impact on Cara

"The police response to my abuse and the proceedings against me led me to lose all faith in the legal system. It has left me very mistrusting of the authorities. I've paid for a lot of counselling; it has cost me a lot of money. It feels like he has taken everything from me.

"It is unbelievable that I was placed in the dock alongside my abuser when I had already obtained a restraining order. I felt like the police and CPS may as well drive me back to his house and leave me with him. Traumatising isn't a strong enough word. I still have nightmares about it. I cannot believe I made it through all of this, it has cost me a fortune in mental health treatment as the police treatment ruined my sense of self and I felt so thoroughly ashamed and guilty for what had happened.

"I still suffer with complex PTSD [post-traumatic stress disorder], I am incredibly angry about the years of abuse that I endured and the fact that in the end, the people who were supposed to protect me put me back in the clutches of my abuser. After almost dying I had to escape twice and could have gone to prison for a crime I didn't commit.

"It is lucky that I am fairly articulate and I could fight back at the game the authorities were playing with my life, or it could have ended very differently. I felt completely suicidal at times and could have lost the new job I had just got to help me rebuild my life. Thankfully, none of that happened and I was able to heal."

What could have been done differently?

"The police should have shown more empathy and more professionalism on the night of the assault and at the raids. The police and CPS knew about the abuse and should have taken it into account before bringing proceedings against me. The police seemed to work off opinion rather than fact and should have kept their opinions and assumptions about me out of it. They should have taken more time to discuss with me where would be safest to go on the night of the assault. They should have made it very clear that they were able to take me anywhere that I wanted to go.

"I think there is a need for more training to help them understand domestic abuse. Victims need their hand holding; they don't understand what they want. Their decision making is impaired because of the abuse. The police need more developed understanding of that. During interviews, they should talk about what is really going on in the home – surely they have a duty of care to approach it in that way, rather than treating people as guilty already. They are missing a fact finding opportunity.

“They shouldn’t just go straight to punishment. There is much more to policing than arresting people. They were getting off too much on having someone to hold accountable. It’s not a game, but that’s how they were treating it. I also think the CPS have got a lot to answer for in terms of how they handled it.

“With hindsight, it seemed to me that the police were far more interested in any narcotics offences than my safety, and the assault on me was simply a way into the house for them. I believe that is the reason for the half-hearted risk assessment and rushed attitude to completing any personal safety checks required for me. I think they viewed me as someone who just wanted to live on the edge with a dangerous boyfriend. Failing to realise I was a quiet girl from out of town who knew nothing of his local reputation and fell for a web of lies.

“It is clear the CPS and police were so desperate to achieve a conviction against my abuser for drugs offences they used me as a pawn. By charging me they pressured him to own up to his offences and out other suppliers. What a dangerous and silly game to play which could have cost me my life, freedom and reputation. Along with trying to get on with my life I had to wrestle with this potential conviction. This also played right into his hands, as he called me over and over telling me that he was the only one who could save me, and I had to go back to him to be cleared, we had to stick together. It is by the grace of God I didn’t listen and took my own barrister, secretly fought my own case unbeknown to my family or colleagues, and finally cleared my name.”

Discussion

Cara received a deeply disappointing police response to her experience of domestic abuse and coercive control, including terrifying physical assaults. She felt she was treated dismissively and insufficient care was taken over her safety and wellbeing; if she had realised she could have asked them to take her home to her parents, she might have escaped the relationship at that point. She later concluded that the police judged her personally for her association with her abuser and were more interested in his drugs offences than in his offences against her. This is consistent with her later treatment by the police.

A detailed statement was taken from Cara the day after the assault, but her partner was only prosecuted for common assault, leading to conviction and a community order. (Had these events taken place after the introduction of non-fatal strangulation as a specific offence, his sentencing might have been more severe.) There does not appear to have been any investigation of coercive control. Cara’s morale was further depleted when she was given the impression that probation services had been taken in by her abuser’s superficial charm and did not involve or consult her as part of any rehabilitation process.

The police knew about the abuse experienced by Cara when they made the decision to raid the home she shared with her abuser and arrest her alongside him. Cara later discovered her abuser had a long history of violence, which the police were in a position to know about. This would also have been relevant to her original risk assessment.

As Cara suggests, her voluntary interview could have been used as a valuable ‘fact finding’ exercise to understand what was happening at home; however, she was not asked about the abuse and the insensitive approach taken by the police officer conducting her interview left her feeling even more distressed. She was later treated with sarcasm when visiting the police station after she had been charged. It is therefore quite clear that no account had been taken of the abuse which the police knew she had been experiencing.

Cara attributes her treatment in part to a personal judgement of her by the police for being in a relationship with her ex-partner. The approach taken by the police on both occasions certainly demonstrated not only a lack of understanding of domestic abuse and coercive control, but also a complete lack of interest. This might be partly attributable to the scepticism which the police must employ when investigating an offence. However, if they fail to balance this with an understanding of - and professional curiosity about - domestic abuse and coercive control, and the impact on victim/survivors, they will continue to fail victims as well as wasting scarce resources by pursuing inappropriate prosecutions as in this case.

What also leaps out from Cara's experience is the relative seriousness with which the police appear to have pursued the investigation of drugs offences as compared to the investigation of domestic abuse and violence against Cara. The police appear to have considered the drugs offences to be more serious and worthy of pursuit.

Cara had succeeded, despite the police failings, in escaping her abuser. However, by charging her as his co-defendant, the criminal justice agencies who should have considered her need for protection actually put her back in danger. Cara had a restraining order against her abuser. She explains that after she was charged, he called her 'over and over' to persuade her that only he could protect her as co-defendant in the same proceedings. It is fortunate that she was able to resist this pressure, but she was powerless to prevent being put back into physical contact with her abuser when forced to sit next to him in the dock. She still has nightmares about this hearing.

The failings of the criminal justice system led to Cara being denied support and protection, placed in danger by being forced back into direct physical contact with her abuser and placed under the strain of proceedings against her at a time when she had only recently escaped the relationship and begun to recover from her ordeal. These failings led to the waste of scarce resources pursuing a pointless and damaging prosecution. Despite the trauma she had experienced, Cara was fortunately able to instruct solicitors and fight the case against her. She had the family support and financial means available to pay for mental health treatment. Fortunately she has not been left with a criminal record. Nonetheless, she continues to experience complex PTSD and has lost all trust in the authorities.

Megan^{iv}

Megan's experience of abuse

"When I first met my abuser I was 22. The relationship lasted three and a half years, until my arrest. In the early days he was charming, definitely had a gift with words. I started to have concerns about six months in. We were just watching TV and I said that an actor in the programme that we were watching looked like someone I used to work with. That was enough for him to completely blow his lid. He threw a chair through a window.

"From then, a precedent was set between us that I wasn't allowed to talk to men, as well as his narrative of me being a 'slut'. I got to the point of accepting it as normal life. Once when we were in the process of moving home, he kept screaming, 'Bitch' at me repeatedly until I just screamed back at him. He then threw a ceramic plate at me, which shattered at my feet and ruptured my Achilles. There were numerous times he strangled me and held knives to my throat.

"At that point I had just resigned myself to dying by that man's hands. It's a very scary place to be. Just the feeling waking up every day, kind of knowing that you're not living your life for yourself. I think fear becomes less and less, but at the same time so does hope, so eventually you just feel nothing, and you're just kind of on autopilot, waiting for that person's next move."

The murder

"In July 2019 my abuser killed his cousin. I didn't find out about this until I was arrested alongside him a few days later. I was accused of helping him to evade arrest after the murder.

"On the day of the murder I had gone to work as normal. We were both staying at my parents' house at the time. At this point the relationship was awful. There were no light moments, it was scary. And he called me that morning whilst I was at work saying, in his words, that he was 'acting nuts' and that it was my fault because of something I had said the day before. We had a back and forth that morning and I asked him to leave; he didn't reply. Later he messaged me to say that he would kill my family if I asked him to leave one more time. And later on, I got a text from him saying, 'You're next.' After I was arrested alongside him later that week, I found out that he'd sent that text after he'd killed his cousin.

"That day he had asked me to do a number of things, things that I did every day – taking money out for him, because he didn't have a bank account and didn't use smart phones; so I took money out for him all the time. Driving him, picking him up, dropping him off, which was an everyday occurrence. He asked me to buy a phone for him – again, one of many that he'd asked me to buy in our relationship. And those were the things that I was accused of helping him evade arrest after the murder."

Megan's arrest

"Multiple police vans came to my home that morning. They broke through the door and swarmed the house. They found him and separated me from him. One of the female arresting officers said to me, 'He's being arrested for murder and you're being arrested for assisting an offender.' Then she said, 'But I think you know that don't you.' That gave me a lasting impression of the police.

^{iv} Megan appears in CWJ's 'Stop Criminalising Survivors' short films. This is her real name.

“That was the first time I had heard about the murder. How was I feeling? I want to say I was shocked and surprised but I don’t think I was. I was pretty much void of emotion after the abuse I had been experiencing. I was probably quite emotionless, blank and stone-faced. I couldn’t really comprehend the reality of what was happening. I wasn’t even scared at that point. I was so detached from reality and so affected by the abuse that I couldn’t really comprehend. I felt stunned.

“I was detained for 14 hours. I wasn’t interviewed straight away. I was left for quite some time. In that time they had taken my parents’ phones and not given me the number they had provided for me to contact them on. I was trying to contact them and wasn’t able to get through. I felt confused.”

Megan’s disclosure of the abuse

“At that point, I hadn’t told anyone about the abuse. I now know that my parents and multiple others suspected something was going on, but they were worried that if they pushed me, I would distance myself further. My brother had even looked into hiring a private investigator to find out what was going on.

“After I was arrested, a police officer came to visit my parents and warned them that information would be likely to come out about me having experienced coercive control and abuse. But we never saw that officer again, and this was the only time we had any sympathetic approach from the police.

“I said nothing to the police about the abuse when I was arrested. My abuser was detained at the same time. He sent a note to the police officers at the front desk and requested I have the same legal representation as him. He even shouted at me through the window on the way into the police station, ‘Say nothing.’ Everyone saw that. His solicitor advised me to give ‘no comment’. When I later got my own solicitor, he also told me to give ‘no comment’. I completely followed their advice.

“Initially I was accused of assisting an offender, but then the charge was furthered to perverting the course of justice. They said that I had helped him in the aftermath of the murder evade arrest, by hiding him – despite him having lived at the address for three, four weeks prior to that – and they suspected that I was trying to help him leave the country because I had withdrawn £200 from my bank account. That’s what I was accused of.

“When I was interviewed, they did ask about our relationship. It was a case of, ‘This is your chance to tell us, and if you don’t tell us, it will be used against you – does he beat you, does he hit you?’ There was no wider consideration of coercive control or anything like that.

“I could not have answered those questions at that moment. I wouldn’t have been in a place to have even really put the sentence together at that point. I hadn’t told anyone, I hadn’t told my family, none of my friends. I was quite silent. You lose all your psyche – you lose who you are. I had been thinking for someone else for three years and not myself. I made no comment as advised.

“I was then released on conditional bail and I went home. My mum was confused and angry that I wasn’t coming forward with more emotion or recognising what had happened. I stormed out of the house because she was grilling me. She didn’t understand how I could be void of emotion because someone had lost their life. She followed me in the car and I got in the car with her. We had a bit of an argument and at that point she said this guttural scream came out of me. I then started offloading everything, with no rhyme or reason, complete offload. I then had a real serious panic attack and my mum thought I was having a heart

attack. My arms and face and neck constricted, I couldn't breathe. That was the release that enabled me to start talking about it.

"After that, the next person I talked to was my solicitor. At that point unfortunately we had already gone down the 'no comment' route. It was unfortunate I wasn't able to talk about the abuse at the beginning. I instructed new solicitors, because I wanted separate representation from my abuser, and in preparation for trial I gave them a detailed account of the prolonged physical abuse and coercive control I had been subjected to in the relationship."

"Later in the proceedings, I was told by the police that if we wanted CPS to consider the abuse, I had to report it formally and it needed to have a case number. So I went to the police station and spent four or five hours giving an extensive interview. Then that was transferred to another station to an officer specialising in some kind of safeguarding. I did another extensive interview with her. She went to the home of a family that witnessed one of the public physical assaults on me. They confirmed they witnessed it. Unfortunately, later they didn't want to testify so they retracted that."

Court proceedings

"The case went to trial but resulted in a hung jury. At the beginning, I hoped that disclosing the abuse would help my case. I realised after the first trial that it wasn't going to help, because it was a real fight to get any of it included in court and most of it had to be included in agreed facts, which is kind of a 'back door' way of being able to present the wider context."

"Originally we were going to be tried alongside each other. There was one procedural hearing where they didn't tell me he was going to be in court and I didn't know we would be standing next to each other. This was the first time I had seen him since we were arrested. It was horrendous. I didn't know he was in the building. No one told me that would be the case until I got to the court. I was extremely scared because I didn't want to be in touching distance of that man. My solicitor had to plead for me to sit elsewhere, not in the box next to him. The looks that I received from the CPS were unreal. They looked at me like a piece of rubbish on the bottom of their shoe, staring at me the whole time, trying to intimidate me. I tried not to look at my abuser; he was looking at me the whole time. My IDVA [independent domestic violence advocate] was in the room, though not next to me. I think my solicitor got our cases severed after that."

"I think there was a rush to criminalise me in the same breath as my ex-partner. I think they wanted to present it, not as I had been controlled, but that we had worked together. I don't remember the abuse being discussed in detail during my first trial and I didn't give evidence about it. The trial ended with a hung jury; the CPS then insisted on a re-trial."

"The second trial took place over two years after the initial arrest. That period was hellish. I got no help for mental health in that time. When you're arrested and charged in the legal system, if you have PTSD, you can't go and treat it because you're considered too vulnerable and too fragile. So I had very active PTSD in that two years and I wasn't allowed to treat it. And my parents were also taken away from me as kind of support, as they were made prosecution witnesses, so I had no one. I had no support and it was really scary."

"In the second trial I did give evidence about my abuse and I think this made a difference, although the prosecuting QC said I had walked up to a station and said, 'I want to report abuse so I can get off my charge'. This completely distorted things because I had been told by the police that if we wanted CPS to consider the abuse, I had to report it formally. But I was unanimously acquitted."

Support Megan received from women's services

"I had an IDVA through Refuge in the first trial. They had made my parents prosecution witnesses, so she was there to support me; she was there in my meetings with counsel. I had active PTSD at that time and at one time was on an anti-psychotic drug, hallucinating. She was there to make sure I understood what I was being told, because mental health-wise I was not in a position to understand what was happening. She was incredible. It was crucial."

What could have been done differently?

"I kind of resigned myself to the legal system carrying on what my ex-partner had done. I was still the one being blamed. I was being charged, I was being accused, and I felt like they were just doing his job for him really."

"We were told off the record that the police knew him by name. It turned out that he had been in and out of prison from a young age. So they knew his violent history."

"I find it hard to grasp that the police went to the effort of telling my parents that there would definitely be coercive control for it never to be considered again. It was almost as if there was a duty of care at the beginning and we never saw that officer again. I was never viewed with any sympathy ever again. They knew of his history of violent crime largely against women and partners. There was a huge disconnect between an initial duty of care and wanting to get a conviction, and one was chosen over the other."

"Had I had some opportunity to speak to someone who understood what had happened and could help me to understand and feel safe and able to articulate what had happened, I might have spoken about the abuse."

"The other thing is that depending on how long the abuse has been, even that would be difficult. It's almost impossible to speak that soon after you've been separated. There are some psychological safety issues there."

"In addition, while I was under the same legal representation as my abuser, which was allowed by a police officer, I was still being coerced by him and we were co-defendants. It wasn't set up for me to be able to talk about the abuse at all. They all enabled the coercive control to continue by allowing him to shout to me in the police station and choose my solicitor for me, and I feel like they continued it by failing to help me to feel safe. In the interview I wasn't given the option to speak freely."

"In the second trial, I think what made a difference was my giving evidence about the abuse. The prosecuting counsel came in quite last minute. She said I was glamourising a lifestyle, that I was attracted to a 'bad boy' image and had got with him to annoy my parents. All this was founded on no evidence. When I testified about the note he passed to the front desk at the police station saying I needed the same legal representative as he had, she battled with me on that to the point that the judge paused it and said we needed to go away and see what was true. The next morning she had to apologise because it was true. I think this helped me because she went on the attack of my character and wanted to make me out as a liar. When I was able to testify to the abuse, I broke down. The cross-examination was intense but I didn't waver at all. I think that went a long way."

"I feel my lawyers understood me. I was first suggested a defence QC who was a woman and she did the same thing as the second prosecuting QC and said, 'Why didn't you leave?'"

and, 'You're not a slight woman.' Then when I met the QC who ended up representing me, he just understood. He didn't suggest I could have done anything different. He understood from the get go. That enabled me not to feel like I was continuing to be persecuted and abused. I really felt supported. They did everything they could within realistic parameters.

"I know my parents would want to say that when the police took statements from my parents they suggested it was for the case against my ex-partner and not also against me. My parents signed the statements and agreed to testify, not knowing they would be testifying against me. When my dad asked to proof read it they said there was no need, but there were errors. Had my parents known, they wouldn't have signed and testified because they would not have been prosecution witnesses. That was a huge miscarriage of justice considering my abuse.

"The personal treatment I received from the CPS was horrendous. It was as if it was personal to every single one of them. Some of the ways in which they looked at me, spoke to me and treated me was horrendous and has forever changed my opinion of these kind of statutory services."

Discussion

When Megan was arrested, a police officer told her, *'He's being arrested for murder and you're being arrested for assisting an offender... But I think you know that don't you.'* She was deliberately treated at the outset as an offender, despite the fact that they suspected or should have suspected she was a victim of domestic abuse and coercive control. Although she was asked in her police interview whether she was experiencing abuse, the approach taken does not appear to have been sensitive or conducive to disclosure.

At this stage, as Megan has noted, despite being in police custody, she was still under the control of her partner and the police were in fact enabling this. She was taken to the police station at the same time as her abuser and he was heard by all present to shout to her, *'Say nothing,'* as they were brought in. Megan's abuser chose her solicitor for her, again to the police's knowledge, as he did so by passing a note to the front desk.

As Megan has explained, at that point she had not told a soul about the terrifying abuse to which she had now been subject for three years. She had resigned herself to dying at the hands of her abuser and had been told by him only days earlier that if she tried again to leave him, he would kill her family. Given the offence for which he had been arrested, the police clearly knew what he was capable of. Even if Megan had felt safe in the police station – and the police had given her no reason to feel safe in their hands – she has explained that she was not in any way ready to disclose the abuse, and this is hardly an environment in which she would have been able to do so. An interview under caution is an unlikely setting for disclosure; as CWJ has argued elsewhere:⁵⁷

"Only a conscious process based on an understanding of barriers to disclosing abuse can reverse the usual dynamic within the criminal justice process and provide the opportunity for survivors to provide accounts that shed light on their true circumstances."

A further complicating factor is the fact that Megan was advised to give no comment. Whilst this can be sensible advice on first arrest, it is a difficult judgement for a solicitor at this stage, as has been explored in CWJ's 'Women who kill' report.⁵⁸ In this case, as the same solicitor was representing her co-accused, no comment may have been in his interest but not necessarily Megan's.

In the circumstances, Megan was not ready to disclose abuse to anyone, let alone the police who were interviewing her under arrest. Yet it is clear from the approach made by a police officer to her parents shortly after her arrest, that the police had identified indicators that Megan was likely to have been a victim of coercive control. Her ex-partner had a previous history of violent offending against women that would have been on the police record.

In proceedings involving victims of trafficking who are accused of offending, where there is evidence that the suspect is a potential victim, a parallel investigation begins in which the victim/suspect can be interviewed about their experience of abuse. A similar process might well have benefited Megan and could have led to a decision not to prosecute her. This would have saved her and her parents the trauma of more than two years of criminal proceedings, as well as saving thousands in scarce criminal justice resources. No public interest was served by bringing proceedings against her, despite the serious nature of the charge against her ex-partner. And in the meantime, he was not investigated at any stage for his treatment of Megan.

The failure to safeguard Megan at the police station was echoed later in court. She has described the terror of appearing alongside her abuser, before their proceedings were severed on her solicitor's application. The contempt with which Megan was treated by her arresting police officer was also echoed in the treatment she received from prosecutors in court, who she describes as looking at her as if she was a 'piece of rubbish'. She was belittled and accused of lying during her cross-examination.

These may be normal tactics by police and prosecutors, but there is also a need for balance if the court is going to get to the truth of the matter. Safeguards exist for vulnerable witnesses which could and should be used where the vulnerable witness is the defendant. Guidance exists to help prosecutors, judges, magistrates and juries avoid falling foul of myths and stereotypes about domestic abuse and sexual violence, when hearing evidence from witnesses who are victims of such offences. This guidance should be followed when the witness is also the defendant.

CWJ were contacted by Megan's solicitors before the first trial. Her solicitors made detailed representations to the CPS that the evidential test for bringing the prosecution was not made out. They also forwarded detailed representations drafted by CWJ on Megan's behalf, arguing that the trial was not in the public interest and citing the guidance provided by the CPS on this test. No response was received to CWJ's representations and the trial proceeded. The abuse was not explored in any detail at that trial.

Following the outcome of the first trial which resulted in a hung jury, the judge asked the CPS to consider whether it was a good use of criminal justice resources to re-try Megan. However a decision was made to proceed. This decision was cruel, inhumane and an extreme waste of scarce criminal justice resources.

A decision was made by Megan's defence not to send further representations to the CPS as an indication was made that these may have been counter-productive. It is not clear why, after the perpetrator had been convicted of murder, the CPS were so intent on a retrial. The defence theory was that if Megan was convicted there would be a basis on which to increase his sentence.

Megan gave evidence about her experience of abuse at her second trial and was unanimously acquitted. She has spoken powerfully about the terrible impact of the proceedings on her mental health, her isolation while she awaited her second trial, and the inability to seek treatment. She has explained what a difference it made to feel that her lawyers understood her experience and were supporting her, and the crucial involvement of an IDVA to help her participate in the proceedings.

Nonetheless, Megan and her parents had experienced significant trauma as a result of the proceedings which lasted more than two years. Her ex-partner has never been prosecuted for any offence against her.

Conclusions and recommendations

Underlying failure to understand and successfully prosecute coercive control

Underlying all the failings identified in these cases, are deficiencies in criminal justice practitioners' understanding of and interest in coercive control, how to investigate it effectively and how to bring a successful prosecution.

In many of these cases, no proceedings were brought against the perpetrator at all in respect of their abuse of the victim/survivor. In some cases proceedings were begun but closed, in Jane's case apparently because of errors in the investigation, and in Choum's case apparently without a thorough investigation. Cara's abuser was convicted of common assault, but no attempt appears to have been made to investigate him for any other offence against her. Megan's abuser was not prosecuted for any offence against her. Proceedings have not been brought successfully against any of the perpetrators for coercive control.

Some of the survivors attribute this to a lack of understanding on the part of the police of domestic abuse and coercive control and its impact on victim/survivors. Research has also suggested that using traditional criminal law approaches to prosecute coercive control does not work.⁵⁹ It has been argued by Cassandra Wiener that the 'fragmentation approach' taken in English legislation, in which coercive control is listed as one of several bullet points alongside sexual and physical violence, within the umbrella term of domestic abuse, creates barriers to effective policing and prosecution of coercive control, for example by hampering the ability of police to assess risk to a potential victim.⁶⁰

The victims' accounts here certainly suggest deficiencies in the ability of the criminal justice process to bring perpetrators of coercive control to justice. What is also clear from at least some of the accounts in this report, is an apparent lack of interest on the part of the police in investigating coercive control, particularly when the victim/survivor is herself accused of an offence. In some cases it appears the police may have chosen to ignore the abuse and prioritise prosecution of the victim/survivor, sometimes potentially because it could help secure a conviction or longer sentence of her abuser for a separate offence. There is evidence of an inability to see an individual as both a victim and a suspect at the same time, and to apply a nuanced judgement accordingly. Our recommendations below are intended to help address this by using a range of measures to transform this approach. Some of these recommendations have been made before in our previous research reports.

No effective defence

In all the cases included in this report, the women's experience of coercive control was known to the police well before proceedings against them were dropped. There was an apparent reluctance to take account of the context of abuse in proceedings against the victims, in some cases apparent confusion about whether it was relevant, and in other cases apparently a deliberate decision to ignore it, where it might get in the way of achieving a conviction.

Olivia and Isabella were directly coerced by their abuser into committing an offence, echoing the experience of Lu in CWJ's 'Stop Criminalising Survivors' films, of 'Elizabeth' in the Lord Chancellor's speech, and countless others. In such cases, the only available defence is the common law defence of duress. However, this is not a realistic option because it is inaccessible in the context of domestic abuse.⁶¹

The judge in Olivia's case did not accept that she was a victim of coercive control, which affected her sentencing. There are questions about the way in which the trial was conducted

and whether proper account was taken of her experience of her abuse. Olivia did not have confidence that the jury understood the true nature of coercive control.

The fact that there is no effective defence in law for those who are coerced into offending means that they are entirely reliant on the police and prosecutors exercising the public interest in their favour. This is in marked contrast to the position for victims of trafficking, for whom there is a statutory defence at Section 45 of the Modern Slavery Act 2015, where they are compelled to offend as part of, or as a direct result of, their exploitation. This is subject to a long list of excluded offences. As a framework for implementing the legislation, training and guidance were introduced for police and prosecutors to aid them in spotting indicators of trafficking and then taking account of this in decisions to prosecute. This includes a four-stage test laid out in guidance for prosecutors which requires any evidence of potential trafficking to be taken into account.⁶²

If a statutory defence had been in place at the time for domestic abuse victims who are coerced into offending, it is likely that both Olivia and Isabella would have directly benefited;⁶³ they might well not have been prosecuted at all. The defence and accompanying guidance would have informed the thinking of police, prosecutors and defence lawyers at the outset, informing the evidential test rather than relying solely or primarily on the public interest test. The defence would also assist victims who are compelled by the circumstances of their abuse into committing an offence.

The existence of such a defence is also likely to have benefited the other women featured in this report, by raising awareness and focusing minds of criminal justice practitioners on the potential relevance of a context of domestic abuse, where a victim is accused of offending. This would be particularly likely to assist if the legislation were accompanied by a policy and practice framework for implementation including the features described below, learning from the approach taken in relation to victims of trafficking and other innovative approaches such as specialist and problem-solving courts. We recommend that an effective defence should be introduced without further delay.

Recommendation 1: Establish an effective defence for victims of domestic abuse who are coerced into offending	Lead agency: Ministry of Justice (MoJ)
Legislate to provide an effective defence for victims of domestic abuse who are coerced into offending, accompanied by a policy and practice framework for implementation.	

Police failures to gather, review and pass on evidence of coercive control

Most of the case examples involved failings by police in the gathering of evidence of coercive control, in reviewing such evidence (or not) to help inform decisions in proceedings against the victim/survivor and passing such evidence on to the CPS. There also appears to have been inconsistency in approaches between different teams in the same police force or even the same police station.

As Julia Pitman has pointed out, the police often fail to consider coercive control as a trigger for women's offending behaviour. In response to this criticism, the police have argued that identifying coercive control is difficult for front line officers whose main role is to identify and arrest suspects rather than explore their motivations:⁶⁴

“The difficulty is (that in Response (and patrol), if you’ve had an allegation that someone is a suspect, you don’t ask questions of them before they get to custody just because it’s not fair to them. They’re under caution, they haven’t had legal advice yet...So, unless we’ve noticed anything, really it would be for the person under arrest to say in an interview what it is that happened in the lead up (to the offence) and why it’s happened.”

This commentator rightly points out that the police should not ask questions after arresting someone and before their suspect interview. However, this fails to recognise the need for the police to explore these questions before they take the decision to arrest. Before arrest, the police need to consider who is the primary perpetrator and any information presented to them, or indicators, that the accused is a victim of domestic abuse or coercive control, including checking their own police electronic systems. If they do arrest, then in the suspect interview they should be alert to indicators of domestic abuse or coercive control, or if the person puts this forward, should explore it.

In all the cases in this report, evidence was available to the police about the context of abuse, either before the decision to investigate or charge the women was made, or well before the decision to drop the proceedings against them. Isabella’s case was dropped when her defence solicitor told the prosecutor about her ex-partner’s convictions for multiple rapes against her. The police had been aware of this but had apparently not passed on the information to the prosecutor.

For Jane, Aleksandra and Megan, the response appeared to differ dramatically between officers or teams within the same police force. This may be because they work within different disciplines. For example, officers working in a public protection team that has more experience of investigating domestic abuse offences might have a better understanding of domestic abuse and treat it more seriously, and may have a different culture, as compared to officers working in a different team who may be investigating the alleged offence committed by the victim. However, a consistent approach is needed across all teams. There was also a clear communication gap between police and prosecutors, suggesting they are not working effectively together.

In order to address this and achieve a consistent approach, consideration should be given to introducing a joint police and CPS protocol for the handling of cases in which there are indicators that the suspect may be a victim/survivor of domestic abuse, including coercive control. This should include a system for flagging where a suspect is a potential victim of domestic abuse, providing a prompt for police officers and prosecutors to probe the context of the alleged offence, setting out steps to ensure they take this into account in their decision-making, and requiring police to pass on relevant information as part of CPS referrals. This should be accompanied by training, guidance and scrutiny measures to ensure accountability. The training and guidance should be developed in partnership with women’s specialist services.

<p>Recommendation 2: Introduce a joint police and CPS protocol for gathering, passing on and taking account of evidence of coercive control where a suspect in an offence may also be a victim</p> <p>Introduce a protocol for all frontline police and prosecutors (not only domestic abuse teams), accompanied by training and guidance developed in partnership with women’s specialist services, learning from practice in relation to victims of trafficking, to ensure suspects are identified as victims of coercive control as early as possible, that the context of abuse is investigated and taken into account, and that</p>	<p>Lead agencies: Home Office (HO) NPCC College of Policing (CoP) CPS Women’s specialist services (WSS)</p>
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<p>evidence of abuse is promptly passed on to prosecutors where applicable. The protocol and accompanying training and guidance should aim to ensure that:</p> <ul style="list-style-type: none"> (a) Police and prosecutors have a clear system in place, including prompts to identify whether suspects are potential victims of domestic abuse and steps to take where such evidence exists; (b) Police and prosecutors consistently look out for and are able to recognise indicators that a suspect may be a victim of domestic abuse, including coercive control; (c) Police proactively investigate any evidence of a context of domestic abuse, including coercive control, undertaking a review of their own records, and consistently take this evidence into account when considering criminal proceedings against the potential victim; (d) Police consistently and promptly pass on any evidence of abuse to the CPS, where applicable; (e) Prosecutors take proper account of such evidence and probe for further police investigation of the context where appropriate. <p>This must be accompanied by scrutiny measures to ensure accountability for individual police officers and prosecutors.</p>	
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Lack of understanding amongst criminal justice practitioners of coercive control, its impact on victims and how this can relate to offending, and susceptibility to unfair stigmatisation of victims and manipulation by perpetrators

In several cases, once the victim/survivor was suspected of offending, their testimony about abuse was treated dismissively – as in Jane’s or Aleksandra’s cases - or even with sarcasm or contempt, as in Cara and Megan’s cases.

This may have at its root the approach taken by police and prosecutors in treating evidence presented by suspects and defendants with scepticism. However, such scepticism is not helpful if it leads to a failure to uncover the truth of what has happened. It is also in direct conflict with the obligation of police and prosecutors to enforce the law in relation to coercive control. Yet once victims are suspected of an offence, there is an apparent failure to be able at the same time to uphold their rights as a victim.

In the cases of Aleksandra, Choum and Jane, the police and prosecutors appeared susceptible to manipulation by perpetrators intent on using the criminal justice system to escape justice and extend their control over their victims. Police should be alert in particular to the potential for police officer perpetrators to manipulate systems in their favour. Improved training and guidance is needed to ensure criminal justice practitioners are more resilient to such tactics.

In Choum’s case there is also evidence to suggest that at least unconscious racism may have been at play when her allegations against her white British husband were apparently

not taken seriously. There was also an apparent failure to take account of her particular vulnerability to abuse as a migrant woman whose first language was not English, and a failure to spot that she was a potential victim of modern slavery.

Preventing inappropriate arrest, detention, prosecution and cautioning in these cases requires that domestic abuse experienced by victim/survivors accused of offending is known about and properly taken into account from the earliest stage. This should be 'a key function of the whole system approach to women's offending, with women's specialist services at its heart' which is advocated by the government's Female Offender Strategy and is implemented 'to a greater or lesser extent in some areas of the country'.⁶⁵ This could be achieved in part by strengthening the 'whole system approach' model on which current efforts to reduce women's imprisonment rely, and learning from other innovative models for early intervention and prevention.⁶⁶ This requires sustained investment in women's specialist services and close joint working between criminal justice agencies and those services.

Learning could also be drawn from the anti-trafficking framework and from responses to child sexual and criminal exploitation. Specialist and/or problem-solving court models also offer learning, including Specialist Domestic Abuse Courts, Family Drug and Alcohol Courts and women's problem-solving courts⁶⁷ such as those in Manchester and Birmingham.⁶⁸

In cases involving victims of abusers who are engaged in other criminal behaviour, in addition to perpetrating domestic abuse, such as the abusers of Olivia, Isabella, Cara and Megan, additional work is required to address myths and stereotypes and avoid victims being unfairly judged by association with their perpetrator. In Cara and Megan's cases, this led to them being treated dismissively and even with sarcasm and contempt.

Evidence of a lack of understanding and awareness was shown in court by the failure to provide any safeguards for Olivia, Cara and Megan (who were seated next to their dangerous abusers – see further below) and the approach taken to Olivia and Megan during their trials. They were both subject to brutal cross-examinations and accused of lying, without acceptance of the coercive control which they had both experienced. Further, the judge's assessment that Olivia was 'besotted' with David suggests limited awareness of the nature and impact of coercive control.

We recommend that this lack of awareness and understanding across all criminal justice agencies should be addressed using a three-fold approach as set out below. This must include a specific focus on the additional challenges faced by Black, Asian, minoritised and migrant victim/survivors of coercive control:

- **Improve training and guidance** for all criminal justice practitioners on domestic abuse, including coercive control, and its impact on victim/survivors and tactics used by perpetrators to manipulate family justice and criminal justice systems to further their control and escape being held accountable;
- **Establish senior leadership positions** within each criminal justice agency at national and local level (including within each police force) to champion improvements in the response to women as suspects and defendants; and
- **Strengthen partnerships between criminal justice agencies and women's specialist services.** Learning from specialist and problem-solving court models and building on existing partnerships centred on women-specific diversion schemes, partnership arrangements should be strengthened so that women's specialist

services can offer expertise to support criminal justice practitioners in doing their work effectively, as well as supporting women to participate in proceedings. This will require adequate and sustainable funding for women's services and effective joint working driven by senior leadership.

<p>Recommendation 3: Improve understanding amongst all criminal justice practitioners regarding the impact of coercive control and trauma on victims and how this can relate to offending, how to avoid unfair stigmatisation, and how to resist manipulation by perpetrators – including a specific focus on Black, minoritised and migrant victim/survivors</p> <p>Review and improve training and guidance for all frontline police and prosecutors (not only domestic abuse specialists), and awareness-raising for judges and magistrates, to improve their understanding of the impact of coercive control on victims and how this can be related to suspected offending – ensuring that police officers, prosecutors, judges and magistrates:</p> <ul style="list-style-type: none"> (a) Understand the impact of coercive control and associated trauma on victim/survivors, including the potential impact on memory, and are not susceptible to myths and stereotypes surrounding this (such as, 'Why doesn't she leave?') (b) Understand the potential relationship between victimisation and suspected offending, and do not stigmatise victims simply because they may have committed an offence in the context of coercion or because they are associated with a known criminal. (c) Are not susceptible to manipulation by perpetrators of coercive control who attempt to use the criminal justice system to deflect attention from their own behaviour, diminish their victim's credibility, gain an advantage in family proceedings, punish their victim, and extend their abuse and control over them. (d) Apply learning and implement changes recommended in relation to police-perpetrated domestic abuse. (e) Understand the additional challenges that can arise for Black, minoritised and migrant victim/survivors and are able to address these. (f) Understand the potential value of expert evidence on coercive control to assist the court in reaching a just decision. 	<p>Lead agencies: HO MoJ NPCC CoP CPS Judicial College Magistrates' Association HM Prisons and Probation Service (HMPPS) WSS</p>
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<p>Recommendation 4: Establish senior leadership positions on improved response to women suspects and defendants</p> <p>Establish a senior leadership role within every police force, CPS region, magistrates' bench and within the judiciary, to champion improvements in the response to women suspects and defendants, to avoid knowledge and leadership regarding domestic abuse being 'siloed' amongst domestic abuse specialists.</p>	<p>Lead agencies: NPCC CPS Lord Chief Justice Magistrates' Association</p>
<p>Recommendation 5: Strengthen partnerships between police, CPS and women's specialist services</p> <p>Learning from specialist and problem-solving court models and building on existing 'whole system approach' models for women in contact with the criminal justice system, establish an expectation, supported by robust national and local commissioning, for police forces and CPS regions to work closely with local women's specialist services to improve practice continually and provide ongoing expert support and scrutiny.</p>	<p>Lead agencies: HO MoJ NPCC CPS Association of Police and Crime Commissioners (APCC) Local Government Association (LGA)</p>

Delays in CPS decision making and failure to take account of written representations

In five of the seven cases, proceedings against the victim/survivor were eventually dropped after significant time delays. Some of these cases appeared to involve failures by police to pass on evidence of the context of coercive control to prosecutors; some involved apparent delays in prosecutors properly considering this evidence, in some cases only doing so when directed by a judge. The cases of Isabella, Jane and Cara had proceeded to court before they were dropped. These delays caused substantial distress to the victim/survivors and great expense to the taxpayer.

Choum was never charged, but was repeatedly investigated when her ex-husband made allegations against her in the context of family proceedings. It was only when the family proceedings ended, and her ex-partner ceased making fresh allegations, that the investigation against her was finally closed. The allegations against Aleksandra similarly arose in the context of family proceedings. The case against her was eventually dropped after an independent police officer reviewed the case against her and her allegations against her ex-husband, and concluded that her ex-husband was not reliable.

In some of the cases defence lawyers or others supporting the suspect made written representation to the CPS arguing that the prosecution was not in the public interest, but these representations were either ignored or summarily dismissed.

In order to improve prosecutorial decision making and ensure it is done in a more timely manner and that there is accountability for poor decisions and delays, we recommend improvements should be made to the Code for Crown Prosecutors and legal guidance for prosecutors, and that a mechanism should be introduced to enable effective and early challenge of inappropriate prosecution decisions. This could be modelled on the Victims' Right to Review of CPS decisions not to charge.

Recommendation 6: Improve CPS Code and Guidance Amend the Code for Crown Prosecutors and CPS legal guidance to establish a consistent process for prosecutors to look out for, and take account of, evidence that the suspect/defendant may be a victim of coercive control, learning from the approach taken to victims of trafficking who are accused of offending.	Lead agency: CPS
Recommendation 7: Enable effective, early challenges to prosecution decisions Introduce a mechanism, modelled on the Victims' Right to Review, to allow victim/suspects to challenge inappropriate prosecution decisions at an early stage, ensuring prosecutors review and respond to representations in a timely manner.	Lead agency: CPS

Failures to safeguard victim/defendants in the police station and in court

Some of these cases illustrate the most basic failures in safeguarding victim/survivors, both at the police station and in court.

Megan described how her abuser called out to her not to say anything when they were both brought to the police station, and insisted she should be represented by his solicitor, yet the police took no action to ensure she did not feel threatened by him in this context, instead allowing the matter to proceed.

Olivia, Cara and Megan were forced to attend court hearings alongside their abusers. No safeguards were implemented to protect them from this. Cara had a restraining order against her abuser but was forced into direct physical contact with him during her hearing. There is a clear and urgent need for guidance and changes in practice to ensure that victims of domestic abuse who are accused as co-defendants with their abusers are not put in danger in this way.

Improvements are also needed in practice, as recommended in CWJ's 'Women who kill' report and outlined above in relation to the cross-examination of Olivia and Megan, to enable victim/defendants to participate effectively in proceedings and give their best evidence.⁶⁹

Recommendation 8: Improve safeguarding of suspects and defendants who are victims of coercive control, at the police station and in court Establish an expectation for the use of special measures and other safeguards to be applied in court where defendants are also victims of coercive control, in order to protect their safety and wellbeing, and facilitate their effective participation in proceedings.	Lead agencies: MoJ HM Courts and Tribunals Service (HMCTS) Judicial College Magistrates' Association
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Police perpetrators

The cases of Olivia and Aleksandra both involved police officer perpetrators. It should be considered whether the perpetrators' positions as police officers influenced the way in which allegations against the victim/survivors were handled by the police and prosecutors.

Addressing the additional considerations that arise in cases of PPDA requires progress to be made in implementing the recommendations of CWJ's super-complaint and further 2024 report. Significant progress is needed, including improved data collection, better monitoring, legislative reform, national guidance and further research.⁷⁰

Recommendation 9: Tackle police perpetrators	Lead agencies: HO IOPC CoP NPCC
Progress implementation of the recommendations in CWJ's super-complaint and follow on report on police-perpetrated domestic abuse, to protect victims of police perpetrators from unjust criminalisation.	

Sentencing

Olivia powerfully describes how difficult it was for her to complete her sentence while trying to cope with the trauma of both the abuse and the criminal proceedings against her, as well as the practical difficulties of balancing this with childcare and the longer-term impact of her criminal record, including the end of her police career and severe limits on her future employment prospects.

We recommend that further work should be done, in partnership with women's specialist services, to review how sentences are decided and implemented for defendants who are victims of coercive control, to ensure they do not put the victim/defendant at additional risk of harm.

Recommendation 10: Ensure sentencing takes account of defendant's experience as a victim of coercive control	Lead agencies: Lord Chief Justice Magistrates' Association Sentencing Council HMPPS
Review the implementation of sentences for defendants who may be victims of coercive control, to ensure they do not put the victim/defendant at risk of additional harm.	

Lack of oversight over criminal and family proceedings together, and failure to consider impact on children

The cases of Aleksandra, Choum and Jane – all of which involved counter-allegations by their perpetrators – took place in the context of family proceedings over contact with children. These cases suggested a lack of oversight by professionals of the family proceedings together with the criminal proceedings, which appears to have hampered professionals in identifying the perpetrator's pattern of behaviour.

Four of the victim/survivors had young children at the time of these events – a total of six children between them. The underlying context of domestic abuse and coercive control is likely to have had a significant impact on these children. The likely compounding impact of poor decision making and delays in the criminal proceedings against their mothers cannot be underestimated. In Aleksandra’s case, it is only by chance that her daughter did not witness her arrest. The strain on their mothers caused by the proceedings, as pointed out by Olivia, is likely to have been felt by the children.

In each case, this will have been in addition to the impact of experiencing the perpetrator’s abuse. In Aleksandra’s case, there was a direct safeguarding failure by the police who arrested her on a day when she was known to have her daughter in her care, when this could easily have been done on a day when she was with her father or indeed by voluntary arrangement rather than arrest. Work is needed to ensure the impact on children is properly taken into account when victim/survivors of coercive control are accused of offending, and that basic safeguarding measures are put in place. This should be informed by the Child Impact Assessment model developed by Sarah Beresford.⁷¹

<p>Recommendation 11: Establish channels of communication between criminal and family proceedings and stronger focus on safeguarding children in criminal proceedings against their parents</p> <p>Establish a mechanism to improve communication between practitioners involved in family and criminal proceedings to help all parties establish a better overview of both sets of proceedings together to improve decision-making, and strengthen safeguarding of children affected by criminal proceedings involving their parents.</p>	<p>Lead agencies: President of Family Division Lord Chief Justice NPCC Chief Social Worker</p>
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Conclusion

The victim/survivors featured in this report, and their children, have suffered serious and potentially long-lasting damage as a result of their treatment by criminal justice agencies.

All the accounts in this report detail common features of coercive control and its devastating impact on victim/survivors, including isolation, breaking down of personality, terror and hopelessness. As the accounts make clear, criminal justice responses which fail to protect victim/survivors actually serve to punish them, in some cases effectively extending the perpetrator’s abuse. Such failures directly compound the damage already caused to the victim/survivor, leading to long-lasting additional harm.

These accounts make clear the traumatic impact of criminalisation on survivors and their families, both at the time and longer term. Isabella’s ISVA describes how Isabella had been planning to take her own life before her trial began and concludes that the criminal proceedings against her have done ‘irreversible damage’. Several survivors describe nightmares and flashbacks to their experiences of arrest, police detention and court; several describe their resultant lack of trust in authorities and particularly the police.

For Choum, Aleksandra and Jane, the criminal proceedings took place in the context of family proceedings over contact with children and are likely to have had a significant impact on those proceedings and how they were experienced by both the victim/survivor and their

children. Several survivors also describe the financial cost, including legal fees and the cost of therapeutic treatment for themselves and their children. There has also clearly been an impact on several of the survivors' employment prospects, particularly Choum and Olivia.

The recommendations above are intended to help progress reforms to end the unfair criminalisation of victims of coercive control and its terrible impact on victim/survivors. This will also have the benefit of financial and resource savings to the criminal justice system, by avoiding the needless prosecution and imprisonment of victim/survivors. At a time when our criminal justice system is under great strain and many victims are unprotected and do not get justice, a more informed and intelligent approach to such cases will save limited resources and ensure they are directed to those that actually represent a danger.

End notes

¹ [Prison Reform Trust \(2017\) 'There's a reason we're in trouble': Domestic abuse as a driver to women's offending](#)

² [Ministry of Justice \(2025\) Identified needs of offenders, custody and community, 31 October 2024](#), para. 3.8. Of all women with an OASys Layer 3 assessment, 68% of those in prison and 67% of those under community supervision were recorded as having been a victim of domestic abuse. This compares to 10% of men both in prison and in the community. For more information about OASys Layer 3 assessments, see the same publication at para. 2.2.

³ [Ministry of Justice \(2018\) Female Offender Strategy](#)

⁴ [Gelsthorpe, L., Sharpe, G., and Roberts, J. \(2007\) Provision for Women offenders in the community; Centre for Women's Justice \(2021\) Women who kill: how the state criminalises women we might otherwise be burying](#)

⁵ CWJ website, accessed 14/07/25: ['Stop Criminalising Survivors' films and resources](#)

⁶ [Ministry of Justice website, 'Lord Chancellor's opening remarks to the first meeting of the Women's Justice Board', 21 January 2025](#)

⁷ [Law Commission website, accessed 13/07/25: 'Law Commission to review law and sentencing in homicide', 6 December 2024](#)

⁸ [Home Office and Ministry of Justice \(2025\) Government response to 'Shifting the Scales: Transforming the Criminal Justice Response to Domestic Abuse'](#)

⁹ Wiener, C. (2023) *Coercive control and the criminal law*, Routledge, p.25

¹⁰ Vanessa Bettinson, Vanessa E. Munro and Nicola Wake 'A One-Sided Coin? Attributing Agency and Responsibility in Contexts of Coercive Control' in M. Bone, J. J. Child, and J. Rogers (eds.) *Criminal Law Reform Now: Proposals and Critique* (1st ed., Vol. 2) (Bloomsbury 2024), referring to H Douglas, S Tarrant, and J Tolmie, 'Social entrapment evidence: understanding its role in self-defence cases involving intimate partner violence' (2021) 44(1) *University of New South Wales Law Journal* 326; J Tolmie, R Smith, J Short, D Wilson and J Sach, 'Social entrapment: a realistic understanding of the criminal offending of primary victims of IPV' [2018] 2 *New Zealand Law Review* 181, 209-210 and N Sharp-Jeffs, L Kelly and R Klein, 'Long journeys toward freedom: the relationship between coercive control and space for action' (2018) 24(2) *Violence Against Women* 163.

¹¹ [Centre for Women's Justice \(2023\) Making self-defence accessible to victims of domestic abuse who use force against their abuser: Learning from reforms in Canada, New Zealand and Australia, p11](#)

¹² [Centre for Women's Justice \(2022\) Double Standard: ending the unjust criminalisation of victims of violence against women and girls, pp.26 et seq; Centre for Women's Justice \(2021\) Women who kill: How the state criminalises women we might otherwise be burying, Appendix 2 by Pragna Patel; Centre for Women's Justice and Tackling Double Disadvantage Partnership \(2023\) Westminster Hall debate to be held on 5 July: That this House has considered the criminalisation of victims of violence against women from ethnic minority and migrant communities – Briefing for MPs](#)

¹³ [Refuge website, accessed 14/07/25: 'Ahead of Black History Month, Refuge calls for better protection for Black women experiencing domestic abuse', 30 September 2021](#). The research found that between March 2020 and June 2021, Black women were 14% less likely to be referred to Refuge for support by police than white survivors of domestic abuse, although they were 3% more likely than white survivors to report the abuse to police, over the same period.

¹⁴ [Home Office \(2023\) Controlling or Coercive Behaviour Statutory Guidance Framework \(published 5 April 2023; updated 27 July 2023\), p15](#)

¹⁵ Vanessa Bettinson, Vanessa E. Munro and Nicola Wake 'A One-Sided Coin? Attributing Agency and Responsibility in Contexts of Coercive Control' in M. Bone, J. J. Child, and J. Rogers (eds.) *Criminal Law Reform Now: Proposals and Critique* (1st ed., Vol. 2) (Bloomsbury 2024) referring to *Emery* (1993) 14 Cr. App. R. (S.) 394; C. Barlow, *Coercion and Women Co-Offenders* (Bristol, Policy Press, 2016) and A Schloenhardt and R Markey-Towler, 'Non-Criminalisation of Victims of Trafficking in Person – Principles, Promises and Perspectives' (2016) 4(1) *Groningen Journal of International Law* 10.

¹⁶ [Centre for Women's Justice \(2022\) Double Standard: ending the unjust criminalisation of victims of violence against women and girls](#). See also: Jo Roberts (2019) 'It was do or die': how women's offending can occur as a by-product of attempting to survive domestic abuse, *Journal of Gender-Based Violence*, vol 3 no 3, pp.283-302.

¹⁷ [Clarke, B. and Chadwick, K. \(2020\) Stories of Injustice: The criminalisation of women convicted under joint enterprise laws](#)

¹⁸ [Centre for Women's Justice \(2022\) CWJ submission to Sentencing Council consultation on Perverting the Course of Justice and Witness Intimidation Guidelines](#)

¹⁹ [Centre for Women's Justice \(2022\) Double Standard: ending the unjust criminalisation of victims of violence against women and girls](#)

²⁰ [Dame Vera Baird KC \(2024\) The Baird Inquiry: An independent report into the experience of people who are arrested and taken into custody by Greater Manchester Police with a focus on women and girls](#)

²¹ [Sian Norris, 1 May 2025, 'Hundreds of domestic abuse victims face jail for assaulting police', Open Democracy](#)

²² [Independent Sentencing Review \(2025\) Independent Sentencing Review: Final report and proposals for reform](#), p100

²³ [Centre for Women's Justice \(2021\) Women who kill: How the state criminalises women we might otherwise be burying](#), pp. 47 et seq

²⁴ Vanessa Bettinson, Vanessa E. Munro and Nicola Wake 'A One-Sided Coin? Attributing Agency and Responsibility in Contexts of Coercive Control' in M. Bone, J. J. Child, and J. Rogers (eds.) *Criminal Law Reform Now: Proposals and Critique* (1st ed., Vol. 2) (Bloomsbury 2024); [O'Loughlin et al \(2024\) Defendants as Victims: a scoping review of vulnerability, victimhood and safeguards from charge to conviction](#), University of York

²⁵ Howes, S et al (2021) Women who kill: why self-defence rarely works for women who kill their abuser, *Criminal Law Review* Issue 11 2021; Bettinson, V. and Wake, N., 'A new self-defence framework for domestic abuse survivors who use violent resistance in response' *Modern Law Review* (2024); Swaine Williams, K. 'Court proceedings in which victims of domestic abuse are accused of offending' in Bettinson, V. (ed.) (2024) *Research Handbook on Domestic Violence and Abuse* (Edward Elgar: 2024); [Centre for Women's Justice \(2023\) Making self-defence accessible to victims of domestic abuse who use force against their abuser: Learning from reforms in Canada, New Zealand and Australia](#)

²⁶ [CPS - The Code for Crown Prosecutors](#) (updated October 2018)

²⁷ *Ibid*, para. 4.14(b)

²⁸ See for example: [Centre for Women's Justice \(2022\) Double Standard: ending the unjust criminalisation of victims of violence against women and girls](#); [Centre for Women's Justice \(2022\) No Safe Space: lessons for national policy and local practice from the West Midlands multi-agency response to women involved in offending or alleged offending who are victims of domestic abuse](#); Pitman, J (2022) *Invisible victims: What are the barriers to police recognising female offenders as victims of coercive control* (MSc dissertation, available from University of Portsmouth)

²⁹ Pitman, J (2022) *Invisible victims: What are the barriers to police recognising female offenders as victims of coercive control* (MSc dissertation, available from University of Portsmouth)

³⁰ [Centre for Women's Justice \(2022\) Double Standard: ending the unjust criminalisation of victims of violence against women and girls](#)

³¹ [Home Office \(2023\) Controlling or Coercive Behaviour Statutory Guidance Framework](#) (published 5 April 2023; updated 27 July 2023)

³² For more information see: [Centre for Women's Justice \(2024\) Police perpetrated domestic abuse: has anything really changed since the 2020 super-complaint?](#); [Centre for Women's Justice \(2022\) CWJ briefing on police perpetrated domestic abuse super-complaint outcome](#)

³³ [Home Office \(2023\) Controlling or Coercive Behaviour Statutory Guidance Framework](#) (published 5 April 2023; updated 27 July 2023)

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³⁶ [Centre for Women's Justice \(2024\) Police perpetrated domestic abuse: has anything really changed since the 2020 super-complaint?](#)

³⁷ [College of Policing guidance, 'Conducting effective investigations – understanding the process, your role and obligations'](#)

³⁸ [College of Policing guidance: Authorised Professional Practice – Major investigation and public protection – Modern Slavery – Risk and Identification](#); [College of Policing guidance: Authorised Professional Practice – Major investigation and public protection – Modern Slavery – Key Responsibilities](#)

³⁹ [Centre for Women's Justice \(2021\) Women who kill: How the state criminalises women we might otherwise be burying](#); [Centre for Women's Justice \(2022\) Double Standard: ending the unjust criminalisation of victims of violence against women and girls](#)

⁴⁰ [Centre for Women's Justice \(2021\) Women who kill: How the state criminalises women we might otherwise be burying](#)

⁴¹ [CPS Guidance on Domestic Abuse, Annex D](#)

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⁴⁴ [College of Policing Authorised Professional Practice – Major Investigation and Public Protection – Domestic abuse: First Response – Determining the Primary Perpetrator and Dealing with Counter-Allegations](#) (last updated 9 September 2024); [Crown Prosecution Service Legal Guidance: Domestic Abuse – Self-defence and counter-allegations](#) (Updated: 1 August 2024, 27 November 2024, 5 December 2024)

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- ⁴⁶ Vera-Gray, F., Hohl, K., Robinson, A., Westmarland, N., Johnson, K., Williams, E., Lovett, J., Kelly, L., May, T. (2025) Project Bright Light: National Policy Briefing. Child and Woman Abuse Studies Unit)
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- ⁴⁸ [Hester, M. \(2012\) Portrayal of Women as Intimate Partner Domestic Violence Perpetrators](#). Professor Hester studied the following three sample groups: (1) All women recorded by the police as sole domestic violence perpetrator in a heterosexual relationship (N=32); (2) a random sample of sole male perpetrators; and (3) a random sample involving 32 cases where both partners were recorded at some time as perpetrator. These different sets of cases were then compared to assess differences and similarities in the rate of arrest where allegations were made. Analysis showed that an arrest was three times more likely to follow where the allegations were made against a woman, than where they were made against a man.
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- ⁵⁰ [Centre for Women's Justice \(2022\) CWJ briefing on police perpetrated domestic abuse super-complaint outcome](#); [Centre for Women's Justice \(2024\) Police perpetrated domestic abuse: has anything really changed since the 2020 super-complaint?](#)
- ⁵¹ [Centre for Women's Justice \(2022\) CWJ briefing on police perpetrated domestic abuse super-complaint outcome](#)
- ⁵² [Centre for Women's Justice & Imkaan \(2023\) Life or death? Preventing domestic homicides and suicides of Black and minoritised women, p.46](#)
- ⁵³ [Centre for Women's Justice \(2022\) Double Standard: ending the unjust criminalisation of victims of violence against women and girls](#), pp.26 et seq; [Centre for Women's Justice \(2021\) Women who kill: How the state criminalises women we might otherwise be burying](#), Appendix 2 by Pragna Patel; [Centre for Women's Justice and Tackling Double Disadvantage Partnership \(2023\) Westminster Hall debate to be held on 5 July: That this House has considered the criminalisation of victims of violence against women from ethnic minority and migrant communities – Briefing for MPs](#)
- ⁵⁴ [McIlwaine, C. J., Granada, L., & Valenzuela-Oblitas, I. \(2019\). The Right to be Believed: Migrant women facing Violence Against Women and Girls \(VAWG\) in the 'hostile immigration environment' in London. Latin American Women's Rights Service.](#)
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- ⁵⁸ [Centre for Women's Justice \(2021\) Women who kill: How the state criminalises women we might otherwise be burying](#)
- ⁵⁹ Wiener, C. (2023) Coercive control and the criminal law, London: Routledge
- ⁶⁰ Ibid, p191
- ⁶¹ Vanessa Bettinson, Vanessa E. Munro and Nicola Wake 'A One-Sided Coin? Attributing Agency and Responsibility in Contexts of Coercive Control' in M. Bone, J. J. Child, and J. Rogers (eds.) Criminal Law Reform Now: Proposals and Critique (1st ed., Vol. 2) (Bloomsbury 2024)
- ⁶² CPS Legal Guidance – Modern Slavery and Human Trafficking: offences and defences, including the Section 45 defence (Part 2)
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- ⁶⁴ [Pitman, J \(2022\) Invisible victims: What are the barriers to police recognising female offenders as victims of coercive control \[Masters thesis: Portsmouth University\], p.31](#)
- ⁶⁵ Swaine Williams, K., 'Court proceedings in which victims of domestic abuse are accused of offending' in Bettinson, V. (ed.) (2024) *Research Handbook on Domestic Violence and Abuse* (Edward Elgar: 2024)
- ⁶⁶ Ibid
- ⁶⁷ Ibid
- ⁶⁸ [Centre for Justice Innovation, Problem-solving courts: A guide to practice in the United Kingdom \(2023\)](#)
- ⁶⁹ [Centre for Women's Justice \(2021\) Women who kill: How the state criminalises women we might otherwise be burying](#)
- ⁷⁰ [Centre for Women's Justice \(2024\) Police perpetrated domestic abuse: has anything really changed since the 2020 super-complaint?](#)
- ⁷¹ [Prison Reform Trust \(2023\) 'This is Me': A Child Impact Assessment Toolkit](#)



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"I kind of resigned myself to the legal system carrying on what my ex-partner had done. I was still the one being blamed. I was being charged, I was being accused, and I felt like they were just doing his job for him really."

Megan, survivor