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“Listen to me, his behaviour is erratic and I’m really worried for our safety...”

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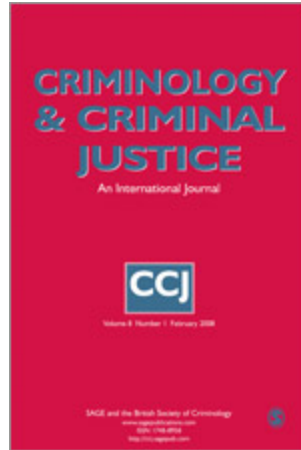
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“Listen to me, his behaviour is erratic and I’m really worried for our safety...”: Help-seeking in the context of coercive control.

Journal:	<i>Criminology & Criminal Justice</i>
Manuscript ID	CCJ-18-0137.R3
Manuscript Type:	Standard Article
Keywords:	domestic abuse, coercive control, police, criminal justice, non-feasance, intimate partner abuse
Abstract:	This article explores 12 female victim-survivors’ experiences of seeking protection from criminal justice agencies in Dyfed-Powys, an area in Wales. The discussion draws on rich qualitative data, from a series of narrative interviews held in 2015, which offers new insights into how coercive and controlling behaviours influence ‘help-seeking’. The findings suggest that for 12 women, deemed to be high-risk, the experience of actively engaging with criminal justice agencies, served to instil in them a sense that they were alone at the most dangerous period in their help-seeking journey, namely the juncture of leaving, without formal protection. Under-enforcement by justice agents resulted in what Stubbs (2016) terms ‘non-feasance’: a process whereby women are unable to access protection from the law, thus potentially increasing the propensity for lethal violence.

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Declaration of conflicting interests

The authors declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

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Reviewer 1 comments:	Revised changes
<p>There is a quote on page 16 that is incomplete or perhaps just spaced out inappropriately which has resulted in a gap.</p>	<p>The spacing was out. This has been corrected and we have also added "<i>And the first opportunity that the police officer came in [to our home], she didn't like us and didn't listen to us.</i>"</p>
Reviewer 2 comments:	Revised changes
<p>In response to the reviewer's comment that p.24 line 7 didn't quite capture Stubbs' argument, the author has removed Stubbs from the conclusion. However, Stubbs' concept of non-feasance is still discussed but not attributed to her (p.25, last para) I recommend that Stubbs is included since her work appears central to the paper's argument (and is highlighted in the abstract). Rather than remove Stubbs from the conclusion, work should be undertaken to ensure that her argument is captured appropriately and referenced.</p>	<p>The authors agree with the comments made by the reviewer and added a more considered reflection of the findings, discussing how it feeds into what Stubbs describes as 'non-feasance'. See pages 26 & 27.</p>
<p>We would not normally expect to see in-text citations in an abstract (unless referring to a particular concept perhaps).</p>	<p>We have removed the in-text citations to SafeLives (2014) and Abrahams (1994) in the abstract as they are reference in the main paper. However, given the article looks at Stubbs' concept of non-feasance, we felt it was necessary for the reference to Stubbs to remain.</p>

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5 *“Listen to me, his behaviour is erratic and I’m really worried for*
6 *our safety...”* Help-seeking in the context of coercive control
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11 Abstract

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15 This article explores 12 female victim-survivors’ experiences of seeking protection from
16 criminal justice agencies in Dyfed-Powys, an area in Wales. The discussion draws on rich
17 qualitative data, from a series of narrative interviews held in 2015, which offers new insights
18 into how coercive and controlling behaviours influence ‘help-seeking’. The findings suggest
19 that for 12 women, deemed to be high risk, the experience of actively engaging with
20 criminal justice agencies, served to instil in them a sense that they were alone at the most
21 dangerous period in their help-seeking journey, namely the juncture of leaving, without
22 formal protection. Under-enforcement by justice agents resulted in what Stubbs (2016)
23 terms ‘non-feasance’: a process whereby women are unable to access protection from the
24 law, thus potentially increasing the propensity for lethal violence.
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44 Since 1998, there have been significant developments in the United Kingdom Government’s
45 approach to tackling domestic abuse, for example, strategy documents have emphasised
46 the need for greater protection and perpetrator accountability and encouraged victim-
47 survivors to engage with a criminal justice response to domestic abuse (Home Office, 2007).
48 Our research in Dyfed-Powys highlights that despite the plethora of empirically-informed
49 guidance and training provision, criminal justice practitioners still appear to have a limited
50 understanding about coercive and controlling behaviours and the increased levels of
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3 dangerousness associated with leaving a perpetrator (Campbell, 1995). Although our
4
5 research was undertaken prior to the introduction of section 76 of the Serious Crimes Act
6
7 2015, which made controlling or coercive behaviour a discrete offence, it shows how the
8
9 failure of criminal justice practitioners to respond appropriately to a pattern of coercive or
10
11 controlling behaviours by perpetrators can have a negative impact on women's help-
12
13 seeking. As noted above, given the information available in criminal justice policies and
14
15 practice prior to the new legislation, the narratives from this research suggest that it is
16
17 unlikely that the introduction of section 76 will increase opportunities for legal protection in
18
19 Dyfed-Powys, given significant shortcomings in how criminal justice agencies understand
20
21 domestic abuse. Whilst the findings may not be indicative of criminal justice professionals'
22
23 behaviour in other parts of the United Kingdom, the data suggest that there is a need for a
24
25 transformative response to domestic abuse by criminal justice agencies, particularly the
26
27 police, if they are to fulfil their obligations to hold perpetrators accountable and protect
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29 women and children.
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39 Doing justice differently? 40 41

42 Developments over the last two decades have led to a paradigm shift towards 'doing justice'
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44 differently, with an increasing emphasis being placed on the needs and rights of victims
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46 (College of Policing, 2016; Ministry of Justice, 2015; Moffat, 2017). In the context of
47
48 domestic abuse, meanings of justice are complex, and victim-survivors do not have a shared
49
50 universal perception of what justice is. Holder and Daly (2017) describe how, when victim-
51
52 survivors access the criminal justice system, they have a 'trilogy of justice interests' with
53
54 multiple aims and motivations for themselves, the perpetrator, and their community (p. 6).
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3 For victim-survivors, 'justice goals' unfold and re-order as they engage, in varying degrees,
4
5 with the criminal justice process.
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9 Many victim-survivors' expectations of help-seeking, which may include 'justice-seeking' are
10
11 rooted in ideas of being treated fairly at every stage in the process (Tyler and Huo, 2002). As
12
13 Walgrave (2011) observes, it is through the process of seeking justice that victim's sense
14
15 justice. Improving victim-survivors' experiences of the justice system, from when they
16
17 report a crime through to their appearance in the courts is crucial, as individual perceptions
18
19 of justice processes are more positive when issues of procedural justice are effectively
20
21 attended to, irrespective of the final outcome (Cataneo and Goodman, 2010; Thibaut and
22
23 Walker, 1975). Indeed, as Tyler (2006) notes, 'Procedural justice focusses on the subjective
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25 sense of being treated fairly with respect and equity, being taken seriously and listened to
26
27 by authorities' (p. 308).
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34 Typically, when people choose to engage with the criminal justice system, it is often to
35
36 report a one-off incident, consequently, victims are unlikely to feel at risk of re-victimisation
37
38 by the same offender. In contrast, for victim-survivors of domestic abuse, the point of
39
40 disclosure to formal agencies actually increases the risk of significant harm by perpetrators,
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42 as disclosure is likely to result in further victimisation (Abrahams, 2007).
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46 Given the heightened need for protection when women leave male perpetrators, criminal
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48 justice agents need to prioritise safety. As Lewis et al. (2000) suggest women are aware that
49
50 the confined space in which they seek help is a highly unsafe, rapidly changing environment.
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52 As perpetrators place temporal and situational constraints on victim-survivors, it is vital that
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54 the response provided by criminal justice agencies is sensitive to the dynamics within which
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56 women operate when attempting to seek protection.
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3 The findings from the analysis of the 12 narratives provide a deeper insight into the
4 complexity of relationship dynamics, and thereby enriches our understanding of how
5 coercive and controlling behaviour acts as a barrier to women's help-seeking. The research
6 also highlights the extent to which criminal justice professionals, particularly the police,
7 address issues of safety when they respond to direct requests for help. Furthermore, the
8 narratives indicate these professionals may have a limited understanding about the
9 constraints that exist for female victim-survivors whilst help-seeking in this context.
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21 Domestic abuse, coercive control and disclosure to criminal justice 22 professionals 23 24 25 26 27 28

29 According to the World Health Organisation (2012), domestic abuse is a gendered crime
30 where women are more likely to be victims and men are more likely to be perpetrators,
31 particularly when the abuse involves coercive and controlling behaviours (Myhill, 2015). The
32 Home Office (2013) provide a cross-government definition of domestic abuse as, 'any
33 incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or
34 abuse between those aged 16 or over who are, or have been, intimate partners or family
35 members regardless of gender or sexuality' (p. 1). Whilst this definition is not without its
36 limitations (Groves and Thomas, 2013), the inclusion of the term 'coercive and controlling'
37 behaviour signifies a potential shift in how domestic abuse is conceptualised.
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51 Following a series of consultations, official Home Office discourse has been transformed,
52 reflecting a move away from the use of the term 'domestic violence', which focusses on the
53 physical aspect of the experience (Home Office, 1990), to the much broader phrase
54 'domestic violence and abuse' (Home Office, 2013). Incorporating the term 'abuse'
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3 acknowledges the non-physical aspects of the experience and represents a potential step
4 forward in influencing the effectiveness of frontline responses. Coercive and controlling
5
6 behaviour is now a crime under section 76 of the Serious Crime Act 2015, and some feminist
7
8 activists perceive this as a landmark in increasing the potential to transform the criminal
9
10 justice response to victim-survivors (Women's Aid, 2015). The impetus for change has
11
12 continued with the Home Office now using the term 'domestic abuse' to reflect that
13
14 victimisation is 'almost always part of an ongoing pattern of behaviour' (Home Office, 2018,
15
16 p. 12) and the term serves to refocus the relevance of coercive control within the context of
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18 domestic abuse.
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Domestic abuse as a pattern, not a single incident

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30 In the last three decades, the effectiveness with which criminal justice agencies, particularly
31
32 the police, respond to domestic abuse has been questioned (HMIC, 2014, 2015; Paladin et
33
34 al., 2014; Women's National Commission, 1985). As far back as 1998, Home Office
35
36 documentation referred to domestic abuse as a 'pattern of abusive and controlling
37
38 behaviour which tends to get worse over time' (Home Office, 1998, p. 4), yet despite this
39
40 recognition, little appears to have changed in practice. For example, research by Robinson
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42 et al. (2016) suggest that the police still continue to adopt a 'single incident approach' rather
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44 than examining chronological patterns of abuse, despite the fact that non-physical forms of
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46 abuse and repeat victimisation have been key indicators on various police risk assessment
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48 tools since 1998.
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56 As noted by Laing et al. (2013), domestic abuse has traditionally been socio-legally
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58 conceptualised as a discrete incident of physical abuse. This has led to a simplified
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3 understanding of women's experiences and a lack of appreciation of the complexities of the
4 relationship dynamics. Legislation has been criticised for failing to capture the conduct and
5 harm that were associated with coercive control. Bettinson and Bishop (2015) argue that
6 the legislative framework created a 'hierarchy of harms' that prioritised physical forms of
7 violence that did not always correspond with the harm experienced by victim-survivors.
8 Thus, in the pursuit of a criminal justice response, women who experienced non-physical
9 forms of abuse have not been granted adequate protection (Allen, 2013), despite coercive
10 and controlling behaviour being recognised as a strong risk factor in cases of domestic
11 homicide (Home Office, 2016).

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26 According to the College of Policing (2016), the Home Office's (2013) latest definition and
27 the increasing awareness of the serious effect of coercive control, paved the way for a
28 police response that takes into account patterns of abuse and non-physical incidents when
29 responding to a disclosure of domestic abuse. Yet research undertaken by Paladin et al.
30 (2014) examining victims' perspectives suggest, police awareness about coercive and
31 controlling behaviours has not really improved, particularly in relation to knowledge about
32 non-physical forms of abuse, such as threats to kill, as indicators of potential physical harm.
33 Such findings are disappointing given the significant efforts by researchers, activists and
34 policymakers since the 1990s to draw attention to a pattern of behaviours occurring in the
35 context of domestic abuse.

51 ***Coercive Control***

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55 'Coercive control', as described by Stark (2007; see also Tadros, 2004), is a pattern of
56 behaviours employed by male perpetrators to exercise ongoing control over female victims.
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3 Perpetrators isolate women socially and economically, whilst monitoring and controlling
4
5 their activities with intensive forms of surveillance and threats of lethal harm. Consequently,
6
7 women find it difficult to seek help without the perpetrator being aware and can feel
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9 trapped in a relationship with restricted access to resources (Kelly et al., 2014).
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13 According to Towns and Adams (2016), perpetrators use male privilege, whilst deflecting
14
15 blame onto victim-survivors. Over the course of the relationship, women become highly
16
17 sensitive to certain cues that signal danger and continually assess strategies to remain safe
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19 (Cavanagh, 2003; Stubbs, 2002). As individual perpetrator behaviour is often unpredictable,
20
21 it is difficult for women to avoid further abuse (Pitman, 2017). For women in this context,
22
23 abusive and controlling behaviours are continual and often escalate over time (Hanmer et
24
25 al., 1999; Kelly, 1988). While research suggests that 'coercive control' or coercive and
26
27 controlling behaviour has a major effect on female victim-survivors' wellbeing (Myhill, 2015;
28
29 Stark, 2007), there are very few qualitative studies that explore victim-survivors' lived
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31 experiences of coercive control when attempting to seek protection from the police and
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33 other criminal justice agents, especially within a Welsh context.
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42 Help-seeking in the context of an increased risk of lethal violence

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45 Holder (2001) suggests that victim-survivors' primary reason for contacting the police and
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47 other criminal justice agents is not to pursue a criminal conviction, but to use them as a
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49 resource to stop the abuse and provide immediate protection from further harm. The
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51 criminal justice response is often perceived to be 'a clumsy tool' (Hoyle and Sanders, 2000)
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53 because it is unlikely to provide a solution to an ongoing pattern of domestic abuse,
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55 especially given the tactics perpetrators use to isolate victim-survivors.
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3 Compared to other violent crimes, domestic abuse has the highest rate of repeat
4 victimisation, with seventy-three per cent of reported incidences in England and Wales
5
6 involving victims who have previously reported the abuse to the police (Home Office, 2011).
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8 For victim-survivors, the process of seeking help is a complex journey involving multiple
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10 attempts to safely escape an abusive partner (Anderson and Saunders, 2003). Typically,
11
12 women seek help when they feel they are no longer able to protect themselves, or their
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14 children, from immediate (Holder, 2001) or anticipated harm (Lewis et al., 2000; Stewart et
15
16 al., 2013). Women must exercise a considerable degree of agency to keep themselves and
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18 their families' safe during this period of heightened risk (Hoyle and Sanders, 2000).
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26 Abrahams (1994) states that physical violence by the perpetrator intensifies and peaks
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28 when a woman attempts to assert her independence and tries to leave the perpetrator.
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30 Perpetrators may become hyper-vigilant as they sense a shift towards increased victim
31
32 autonomy, and threaten to increase the violence to undermine any help-seeking efforts
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34 (Goodman et al., 2003; Ullrich, 2004). Furthermore, perpetrators can increasingly restrict
35
36 victims' movements thus limiting women's 'space for action' (Kelly, 2003). There is strong
37
38 evidence to suggest that there is an increased risk of homicide when the perpetrator feels
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40 that they are being abandoned, either in a physical or symbolic sense, by the victim (Dodd et
41
42 al., 2004; Johnson and Hotton, 2003). In addition, domestic homicide involving intimate
43
44 partners is far more likely to involve 'collateral' homicides, i.e. murder of other family
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46 members, especially children (Dobash and Dobash, 2015) than other forms of homicide.
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48 Therefore, the need to protect family members from lethal harm further complicates
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50 women's help-seeking activities.
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3 As noted by Hoyle (1998), women's decision-making is highly contingent on their immediate
4 and rapidly changing safety needs, as well as the safety and security of their children and
5 other family members. Wiener (2017) observes that women 'do not "give in" to perpetrator
6 demands because they are inherently weak or flawed as individuals; they obey because they
7 are rightly fearful of the consequences if they do not' (p. 509). Thus, at the point of
8 separation from the abusive partner, agencies may wrongly perceive women's actions as
9 inconsistent and/or illogical because practitioners lack an understanding of the difficulties
10 women face when decision-making in the context of coercive control.
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13 Whilst it is estimated that just over three-quarters of victim-survivors make a disclosure of
14 the abuse to a practitioner (Fanslow and Robinson, 2009), this initial contact rarely appears
15 to be an empowering process, as victim-survivors often experience secondary victimisation
16 from practitioners (Anderson and Saunders, 2003; Wemmers, 1996). According to research
17 by SafeLives (2015), on average victim-survivors will experience fifty incidents of abuse
18 before receiving effective help.
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21 Inappropriate responses to disclosures leave victim-survivors more isolated, thus
22 heightening their sense of vulnerability at a critical juncture (Elliot et al., 2014). The
23 consequences of practitioners repeatedly invalidating women's claims of abuse can result in
24 victim-survivors experiencing harm as a direct consequence of reporting domestic abuse
25 (HMIC, 2014; Hoyle, 1998; Laing, 2017). The next section will highlight some of the recurrent
26 issues with the criminal justice response prior to the criminalisation of coercive and
27 controlling behaviour, with a particular focus on under-enforcement, gender stereotyping,
28 and the significance of adopting a person-led response to disclosure.
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Gender discrimination and 'non-feasance'

On an international level, Stubbs (2016) states that since the 1990s, despite a plethora of legislation and guidance, little has changed for women regarding the quality of police responses. Stubbs suggests improving police practice is contingent on improving the integrity of the police. She borrows the term 'non-feasance' from Sklansky (2008) to describe how police under-enforcement can lead to victim-survivors experiencing further harm. Giving the police the freedom to exercise discretion when responding to reports of domestic abuse may lead to errors of judgement, resulting in a failure to safeguard victim-survivors. Furthermore, Natapoff (2006) suggests that, if the policing response is one of 'under-enforcement', this can be viewed as 'eroding the system of efficacy, fairness and democratic accountability' (p. 1776). Although Natapoff (2006) recognises the implications of a lack of police action, she suggests that it is important to consider under-enforcement and the role it plays in the criminal justice system and in perpetuating the social inequalities in wider society.

According to Meyer (2016), female victim-survivors often encounter gender stereotyping and victim-blaming attitudes when formally disclosing their experiences, especially if they do not conform to the characteristics of an 'ideal victim' (see Christie, 1986). In addition, Stewart et al. (2013) state that some professionals working in criminal justice settings may subconsciously give more credence to a man's account of an incident, and be sceptical of a woman's recollection of the abuse when they are making a disclosure, particularly when the perpetrator does not present as dangerous. Such gender discrimination may contribute to the relatively high attrition rate in domestic abuse cases (Stewart et al., 2013).

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3 Research by Taylor-Dunn (2016) shows that the attrition rate in criminal justice processes is
4 significantly reduced when domestic abuse specialists adopt a person-led 'empowerment
5 approach'. This approach involves listening to women's assessments of perpetrator actions
6 and taking their concerns seriously. Not surprisingly, when such a person-led approach is
7 used, women state they feel far safer. This person-led 'empowerment model', according to
8 Nichols (2011), may help to challenge prejudices against women that exist within patriarchal
9 systems. The approach however, requires professionals to recognise women as active
10 agents capable of making their own decisions (Lehrner and Allen, 2009).

11 This paper documents the nature of the support, the police, and other professionals
12 involved in the criminal justice system, provided to 12 women living in Dyfed-Powys in
13 Wales. The article examines the degree to which the approach was person-led and how safe
14 women felt as a consequence of making the decision to seek help. At the time of the study,
15 a report by Her Majesty's Inspectorate of Constabulary (HMIC) (2014) had highlighted a
16 need to change practice by encouraging earlier recognition of coercive and controlling
17 behaviours. For the women in this study, the exchanges they had with the police during the
18 period of help-seeking provide insights into the extent to which such guidance was
19 integrated into practice in Dyfed-Powys. The next section outlines the methodology and
20 provides some background context to Dyfed-Powys.

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Research methodology

Dyfed-Powys

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3 Dyfed-Powys police provide a service to four counties; Carmarthenshire, Ceredigion, Powys
4 and Pembrokeshire. The police cover the largest geographical area in England and Wales,
5
6 and Pembrokeshire. The police cover the largest geographical area in England and Wales,
7
8 operating in just over half (54%) the land mass of Wales (Dyfed-Powys Police and Crime Plan
9
10 2013-2018). Dyfed-Powys is a largely rural area, with a population that exceeds 515,870
11
12 people (Census, 2011). The population is largely white, with an underrepresentation of black
13
14 and minority ethnic groups (2.02% of the population).
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19 ***Research background***

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23 In 2015, the Police Crime Commissioner for Dyfed-Powys provided funding for this study in
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25 response to the recommendations in Her Majesty's Inspectorate of Constabulary (HMIC)
26
27 2014 report '*Everyone's business: Improving police response to domestic abuse*'. The HMIC
28
29 report emphasised the need for more qualitative research when evaluating criminal justice
30
31 processes and outcomes from a victim's perspective. More specifically to Dyfed-Powys, the
32
33 HMIC report (2014) stated victims were receiving an inconsistent service that could deter
34
35 them from reporting incidents in the future. The report also highlighted that the police
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37 needed to record incidents of domestic abuse more effectively.
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44 ***Study design and method***

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47 The research employed an interpretivist methodology to gain an in-depth understanding of
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49 victim-survivors' experiences. Data collection involved a series of face-to-face narrative
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51 interviews with 12 women over a four-month period between October 2014 and January
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53 2015. The questions examined the impact of coercive and controlling behaviours on help-
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55 seeking. The research also explored women's perceptions of safety after disclosure and the
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3 extent to which they felt they had been treated justly by members of the criminal justice
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5 system. The use of narrative interviews provided the women with the opportunity to share
6
7 their personal accounts in their own words and encouraged them to influence the
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9 interviewing process by imposing a sequence on their lived experiences whilst making sense
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11 of the events within their own lives (Riessman, 1993).
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16 Participants who had agreed to take part in the study were invited to enlist the support of
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18 their key worker. The research team observed the ethical guidelines developed by the
19
20 British Society of Criminology (2015).
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23 24 ***Research sample***

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27 The research employed a purposive sampling approach to recruiting victim-survivors,
28
29 reflecting the aims of the study. Access to all the women involved in the study was via
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31 specialist domestic abuse third sector organisations. The participants varied in background
32
33 characteristics, education and socio-economic status. The age range was between 18-69
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35 years of age. The sample consisted of 11 heterosexual females and one gay woman/lesbian.
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37 Eleven of the women had children aged 16 years and under. Over the entire sample, the
38
39 narratives indicated that there were 47 occasions where the women engaged with criminal
40
41 justice professionals. All 12 women contacted the police, and each women experienced at
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43 least one initial police contact at the point of disclosure followed by at least one further
44
45 point of police contact. Eleven women sought advice from a solicitor, and three women had
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47 contact with members of the judiciary, two were a witness for domestic abuse-related
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49 criminal offence, and one applied for an injunction, two of these women were in contact
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51 with members of the judiciary on two occasions.
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3 Participants were risk assessed by the specialist domestic abuse third sector organisation as
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5 'high-risk' using the Domestic Abuse, Stalking and Harassment and Honour-Based Violence
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7 Risk Identification Checklist (DASH RIC SafeLives, 2014). All the women had experienced
8
9 coercive and controlling behaviours and nine had experienced physical violence. Three
10
11 perpetrators were described as using their high status within the community as a
12
13 mechanism to isolate the victim-survivor and deter them from seeking help. Two
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15 perpetrators in the sample had previous convictions for criminal damage (n=1) and arson
16
17 (n=1). Two perpetrators misused substances and another had a chronic mental health
18
19 condition. The majority of participants had attempted to leave the perpetrator on numerous
20
21 occasions and 10 women experienced post-separation abuse. At the time the series of
22
23 narrative interviews took place, none of the women reported experiencing ongoing abuse.
24
25 The women stated that they hoped that their involvement in the research would help
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27 inform policy and practice.
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36 *Data analysis*

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39 Interviews were audio-recorded and transcribed verbatim. Researchers made reflexive
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41 notes and the analysis of the data began after each interview. The transcripts were analysed
42
43 to identify themes that were prominent in the data and atypical themes worthy of further
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45 investigation. The study was not without its limitations. Given the small and
46
47 unrepresentative sample, it is not possible to make generalisations from the data. However,
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49 inductive qualitative research has the advantage of deepening our understanding of the
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51 women's subjective worldview and generating in-depth knowledge about the lifeworld of
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53 female victim-survivors of domestic abuse.
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Findings

All 12 interviewees stated that the primary reason they sought help from the police was that they felt too unsafe to remain in the relationship. The women highlighted the complexity of decision-making in the context of coercive control. Furthermore, all victim-survivors experienced secondary victimisation, with seven women reporting that they felt the police were coercive rather than 'person-led' in their responses. Three key interrelated themes emerged from the analysis.

The first theme highlighted how when perpetrators became aware of criminal justice intervention, their coercive and controlling behaviour escalated, leading victim-survivors to feel increasingly vulnerable and unsafe. A second theme related to 'non-feasance', in that victim-survivors experienced harm resulting from under-enforcement by both the police and the courts. A final theme provided an insight into experiences of procedural justice, demonstrating how being listened to and treated with dignity and respect had a profound impact on women's wellbeing and their sense of safety. Conversely, there were many accounts where women felt they were not listened to, this had a detrimental effect on their sense of justice and their attitude towards help-seeking.

The impact of coercive control on help-seeking

Women discussed at length the omnipresence of perpetrators' coercive and controlling behaviours governing their everyday movements. The women spoke of what happened when their efforts to conceal their help-seeking activities failed and perpetrators became aware that victim-survivors had notified the police and other criminal justice agencies. The women reported how perpetrators made concerted attempts to 'do male dominance',

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3 through intensifying the level of threats and promises to change, and by challenging the
4 women's sense of agency. Interviewees described how the perpetrators 'up-scaled' the
5 abuse, especially within the home environment, employing tactics to re-establish control,
6 such as; sleep deprivation, threats to use firearms, food poisoning, animal cruelty and
7 physical abuse. Perpetrators also extended their threats to other family members. The
8 women interpreted this as a direct attempt to break down informal support structures and
9 sabotage their help-seeking strategies. Women were unanimous that this juncture felt like
10 the most dangerous period in the whole relationship (Goodman et al., 2003).
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23 Women stated that they felt unused to making any decisions. For example, Heulwen, after
24 years of repeated victimisation, including coercive and controlling behaviours, described the
25 sense of isolation she felt when deciding to seek help. She provided an insight into her first
26 contact with the police and her sense of uncertainty about her own assessment of her
27 circumstances because of the effect of the perpetrator's tactics to control her:
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36 *The way I can explain it is, you know if you take your dog for a walk on the lead every*
37 *day. Then you take the dog out and you take the lead off. It [the dog] doesn't run off*
38 *and go wild. It turns around and looks at you and says, "Well what do we do now?"*
39 *We were really scared of the outside world. He [the perpetrator] had put in our heads*
40 *that people didn't like us, that people wouldn't listen to us. And the first opportunity*
41 *that the police officer came in [to our home], she didn't like us and didn't listen to us.*
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51 *Heulwen*

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53 The majority of responses highlighted the levels of control perpetrators had regarding
54 victim-survivors' decision-making. Throughout the help-seeking process, feelings of
55 vulnerability were intensified by the police who in all but one example, were negative
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3 towards the women and did not appear to listen to their concerns about negotiating their
4
5 safety.
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8 The women spoke of how the complexity of their circumstances increased given the
9
10 escalating abuse; they also shared how their concerns for their safety affected their ability
11
12 to cope with the level of decision-making *expected* of them by the police, solicitors and the
13
14 judiciary. When women decided to change their course of action, they perceived that the
15
16 police, in particular, were sometimes impatient, coercive and even aggressive if the
17
18 women's priorities at that point ran counter to the aims of their organisation. The women
19
20 stated the majority of practitioners they sought help from during this critical period rarely
21
22 acknowledged the adverse stress women experienced from the perpetrators.
23
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25
26 Supporting Holder and Daly (2017), women had multiple justice goals during their help-
27
28 seeking journeys. The women said that they wanted the police to record the disclosure, hold
29
30 perpetrators accountable and offer protection, but felt that the police were solely
31
32 interested in obtaining a criminal conviction. A recurring theme was the tension created by
33
34 the conflicting priorities of the police and the women. As Heulwen observed:
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40 *...But her [the Police Officer] whole demeanour was aggressive... This is how we [the*
41
42 *family] felt. If she were not going to get an arrest out of this... why should she be*
43
44 *talking to us?*
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47 *Heulwen*
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50 Heulwen believed that because the female police officer felt she was unable to obtain
51
52 enough evidence to make an arrest, she was unwilling to listen to Heulwen's story. Like
53
54 Heulwen, many women expressed faith in the justice system prior to contacting criminal
55
56 justice agents (Fleury, 2000). However, only one of the women in the current study reported
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3 a positive response by the police. In the remaining cases, the women felt that the police
4
5 response failed to recognise a pattern of coercive control and acknowledge the seriousness
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7 of the disclosure, all of these women stated they felt even more afraid after contacting the
8
9 police.
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12 13 14 ***A lack of public protection: criminal justice non-feasance*** 15

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18 Members of the public expect a level of police response proportional to the potential risks
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20 (HMIC 2014; 2015). The assumption by the women was that all appropriate measures would
21
22 be in place when they were at their most vulnerable. All of the women stated they had
23
24 spent months planning an opportunity to access help, so they were often emotionally
25
26 devastated at the reluctance of police professionals to act decisively when they asked for
27
28 protection.
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32 There was a sense that criminal justice agents, particularly the police often interpreted
33
34 victim-survivors' decision-making as irrational and repeatedly questioned their actions.
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36 Because the research team were unable to interview the police officers it was unclear what
37
38 motivated them to act in the way women described, especially given the available practice
39
40 guidance on domestic abuse. Mandy describes her experience of disclosing:
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45 *I said [to the Police Officer], "I am really concerned about the safety because he [the*
46
47 *perpetrator] is so erratic. That he is really nice one minute and the next minute he is*
48
49 *horrible. Texting that he is going to kill us... [Mandy and her young son]. He [the*
50
51 *Police Officer] didn't even come to the house. Nothing. He didn't want to know, didn't*
52
53 *want to take anything formally. So I don't even think there are any formal papers on*
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55 *it [the abuse incidents]. It was just at the [police station] door. The police officer*
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3 *wouldn't even let me go into the police station. It [the disclosure] was just at the door*
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5
6 *of the police station.*
7

8 *Mandy*
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10
11 Mandy's quote above shows symbolically and physically how a police officer responsible for
12 public safety appears to refuse a victim-survivor the opportunity to access available
13 resources. According to the women's narratives, the police did not tell the women whether
14 they had undertaken a risk assessment at any stage, nor were the women given advice on
15 safety planning. The stark realisation that victims-survivors were responsible for their own
16 protection, unless they could demonstrate physical evidence of an assault, was difficult for
17 many women to come to terms with, particularly in the context of increasing coercive
18 control. Even when previous incidents had occurred, which involved the use of physical
19 violence, women felt that officers chose to treat each incident separately, as a single
20 incident, rather than look at the previous pattern of abuse (Paladin et al., 2014; Stark, 2007).
21 As the Home Office (2016) suggests, the level of control a perpetrator exercises helps to
22 provide an accurate indication of the risk of homicide: a finding that is also apparent in
23 domestic homicide reviews (Robinson et al., 2016). Given the escalating coercive and
24 controlling behaviour by the perpetrator, police should have taken action given Mandy's
25 evidence of a text message that recorded a threat to kill (HMIC, 2014).
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48 Women described how the lack of police response led to a sense of injustice, and made
49 women feel that their lives and the lives of their children were not worthy of protection,
50 some women reflected that they felt less valued as citizens. Mandy provided an account of
51 what she had told a police officer, the second time she visited the police station:
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3 *"I am really worried for my safety and my kid's safety. Because he [the perpetrator]*
4 *has done things to me in the past." He [the Police Officer] said, "Until he [the*
5 *perpetrator] actually does anything or puts you into hospital there is nothing we can*
6 *do." [After this response] I got into the car and cried. I didn't know where we [Mandy*
7 *and her young son] went from there. And that's when my [relation] said, "Right then*
8 *if they are not going to help you I am going to come up and stay with you." So he*
9 *came up for Christmas and told my ex-partner that he [the perpetrator] would be*
10 *leaving and he had to find somewhere to stay. Things [the abuse] then got really bad.*

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23 *Mandy*

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25 There were numerous examples of police non-feasance (Stubbs, 2016), where relatives had
26 to act to protect the women and their children from further abuse. For example, in three
27 quarters of the cases there were instances where family members felt they had no choice
28 but to move temporarily into the woman's home, thus potentially placing more people at
29 risk. As Jane stated:

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37 *I don't know what I would have done. Because I had no money. Five children is a lot*
38 *to say, "Can I come and stay at your house for a couple of nights?" ...I had to call my*
39 *Dad to come up [to the house] and stay because I did think he [the perpetrator]*
40 *would kill me... Luckily my Dad was there because when my ex [the perpetrator] got*
41 *home he got completely hammered [intoxicated]. My dad actually locked the door*
42 *and he [the perpetrator] had to sleep in his office. I don't think my Dad slept either.*
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Then my Dad had to go home. After that is when it [the abuse] was constant. Not
letting me sleep...

Jane

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3 The comments from Mandy and Jane demonstrate not only an increase in perpetrator
4 dangerousness as knowledge of the abuse moves into more public spheres, but also how
5 families were left to fend for themselves. Given collateral homicides may feature more
6 prominently in intimate partner homicide than other forms of homicide, such under-
7 enforcement increases the propensity for lethal harm (Dobash and Dobash, 2015). Women
8 stated that their fears escalated given the knowledge that they were not able to get help
9 from the police to keep themselves safe.
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26 *Dignity, respect and equity: the role of procedural justice*

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30 A recurring theme emerged where the women felt that criminal justice professionals,
31 irrespective of their gender, were making decisions on women's behalf, thus denying them
32 agency. With respect to the police, women described examples of sexist stereotyping when
33 they requested help. The women spoke of the limited weight given to their accounts of the
34 abuse, often leading to a decision by the police that women felt increased the likelihood of
35 further harm. All women raised the issue of gender discrimination and gave examples of
36 actions by criminal justice professionals that suggested male perpetrators had more rights
37 and entitlements than female victim-survivors. One example, in particular, highlighted
38 gender discrimination in the courts:
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52 *It was just one man [the Judge]. It was the family court. And we [the women and her*
53 *female Solicitor] went in there [the courtroom] and my Solicitor was saying [to the*
54 *Judge], "You can't send this man [the perpetrator] home to her." And he [the Judge]*
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3 was saying, "I am not going to kick a man out of, basically make a man leave his own
4 home." And I was saying [to the Judge], "Please don't do it [take out a civil order]
5 then. Please don't do it, he is going to kill me." And he [the Judge] said, "No you
6 definitely need this. You need this non-molestation order but I am not going to have
7 him [the perpetrator] out of the family home."
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15
16 Jane

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18 It was common for women to experience what they felt was unfair treatment especially in
19 relation to male privilege. Jane's quote above is characteristic of both the police and
20 judiciary's responses to women seeking protection, thus, it was essential to uphold a man's
21 right to remain in 'his' family home and this was more important than the woman's safety
22 (Stewart et al., 2013). Women stated that they did not feel that their analysis of the danger
23 the perpetrator presented to them was taken seriously, as they did not witness the police
24 formally documenting any information. The women also stated that decisions by the courts
25 often resulted in unsafe situations in the home, restricting these environments for women
26 and their children, limiting the ability of victim-survivors to find expanded 'space for action'.
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28 Jane commented on her experience in court:
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42 ...And that [non-molestation] order was the worst thing in the world. Having put a
43 non-molestation order on him [the perpetrator] and him being allowed to enter the
44 family home... [which resulted] with me not getting any sleep and him [perpetrator]
45 waking me up. I was sleeping in the hallway at that time because I felt it was the
46 safest place ...But then that ensued [resulted in?] in him [the perpetrator] coming
47 past, giving me a good punch and then going to bed.
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57 Jane

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3 Given their experiences with a range of criminal justice practitioners, all but one of the
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5 women stated that they were less likely to seek help in similar situations, thus potentially
6
7 heightening the risk of future harm (Holder, 2001). The women felt that inappropriate
8
9 sanctions trivialised the long-term victimisation. Holly noted that she would rather preserve
10
11 the little dignity she had than contact the police again:
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15 *I wouldn't go to them [police] again, never, ever, ever. Even if I was battered black*
16
17 *and blue and I was left for dead I still wouldn't go to them.*
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20
21 *Holly*
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23 The 12 women's narratives highlighted how when women provided an account of the
24
25 abuse, they felt that these disclosures were invalidated. Women felt they had been treated
26
27 unjustly, and with a lack of dignity, especially by the police. This sent a signal to female
28
29 victim-survivors that the criminal justice system was discriminatory, thus replicating the
30
31 gender inequalities in society.
32
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34
35 In contrast, two women provided examples of an experience of procedural justice where
36
37 they felt the response had been positive, these instances involved a police officer and a
38
39 solicitor. The women felt listened to, treated with respect and empathy, and there was a
40
41 sense that they were empowered by the interactions. One woman, Alison, who had a
42
43 learning disability and mental health issues, talked about her solicitor's positive response.
44
45 Alison described how the solicitor's behaviour facilitated informed choice:
46
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48
49 *He [the male Solicitor] listens to me and he doesn't make any judgement. He doesn't*
50
51 *look at you and say, "No it is all in your head." I find him very professional. Very*
52
53 *caring and he just listens to what you want to do and how you want to do it. Instead*
54
55 *of being told... He is there to help you but he gives you information and lets you take*
56
57 *the lead, which is really good because it is a way of making you feel safe. Also makes*
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3 previous findings and suggests that the police do not always act in accordance with
4
5 guidance when women provide an assessment of the dangerousness of perpetrators. The
6
7 women initially contacted the police to seek protection from harm, but they felt the police
8
9 were only interested in taking action if the women presented them with evidence of a
10
11 physical assault. The police, members of the judiciary and the solicitors involved in these
12
13 cases were not available to give their perspective, thus it is not possible to ascertain
14
15 whether the disinclination to take action on the part of the police, was due to resource
16
17 issues, a limited understanding about the significance of the information the women
18
19 provided, and/or sexist stereotyping and gender discrimination (Meyer, 2016).

20
21 In addition, the findings suggested a lack of recognition by many of the criminal justice
22
23 professionals about the effect of coercive control on the women's decision-making. As the
24
25 abuse worsened, the failure by the police to respond to coercive control as pattern of
26
27 behaviours, in particular, was re-traumatising and only served to act as a deterrent to help-
28
29 seeking.

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31 Elements of procedural justice associated with a positive experience, such as examples of
32
33 fair, dignified and respectful treatment by the police and the judiciary were largely absent
34
35 from the accounts given by women. The women's experiences of help-seeking indicate both
36
37 the police and members of the judiciary may benefit from more in-depth training to ensure
38
39 the procedural elements of engaging with justice mechanisms promotes fair treatment and
40
41 equality of opportunity for all victim-survivors seeking help.

42
43 There were two examples where positive affirmation by criminal justice professionals (a
44
45 solicitor and a police officer), helped the victim-survivors situate the wrongdoing with the
46
47 perpetrator rather than harbouring feelings of self-recrimination. However, one of these
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3 women asserted that victim-survivors should not have to feel grateful when they receive a
4
5 service to which they are entitled.
6
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8 The research findings demonstrate non-feasance, whereby women actively seeking
9
10 protection felt they experienced additional harm as a direct consequence of their
11
12 engagement with the criminal justice system. Furthermore, where police support was
13
14 absent or insufficient, family members offered protection, thus compounding the women's
15
16 concerns, by making them fearful for the safety of their immediate and extended families.
17
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19
20 Feeling 'under-protected' by the police, and in some instances, the courts, eroded the
21
22 women's confidence in the criminal justice system and undermined police legitimacy, thus
23
24 reducing the likelihood of further engagement. An analysis of the lived experiences of
25
26 victim-survivors suggests a gap, or possibly a chasm exists, within criminal justice settings
27
28 between organisational everyday realities and normative ideals. Criminal Justice responses
29
30 resulting in nonfeasance test the sincerity of claims that there is a genuine commitment to
31
32 tackling domestic abuse. Failing to provide adequate protection for women inevitably raises
33
34 questions regarding police complacency and integrity.
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40 In this regard, supporting Stubbs (2016), police integrity needs to be understood in its
41
42 broadest sense; as a faithful adherence to conduct that prioritises equality and fair
43
44 treatment commensurate with the principles of procedural justice. However, this notion of
45
46 integrity feeds into a discourse that emphasises a rights-based approach to policing which is
47
48 somewhat problematical. Indeed Stubbs (2016) notes, this approach legitimises the police
49
50 and encourages compliance with the law, yet as our study shows, there may be coercive
51
52 elements to policing domestic abuse, whereby actions may be driven by organisational
53
54 targets without due consideration for the rights of female victim-survivors.
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3 The criminalisation of coercive or controlling behaviour presents potential opportunities for
4 women to seek a prosecution when experiencing this form of abuse. The new offence
5
6 signifies a shift away from framing domestic abuse as a discrete incident involving a physical
7
8 assault, and supporting guidance highlights recognition of some of the complexities of the
9
10 dynamics. The implementation of section 76 of the Act is highly contingent upon the police
11
12 identifying, recording and responding appropriately to signs of coercive or controlling
13
14 behaviour. To date, implementation of section 76 of the Act appears to have been
15
16 problematic, with only 16% of all 156 recorded cases resulting in a conviction (Barlow et al.,
17
18 2018).

19
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21 In conclusion, this qualitative study indicates that within Dyfed-Powys there is a need for
22
23 more intensive training to improve the quality of the criminal justice response, particularly
24
25 from the police, with respect to improving public protection measures and understanding
26
27 the nature and consequences of coercive control. Furthermore, if women are to successfully
28
29 engage with the criminal justice system and receive the response they need to feel safe,
30
31 particularly if they are at high-risk of harm, then a transformative change is called for within
32
33 both the police and judiciary. Given the barriers the women in this study have encountered,
34
35 it is questionable whether the new offence alone will be effective in increasing women's
36
37 chances of legal protection. Therefore, whilst knowledge of domestic abuse as a concept has
38
39 shifted significantly within policy spheres, it appears that for the 12 female victim-survivors
40
41 living in Dyfed-Powys that effective responses to tackling domestic abuse have yet to be
42
43 fully realised within criminal justice settings.
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