

Specialist Domestic Violence Courts: How Special are they?

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Domestic abuse was a 'domestic matter' which police and courts didn't take seriously

Change came after 1997 when over 100 women were elected as MPs

Every year 1.3m women suffer domestic abuse.

It is coercive control through emotional, financial, psychological and sexual abuse as well as by violence and threats.

It is not a one off marital row

It is systematic

And that has to be understood if it is to be dealt with properly

The Government devised a system of special courts with Magistrates, police and prosecutors all trained to understand this systematic abuse

They created the role of IDVA (Independent Domestic Violence Adviser), a professional supporter for every complainant

Special Domestic Violence Courts and IDVAs were rolled out nationwide in 2006
Convictions rose, women were safer

Now, over a decade later, cuts to police, CPS and Courts caused us to worry that the SDVCs might have been depleted

Nobody watches the courts.

There is no courts 'OFSTED'.

So we went on a random visit one day and what we saw so concerned us that

Newcastle and 2 neighbouring Clubs set up a rota to observe these courts everyday



How Did We Do It?

- Explained the project to the court administrator
- Asked CPS to help draft a questionnaire taking us through the process
- Watched in pairs, on a rota in public gallery half day a week for 3 months
- Watched 223 hearings: Made 13 recommendations

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We asked the local CPS to help draft a questionnaire to guide us through a typical case

There were “not guilty” hearings where the court just plans for trial but where key things for victims are decided like bail

There were guilty pleas

And there were contested trials where the complainant might have to testify

Sitting in the public gallery in pairs, for half a day a week, the team watched 223 hearings over 3 months and filled in 223 questionnaires

Dialogue:

VB: How hard was this? Are you all lawyers:

Chris - no I am a teacher. Never been to court before. We made notes on each case, compared them on the way home and put them online onto the questionnaire

Shirley – And I am retired; the courts made us welcome. We kept away from parties in the case but if anyone asked why we were there we said we were watching to see that justice is done



Was there justice? What did we see?

- There were rarely IDVAs at court to speak for the complainant and her children
- Defendants pleaded not guilty then changed to guilty if the complainant attended
- If the complainant did not attend, magistrates dismissed the case
- Few complainants took advantage of special measures
- Defendants used mitigations that guidelines say are irrelevant

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In short:

IDVA numbers had been cut and they were rarely seen. That meant no voice for the complainant in things like bail conditions and we saw some risky things being ordered. Men who had pleaded not guilty changed to guilty immediately the victim attended court. Had they hoped/tried to keep her away?

One magistrate called this 'gaming the system'

But if a complainant DIDN'T attend to give evidence the magistrates dismissed the case.

We worried that THESE women might have been kept away – that we were seeing successful 'gaming the system'

We particularly want to tell you, that we brought change



Women are Safer

- Most now have IDVA support so their interests are protected and they are more likely to attend
- Court will consider adjournment for no-show to check attitude and, importantly, safety
- 13 recommendations underway via a multi agency group led by the Victims Hub

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The risky things we saw being ordered because there were no IDVAs to speak for victims led to a rota, with an IDVA from one council representing complainants from all local authorities.

Before, each local authority IDVA, would have a very few victims and could not take the time to go to court.

Simple. But only because we saw it.

Now almost everyone should have an IDVA and women and children are safer

The court legal advisers got the point that a victim no-show could be a defendant keeping her away - successfully 'Gaming the system'

So they might ask the court to adjourn. Let the police visit to check the victim's attitude and importantly to check her safety

We made 13 recommendations and the local victims hub is leading a multi-agency task force to action the rest

I have been invited to speak to six Soroptimist regions where similar projects may follow

Imagine a national soroptimist force watching the courts and bringing change!!!

We got good publicity and the police chief constables asked us to present the project to their national conference
you can see from the film we made of that presentation that we enjoyed the project too

Lightning Talk



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