



# POLICE

# Policing Coercive Control Project Report

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"You can have a million pieces of legislation, but what does that actually mean or matter if the same issues with how police respond exist now, just like they did when I first called 10 years ago? It isn't just the police either, loads of agencies have responded terribly to me and I know they see me as a nuisance because I keep going back to him. They see me as the risk. So yeah, although its good it's an offence now, nothing is going to change unless everyone's view of domestic abuse and the harm it causes changes". Alison

# **Executive Summary**

- Police officers often had a 'tunnel vision' focus on physical violence when responding to domestic abuse, which influenced their assessment of risk and likelihood of arrest. For example, when presented with two scenarios (one involving physical violence, the second involving coercive control with no physical violence), police officers were more likely to assess the physical violence scenario as higher risk. Officers were also more likely to arrest the perpetrator in the physical violence scenario.
- The likelihood of arrest in coercive control cases was particularly influenced by the potential for successful prosecutions and 'positive' outcomes. This was informed by perceptions that coercive control is 'hard to prove' and a 'grey area'
- Officers suggested that they lacked knowledge and understanding of coercive control, which influenced their responses.
- There were missed opportunities for responding to and investigating coercive control, evident in the ABH body-worn camera analysis. Furthermore, in the coercive control cases, officers struggled to identify and investigate a sustained pattern of abusive behaviour.
- Victim/ survivors suggested that police responses tended to focus on what was going on in the present, rather than considering broader consequences and long-term safety implications.
- The women suggested that coercive control was not considered in their cases and identified various issues with the successful implementation of this offence.
- However, victim/ survivors also reported problematic responses by other agencies. This highlights that learning opportunities for coercive control need to extend to other agencies, as well as the police.

# What is the Coercive Control Offence?

The presence of coercive control in intimate partner relationships and the gendered nature of this abuse has long been recognised (see inter alia Schechter, 1982; Johnson, 1995; Stark 2007). Stark's (2007) concept of coercive control has gained significant currency in the UK, with many academics, policy makers and practitioners understanding domestic abuse through this lens. In England and Wales in December 2015 a new offence of 'controlling or coercive behaviour' (hereinafter 'coercive control'), heavily influenced by Stark's (2007) work, was introduced in Section 76 of the Serious Crime Act. This legislation has been hailed as a move forward in recognising the persistent nature of domestic abuse and in setting a framework for encouraging criminal justice professionals to embrace such abuse as a process occurring over time rather than as a one-off event.

However, there has been patchy implementation of this new offence since its criminalisation. By the end of 2016, there had been just 27 convictions for coercive and controlling behaviour, with only 24 sentences of immediate custody (data offered in response to a written question to the Houses of Parliament). By March 2017 there had been 4,246 crimes of coercive or controlling behaviours recorded for all of England and Wales (ONS, 2017).

Although the number of police recorded crimes of coercive control increased to 9,052 in the year 2017/18, prosecutions and convictions have remained consistently low (ONS, 2018). Furthermore in an N8 PRP funded study, Barlow et al (forthcoming) found that coercive control was less likely to result in an arrest and be charged when compared to other domestic abuse offences and police officers struggled to identify and evidence a pattern of sustained abusive behaviour in their investigations. However, with the exception of the aforementioned study, there has been little empirical research exploring police attitudes towards, understanding of and responses to coercive control, with no research to date exploring victim/ survivors experiences of such responses.

This British Academy funded research project addresses this lacuna. Although it is recognised that many victims of domestic abuse will not report their experiences to the police for various reasons (Hoyle and Sanders, 2000), when victims do report, how the police respond is highly significant and symbolic.

## What did we do?

In partnership with a police force based in the South of England, this project aimed to:

- 1) understand police officers' attitudes towards and understanding of coercive control
- 2) analyse police responses to coercive control
- 3) explore victim/ survivor experiences of police responses to domestic abuse and coercive control

The research design involved five stages:

- 1. **Survey**: the first stage of data collection was an online survey, which required police officers of varying role and rank to anonymously share their understanding of and attitudes towards coercive control. 198 officers completed the survey. 56% of respondents were male, 43% female and 1% unspecified. The median length of service was 11 years and 79.1% of participants had received domestic violence and abuse (DVA) training at some point in their career. However, 85% had not received specialised DVA training in the past year. One aspect of the survey involved participants being asked questions in relation to two vignette scenarios. Scenario one involved a coercive control case without violence, which featured behaviours such as monitoring, stalking, deprivation and isolation, and scenario two involved a case of physical violence (with the perpetrator punching the victim in the face and pushing her to the ground). Participants were also asked questions in relation to their role, experiences of policing domestic abuse, and their confidence in responding to coercive control and domestic abuse more broadly.
- 2. Focus groups and interviews: we completed five focus groups, with 25 participants in total (22 men, 3 women). All focus groups featured officers of varying role and rank (emergency response and investigating officers). We also completed two interviews with senior, decision-making officers (both men). All participants were asked questions about the previously mentioned scenarios and their understanding, attitudes towards and perceptions of coercive control.
- 3. Body-worn camera (BWC) footage analysis: we analysed 18 coercive control and 18 domestic ABH cases for comparison (all recorded in 2017). The latter analysis was to explore if there were missed opportunities for using the offence of coercive control. This stage of the project allowed us to explore police responses to coercive control and domestic abuse more broadly in practice and in greater depth. We also analysed data related to these cases accessed from the police Information Management System (IMS) to explore broader case context, risk grading and case outcomes.
- 4. Interviews with victim/ survivors: We conducted interviews with 8 women who had interacted with the police about their experiences of coercive control/ domestic abuse. These women were seeking the support of Women's Aid at the time of interview.
- 5. **Analysis of force data**: We quantitatively analysed the force's domestic abuse data for 2017 (year of BWC analysis), including gender of victim and perpetrator, relationship, risk assessment grading, arrest and outcome.

# What did we find?

Police forces have received no extra funding or training to assist with the implementation of the coercive control law. This has resulted in some issues with police responses to this offence.

## **Police Attitudes Towards and Perceptions of Coercive Control**

In the survey, officers were asked how they would risk assess both scenarios (scenario 1- coercive control without physical violence, scenario 2- physical violence), using the DASH risk assessment framework.



#### **Risk assessment gradings scenarios**

In Scenario 1, where no physical assault was complained of, 11 officers (5.6%) deemed this incident as standard risk. The majority, 112 (57.1%) classified the incident as medium risk, followed by 73 (37.2%) who considered the incident high risk. Conversely, in Scenario 2, none of the officers graded this scenario as standard risk, 49 (26.3%) viewed it as medium risk and 137 (73.7%) indicated the assault was high risk. The coercive control scenario illustrates a larger variation in responses with an overall reduced level of high risk identified. The data suggests that high risk is associated more readily with physical violence.

## Likelihood of arrest in scenarios

Virtually all participants (184-98.92%) said they would arrest the perpetrator in scenario 2 where physical assault had taken place, compared to just over three quarters of the participants (150-76.1%) in Scenario 1, where no physical violence was present. The most common qualitative reason for making an arrest in scenario 2 is the victim being at significant risk of harm. In scenario 1, reasons for not making an arrest included confusion over powers of arrest in relation to coercive control (for example, "I'm not sure what the powers of arrest are here"), not believing arrest was necessary ("at this point, the perpetrator needs to be spoken to as he may not realise what he is doing is a criminal offence") and concern about the possible outcome of the case ("I would be worried about getting a positive outcome if I arrested for coercive control").

Officers suggested that a relationship counsellor may provide more appropriate support than the police in 34.8% of responses in the coercive control scenario, compared to 11.7% in the physical violence scenario. Offering information about other appropriate services was also more likely to be recommended in the coercive control scenario (80%) compared to the physical violence scenario (66%), as was offering both parties advice (23% coercive control, 9% physical assault) and taking the perpetrator to one side (13% coercive control, 2% physical assault), rather than arresting him.



Similar findings emerged in the focus groups:

- 21 participants graded the physical assault scenario as high risk, 4 medium and none standard. 5 participants graded the coercive control scenario as high risk, 13 medium and 7 standard. When discussing risk in the coercive control scenario, this was often considered in relation to physical violence. For example one participant stated "I would say this is medium (risk) as there is no physical violence in there" (FG3, P2).
- There was also greater ambiguity over whether or not to arrest in the coercive control scenario. For example one participant states "there is no evidence to suggest she is at risk of serious harm in scenario 1 (coercive control) so I would be reluctant to arrest" (FG2, P4). All participants in the focus group said they would arrest in the physical violence scenario, compared to 9 in the coercive control scenario (5 said no and 11 said they would need further information before arresting).
- The main motivation for not arresting was the uncertainty of positive outcomes and prosecutions (mentioned by 15 participants in total). For example, participants stated "I would be reluctant to arrest for coercive control if I'm honest, because I would worry it wouldn't get anywhere, you know, it wouldn't get to court" (FG1, P1) and "I would be reluctant to arrest for it (coercive control). If its physical violence, you know it's a quick win" (FG5, P2). This suggests that when using their discretional power of arrest, police officers are at least in part influenced by the potential outcome of the case (Myhill, 2017), which has potential implications for coercive control in particular due to perceptions that this offence is 'difficult to prove'.
- The perceived difficulties associated with evidencing coercive control featured in all five focus groups and both interviews with senior officers, evidenced by quotes such as "trying to find supporting evidence is hard. Because it's not like an assault where you have a black eye. It generally happens behind closed doors to the point where there is no evidence." (FG4, P1), "it's just one of those offences. It's about proving the perpetrator and victims mindset, without being able to go into their brain and pulling it out, its really hard to do" (interview with senior officer 1) and "I think people are scared to use it (the offence). The minute you see a case that could be coercive control you think 'oh no', because people are worried that it doesn't go to court often, so you're putting all this effort in for nothing" (FG4, P3).
- This collectively suggests that physical violence was more readily associated as being high risk by police officers and more likely to lead to an arrest, the latter being at least in part influenced by the perception that coercive control is difficult to prove and hard to evidence.

## **Understandings of Coercive Control**

In the survey, officers were asked how knowledgeable they felt about domestic abuse and coercive control and how confident they were in responding to such abuse. The results to three of these questions are illustrated in the below box charts:



Mode = 7





Number of participants who answered 5 or less = 45 (25.28%) Number of participants who answered 6 or more = 133 (74.72%)



N= 176 Mean response = 6.62 Median response = 7.00 Mode = 8



- As evidenced by the box charts, 86% of officers felt knowledgeable about domestic abuse more broadly. However, this is relative to 75% feeling confident responding to coercive control and 70% feeling confident making an arrest in such cases. Levels of knowledge and confidence were influenced by length of service, with newer members of staff being less confident.
- There was greater uncertainty in understandings of coercive control evident in the focus groups, with 22 out of 24 officers interviewed suggesting they lacked knowledge and understanding of the offence (NB. The two officers who did suggest they had high levels of knowledge about the offence had specialised domestic abuse roles). Examples of officer's quotes include "its so broad. That's what people worry about. It's also so subjective as well, it's hard to say if it is or isn't (controlling). Whereas if we were all sitting here talking about assault, pretty much all of us would likely come to the same conclusion. It's a grey area" (FG5, P4), "I'm not going to lie, I haven't really got a clue about it. I've had a look at the legislation but I don't really get it. It's not what I think about what I go to a domestic" (FG4, P3). Senior, decision making officers also lacked understanding of the offence, with one stating "I don't know enough about it if I'm honest. Nowhere near as much as I should" (interview 2).
- There were also clear distinctions made between coercive control and physical violence, despite assault being an example behaviour included in the coercive control legislation. For example, across both the survey and focus groups, coercive control was considered explicitly on just 4 occasions in the physical violence scenario. One officer stated "I will admit, when I go to a domestic I am just thinking physical violence. I have total tunnel vision" (FG2, P2). This suggests that coercive control as a pattern of sustained abusive behaviour, including physical violence, is not being fully considered by police officers when responding to domestic abuse cases.

#### Police responses to and investigations of coercive control

Police perceptions and understanding of coercive control also informed responses and subsequent investigations. Our quantitative analysis of force data in 2017 (same year as BWC analysis) revealed various significant findings:

- Of the 5,230 police crime recorded domestic abuse cases, just 93 (1.8%) were recorded as s76 coercive control offences.
- This has gendered implications, as 96% of coercive control victims were women and 93% of perpetrators were men.
- 88% of coercive control cases occurred within an intimate partner context.
- 24.7% of coercive control cases were DASH risk assessed as high risk, compared to 15.3% of domestic ABH cases.
- However, 38.7% of coercive control and 60.6% of domestic ABH cases resulted in an arrest, and 7.5% of coercive control cases and 21.2% of ABH cases were solved. This highlights that despite coercive control cases receiving a higher risk assessment, they were less likely to result in an arrest or be solved in comparison to ABH cases
- Outcome 16 (named suspect, victim does not support) was the most likely outcome in both coercive control (54.8%) and ABH cases (51.5%). However, outcome 15 (victim supports, evidential difficulties) was more common in coercive control cases (32.2%) in comparison to ABH (16%). This suggests that issues with evidencing were more notable in coercive control cases.

Similar to the force level data, the BWC cases that we analysed were highly gendered, with both the ABH and coercive control sample featuring 17 female victims (1 male) and 17 male perpetrators (1 female). Only cases occurring in an intimate partner context were selected for final analysis. To understand the broader case context of the BWC analysis, we looked at the cases on the force information management system. This highlighted that 9 of the coercive control cases were risk assessed high, 6 medium, 3 unknown and 6 of the ABH cases were graded as high risk, 9 medium, 1 standard and 1 unknown. 1 coercive control and 5 ABH cases resulted in a charge.

Common behaviours in the BWC coercive control cases included using technology (such as phone trackers, controlling social media usage, monitoring phone usage), monitoring behaviours, isolation, threats, financial abuse, deprivation (such as depriving access to support), criminal damage and physical violence.

The analysis of the BWC data revealed some issues with police responses to coercive control:

- 14 of the 18 ABH cases analysed featured potential coercive controlling behaviours that were not followed up by police officers. Examples include victims reporting financial abuse, excessive jealously, isolation, monitoring behaviours and threats of suicide. This suggests there were missed opportunities for identifying coercive control in both the initial frontline responses and subsequent investigations
- In the coercive control cases, officers struggled to identify and investigate a sustained, pattern of abusive behaviour. 10 of the 18 coercive control cases analysed demonstrated this (two of the cases analysed mostly featured footage of officers speaking with perpetrators, so evidence of patterned abusive behaviour could not be determined in these cases). We identified examples of officers investigating isolated 'incidents', such as criminal damage or previous physical assaults, rather than effectively identifying a pattern of abusive behaviour.
- There was also greater uncertainty and reluctance to record/ crime a case as coercive control during the initial response in the coercive control cases (evident in 5 BWC cases), yet there was no such ambiguity in the ABH cases. Reasons for this reluctance include uncertainty as to whether or not the case met the crime threshold, belief that the case was a domestic argument and belief that there would not be enough evidence to secure a prosecution. This highlights that a lack of understanding of what constitutes coercive control and how it should be responded to may be informing crime recording decisions.
- Overall, there were examples of good police practice in the BWC analysis, such as listening to victims, recognising the risks associated with coercive control and ensuring that the victim was appropriately safeguarded. However, there were some issues with the overall policing response in some cases. This included officers appearing detached, particularly when completing the DASH risk assessment, providing a rushed response, with some examples of officers stating they didn't have enough time to complete a full statement or DASH, and some problematic behaviours, including being impatient and dismissive if a victim did not want to press charges.

### Victim/survivors experiences and perceptions of police responses

All of the women interviewed had been abused by their former, male intimate partner and reported extensive experiences of coercive control. Example behaviours include threats to kill, isolation, monitoring phone and social media use, derogatory comments, economic abuse, controlling what they wear or eat, using social norms surrounding masculinity and femininity and extensive physical violence. Three of the women reported that their former partner used ongoing issues with their right to remain in the UK/ visa status as an additional form of abuse and control.

All of the women had contacted the police about their experiences of domestic abuse on at least one occasion, with six of the women contacting the police on more than three occasions. Some of the women suggested that they had experienced positive responses from individual officers. For example, Gemma stated "there was this one female officer who was really helpful, she gave me loads of information about domestic abuse, coercive control and that. She was really supportive". However in general victim/ survivors were negative about the overall policing process.

The most dominant themes have been outlined below:

- **Non-victim centred**: 7 of 8 victims suggested that their motivation for contacting the police was to allow what Liz Kelly calls 'space for action'. However, the women felt that the police response tended to focus on what was going on in the present, rather than thinking about broader consequences and long-term safety implications. The women suggested that this was not a victim centred response. There were three examples of this.
  - The first is that 5 victims reported being told by the police to leave their house when police arrived at the scene, rather than arresting the perpetrator. Hannah stated "they should have arrested him, whether it was the end of their shift and they didn't want the paperwork, or if he was too mouthy and they couldn't be bothered. So it probably was easier for me to go but it shouldn't have to be like that. A woman should never have to leave, he should be taken away"
  - The second is that 3 of the women disclosed not being able to get their belongings from the house that they had previously shared with their abuser. Sarah stated "I had to leave most of my life there, and I had an officer standing there saying 'come on, are you nearly done?' 'hurry up, we need to get out, I haven't got time'. I had to leave so much behind, all my kids baby stuff, photos of my children, because I wasn't allowed to go in the garage or up the loft because there wasn't time. So they definitely need to be more supportive afterwards, because it was so difficult leaving my life behind and I don't get why I needed to be punished like that".
  - The third was issues with timing, particularly a slow police response. Lucy's abuser had tried to strangle her, but this case led to no further action due to a lack of evidence. She recalled an occasion after this when she contacted the police again. She stated "I had to call the police because he turned up outside the house again and my kids were inside. The police said they would come and it wasn't until 5 hours later they came to me. He was up the road in the pub the whole time as well my friend told me. I just remember sitting in my house, staring out the window terrified, waiting for him to come for me, and I was thinking 'please come', to the police, 'please come and make me feel safe". Annabelle also reported regularly calling the police about her experiences of coercive control, but she suggests her case was never passed on to the domestic abuse team: "There were so many times when they said they were going to pass me on to their domestic abuse team. I would always think this time I am going to be heard. Then nothing. Just the same cycle over and over again of not being listened to'.
- Other agency responses: Although all of the women felt that the police and criminal justice system alone are not equipped to deal with domestic abuse and coercive control, they also spoke of negative responses they had experienced when interacting with other agencies. This includes one woman being told by her GP to 'start putting money aside' for when she did eventually 'want' to leave the relationship, but she stated that her abuser controlled all the money and she was not allowed her own bank account. Another woman reported that a family support worker refused to hold separate meetings with her and her ex-partner about their children, and she stated that she was "crying out to have a meeting on her own". Another woman also reported going to see a Cognitive Behavioural Therapist about her experiences of domestic abuse, and she suggested the therapist had told her that "she needs to take responsibility herself for how the relationship had broken down". This was the first time she had reported her experiences of abuse to anyone. All of the women spoke very highly of the support they had received from Women's Aid, demonstrating the continued need for specialist domestic abuse services. Collectively, this highlights that issues with understanding coercive control extend beyond the police and criminal justice system.
- **Issues responding to coercive control**: Victim/ survivors reflected on various issues with police responses to coercive control specifically. This included:
  - Coercive control not being considered: all of the women reported experiencing extensive coercive control, but this hadn't been considered by the police in their cases, even though 7 of them had contacted the police after 2016 (when the legislation was enacted). Sunita stated "it was always considered a domestic argument it never went beyond that. I never questioned this as I didn't know the system". Laura also stated "no it was never considered for me. I don't feel like they understand it. It's easier to have evidence on someone who has been violently hit, but when its psychological it's difficult for them to understand".
  - Issues with implementation: all of the women suggested that although they were pleased that coercive control had been criminalised, they were sceptical as to how well this could be implemented. This is captured by Joanne, stating "it's proving it. . So I was reading something the other day about how police are asking to view women's phones and laptops and stuff and so that is going to make it even less likely. It's hard enough saying 'help me' without saying 'I've got all this evidence I know you're going to need' because you're not in a position to do that when you're in it. And you may not be allowed access to your phone, I wasn't".

• How far can the new legislation go: Overall, there was a general consensus that the potential for the coercive control legislation is limited due to overall issues with police responses to domestic abuse. This is captured by Alison, "You can have a million pieces of legislation, but what does that actually mean or matter if the same issues with how police respond exist now, just like they did when I first called 10 years ago? It isn't just the police either, loads of agencies have responded terribly to me and I know they see me as a nuisance because I keep going back to him. They see me as the risk. So yeah, although its good it's an offence now, nothing is going to change unless everyone's view of domestic abuse and the harm it causes changes".

## **Implications and discussion**

- These findings support existing research, highlighting both the clear gendered dynamics of coercive control cases and such abuse primarily occurring in an intimate partner context (Stark, 2007)
- There were issues identified with police understanding, identification and attitudes towards coercive control. Officers tended to have a 'tunnel vision' focus on physical violence when responding to domestic abuse, which influenced their assessment of risk and likelihood of arrest. This supports existing research, highlighting that physical violence is particularly evident in police officers constellation of risk factors (Robinson et al, 2016). This demonstrates the need for further learning opportunities, highlighting the risks and harms associated with coercive control.
- The likelihood of arrest in coercive control cases was particularly influenced by the potential for successful prosecutions and 'positive' outcomes. This was informed by general perceptions that coercive control is 'hard to prove' and a 'grey area'. There were also issues with evidencing and investigating patterned abusive behaviour and a greater reluctance to record cases as coercive control in comparison to ABH. This suggests that further training around recording, investigating and evidencing coercive control is also required.
- Such issues identified with police responses to coercive control should be situated within the broader context of problematic police responses to domestic abuse (Hoyle & Sanders, 1998; Loftus, 2009, Robinson, 2016). Although police responses have improved significantly in recent years, our findings suggest that attitudinal issues towards non-physical forms of violence in particular persist. The criminalisation of coercive control and the possibility of its successful implementation therefore needs to be situated within this broader policing context.
- Victim/ survivors suggested that police responses were often not victim-centred, and tended to focus on the 'here and now' rather than long-term consequences and safe-guarding. Victim/ survivors recommendations for a victim-centred response included giving victims genuine space for action, responding in a timely and appropriate manner, communicating effectively, recognising the harms of coercive control, and understanding that there is no better assessment of risk than the victim's own account.
- Victim/ survivors also reported problematic responses by other agencies. This highlights that learning opportunities for coercive control need to extend to other agencies, as well as the police.
- This collectively highlights the need for a whole systems approach when responding to coercive control. This includes engaging in holistic responses, using shared definitions and information sharing across all agencies, and understanding the harms and risks of this form of abuse.

# **Coercive Control Learning Tool**

To address some of the aforementioned issues, the Coercive Control Learning Tool, informed by N8 PRP and BA project findings, has been developed for police and other partner agencies to inform practice and provide learning opportunities for understanding and responding to coercive control. The tool is designed as a face to face training aid, but could also be adapted as a resource aid or library for trainers to suit requirements. The design process of the tool had input from academics, police officers, Women's Aid and survivors of domestic abuse. The tool is split into three sections:

- 1 **Understanding Coercive Control**: areas addressed include the concept of coercive control (web of abusive behaviour, impact on victims, core dynamics), the new offence (context in which it applies, example behaviours) and why coercive control is important.
- 2 **Responding to coercive control**: areas addressed include the identification of coercive control (signs to look out for victims and perpetrators), risk and coercive control, engaging with victims and perpetrators and crime recording practices.
- 3 **Investigating and evidencing coercive control**: areas addressed include strategies for evidencing the various aspects of the coercive control offence, maximising evidential opportunities, techniques for interviewing perpetrators, and preparing the charge submission.

In conclusion, police forces and other organisations who interact with victims of domestic abuse/ coercive control should be provided with such further learning opportunities to equip them to identify, respond to and investigate coercive control effectively. This requires significant resourcing and financing at a national level.

## **Further Reading and References**

The research under-pinning the N8 PRP funded project has been published here:

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#### **About the Researchers**

**Dr Charlotte Barlow** is a Lecturer in Criminology at Lancaster University. She has conducted research exploring police responses to domestic abuse, women co-offenders experiences of domestic abuse and violence against women and girls more broadly. She is the author of "Coercion and women co-offenders: A gendered pathway into crime" (2016) and was the principal investigator on the N8 PRP funded project exploring police responses to coercive control. This research was cited in the UN CEDAW Executive Summary (2018).

Mandi Whittle was the Research Assistant on this project and is currently studying for her ESRC funded PhD at Lancaster University exploring the use of DVPN/O's.

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