

Cafcass Knowledge Alert: s76 Serious Crime Act 2015

On December 29th 2015 the Serious Crime Act 2015 made coercive or controlling domestic abuse a criminal offence, punishable by up to five years imprisonment, if there is evidence of repeated, or continuous controlling or coercive behaviour.

This type of abuse in an intimate or family relationship can include a pattern of threats, humiliation and intimidation, or behaviour such as stopping a partner socialising, controlling their social media accounts, surveillance through apps and dictating what they wear.

Controlling or coercive behaviour does not relate to a single event but is a pattern of behaviour which takes place over time, with one person exerting power, control or coercion over another. The definitions set out in Home Office Statutory Framework Guidance to the police, are as follows:

“Not only is coercive control the most common context in which [women] are abused, it is also the most dangerous”

Evan Stark (2007) Coercive Control. How Men Entrap Women in Personal Life. New York: Oxford University Press.

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: a continuing act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.”

Types of behaviour

The types of behaviour associated with coercion or control might include:

- isolating a person from their friends and family;
- depriving them of their basic needs;
- monitoring their time;
- monitoring a person via online communication tools or using spyware;
- taking control over aspects of their everyday life, such as where they can go, who they can see, what to wear and when they can sleep;

- depriving them of access to support services, such as specialist support or medical services;
- repeatedly putting them down such as telling them they are worthless;
- enforcing rules and activity which humiliate, degrade or dehumanise the victim;
- forcing the victim to take part in criminal activity such as shoplifting, neglect or abuse of children to encourage self-blame and prevent disclosure to authorities;
- financial abuse including control of finances, such as only allowing a person a punitive allowance;
- threats to hurt or kill;
- threats to a child;
- threats to reveal or publish private information (e.g. threatening to 'out' someone).
- assault;
- criminal damage (such as destruction of household goods);
- rape;
- preventing a person from having access to transport or from working.

This is not an exhaustive list

The gendered nature of controlling or coercive behaviour

While all legislation is gender neutral, and men can also be victims of this offence, statistics consistently show that women and girls are disproportionately affected by crimes of domestic violence and abuse.

In 2014/15, 92.4% of defendants in domestic abuse flagged cases were male. Where recorded, the proportion of female victims has remained steady at 84%, since 2010-11 (*CPS Violence Against Women and Girls Crime Report 2014/15*).

Controlling or coercive behaviour is primarily a form of violence against women and girls and is underpinned by wider societal gender inequality. This can contribute to the ability of the offender to retain power and control, and ultimately the ability of the victim to access support and leave safely. It is, therefore, important to consider the role of gender in the context of power and control within a relationship when identifying controlling or coercive behaviour in heterosexual relationships.¹

N.B. When working with DV it is mandatory to use the relevant DV tool.

Given that Cafcass staff increasingly need to identify a range of domestic abuse behaviours and determine the impact in relation to court applications and the fact that coercive control is now a crime Cafcass is now adopting the more general term **domestic abuse**, rather than **domestic violence**. Please use this term going forward.

¹ Controlling or Coercive Behaviour in an Intimate or Family Relationship. A Statutory Guidance Framework. Home Office December 2015 p7

References available from the Cafcass Library:

197372

Journal Article

Protecting the invisible victim: incorporating coercive control in domestic violence statutes / CANDELA, Kristy

In: Family Court Review 54(1), January 2016 pp. 112-125

All states have domestic violence statutes that offer legal remedies to victims of intimate partner abuse. To qualify for these remedies, the victim must demonstrate that they have been subject to certain elements of abuse. Thus, the definition of abuse under these statutes is crucial, as it determines who qualifies as a victim of abuse and as a result is afforded legal protection. Despite the clear importance of an efficient definition, the elements of abuse are outlined differently by each state. Two-thirds of states define abuse in their domestic violence statutes as criminal acts or imminent threats or acts of physical violence. Limiting the definition of abuse to purely physical acts or threats of physical acts does not address the unforgiving realities of domestic abuse. In reality, all forms of abuse—emotional, economic, and physical—are interrelated, and based on the desire for power and control. Adding the definition of coercive control can effectively address the complex issues faced by these victims. However, the definition of coercive control itself must be outlined as a gender-neutral term. Doing so will address the numerous plights faced by victims of domestic abuse and afford them the availability of the protection they deserve. This Note proposes recognition that coercive control affects all genders and urges legislatures to adopt language based on proposed legislation in the United Kingdom that labels and defines coercive control as abuse, permitting its victims to seek legal remedies.

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Journal Article

Beyond the physical incident model: how children living with domestic violence are harmed by and resist regimes of coercive control / KATZ, Emma

In: Child Abuse Review 25(1), January 2016 pp. 46-59

This article begins to build knowledge of how non-violent coercive controlling behaviours can be central to children's experiences of domestic violence. It considers how children can be harmed by, and resist, coercive controlling tactics perpetrated by their father/father-figure against their mother. Already, we know much about how women/mothers experience non-physical forms of domestic violence, including psychological/emotional/verbal and financial abuse, isolation and monitoring of their activities. However, this knowledge has not yet reached most research on children and domestic violence, which tends to focus on children's exposure to physical violence. In this qualitative study, 30 participants from the UK, 15 mothers and 15 of their children (most aged 10–14) who had separated from domestic violence perpetrators, participated in semi-structured interviews. All participants were living in the community. Using the 'Framework' approach to thematically analyse the data, findings indicated that perpetrators'/fathers' coercive control often prevented children from spending time with their mothers and grandparents, visiting other children's houses and engaging in extra-curricular activities. These non-violent behaviours from perpetrators/fathers placed children in isolated, disempowering and constrained worlds which could hamper children's resilience and development and contribute to emotional/behavioural problems. Implications for practice and the need to empower children in these circumstances are discussed.

Intimate partner violence, coercive control, and child adjustment problems / JOURILES, Ernest & McDONALD, Renee**In: Journal of Interpersonal Violence 30(3), February 2015 pp. 459-474**

Coercive control is a relationship dynamic that is theorized to be key for understanding physical intimate partner violence (IPV). This research examines how coercive control in the context of physical IPV may influence child adjustment. Participants were 107 mothers and their children, aged 7 to 10 years. In each family, mothers reported the occurrence of at least one act of physical IPV in the past 6 months. Mothers reported on physical IPV and coercive control, and mothers and children reported on children's externalizing and internalizing problems. Coercive control in the context of physical IPV related positively with both mothers' and children's reports of child externalizing and internalizing problems, after accounting for the frequency of physical IPV, psychological abuse, and mothers' education. This research suggests that couple relationship dynamics underlying physical IPV are potentially important for understanding how physical IPV leads to child adjustment problems

Toward a standard approach to operationalizing coercive control and classifying violence types.**Hardesty, Jennifer L; Crossman, Kimberly A; Haselschwerdt, Megan L; Raffaelli, Marcela; Ogolsky, Brian G; Johnson, Michael P.****Journal of Marriage and Family. Vol.77(4), Aug 2015, pp. 833-843.**

Coercive control is central to distinguishing between Johnson's (2008) 2 main types of intimate partner violence: (a) coercive controlling violence and (b) situational couple violence. Approaches to assessing coercive control, however, have been inconsistent. Using data from 2 projects involving divorcing mothers (N = 190), the authors compared common analytic strategies for operationalizing coercive control and classifying types of violence. The results establish advantages to measuring coercive control in terms of frequency versus number of tactics, illustrate the use of both hierarchical and k-means clustering methods to identify patterns of coercive control and evaluate clustering solutions, and offer a suggested cut off for classifying violence types in general samples of separated women using the Dominance-Isolation subscale of the widely used Psychological Maltreatment of Women Inventory (Tolman, 1992). Finally, the authors demonstrate associations between types of violence and theoretically relevant variables, including frequency and severity of violence, harassment and violence after separation, fear, and perceived threat. (PsycINFO Database Record (c) 2015 APA, all rights reserved) (journal abstract)

Invisible chains: Overcoming coercive control in your intimate relationship. [References].**Aronson Fontes, Lisa.****(2015). Invisible chains: Overcoming coercive control in your intimate relationship. xvii, 220 pp. New York, NY, US: Guilford Press; US.**

(from the cover) When a man showers all of his attention on a woman, it can feel incredibly romantic, and can blind her to hints of problems ahead. But what happens when that attentiveness becomes domination? In some relationships, the desire to control leads to jealousy, threats, micromanaging-even physical violence. If you or someone you care about are trapped in a web of coercive control, this book provides answers, hope, and a way out. (PsycINFO Database Record (c) 2015 APA, all rights reserved)

A fuller list is available from the library on request.