

# ENSURING SAFETY: DOMESTIC VIOLENCE PROTECTION NOTICES AND ORDERS (DVPN-OS)

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## ABSTRACT

*Emergency barring orders (EBOs), endorsed by Article 52 of the Istanbul Convention, are designed to provide immediate protection for victims of domestic violence and abuse (DVA). UK EBOs - Domestic Violence Protection Notices and Orders (DVPN-Os) - were introduced in England and Wales in 2014 to bridge a protective gap when a charge or bail conditions are unavailable. A decade post-implementation, little is known about how they are operationalised in practice. This thesis examines their use, enforcement, and practitioner perceptions in one metropolitan police force. Drawing on a mixed methods design the thesis combines quantitative analysis of police records (including two novel datasets: a three-year trend dataset [n=1,724] and a contextual dataset [n=535]), with qualitative interviews with police officers and Independent Domestic Violence Advocates (IDVAs).*

*The thesis provides the first known end-to-end case-studies of the DVPN-O journey, offering rare insight into Superintendent authorisations and enforcement practices. The post-issuance picture reveals uneven policing and distinct differences in victim–perpetrator contacts. The thesis also makes visible DVPO use in familial cases, highlighting applications in ‘older abuse’ and ‘child-to-parent abuse’. A key empirical contribution is the systematic capture of victims’ ‘willingness to support’ DVPN-Os. This indicator reveals important differences between intimate partner and familial cases, contributing to debates around victim self-determination, (dis)engagement, and safeguarding in the absence of a conviction.*

*Conceptually, the thesis introduces the ideas of ‘double attrition’ and ‘positive attrition’ and proposes a new police data-recording methodology to capture the hidden ‘work done’ around DVA protection orders. This makes victim consent, breach patterns, and proactive policing activity visible, addressing a key data gap in the absence of a national database. Such visibility may help raise the institutional profile of EBOs and inform the implementation of the new Domestic Abuse Protection Notices/Orders (DAPN-Os).*

# DEDICATION

In loving memory of my husband, who never had the opportunity to go to university. When I began my undergraduate degree in 2014, it was as much for you as for me.  
This PhD is dedicated to you.

David Whittle  
1969-2009

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For confidentiality reasons I cannot name the police force where the research took place, nor the individual IDVAs who work in the area, but I am profoundly grateful to every participant who gave up their precious time. I would especially like to thank AO2, AO3 and AO5 and a very special mention goes to DVPO1 for answering my endless questions and generously sharing your knowledge.

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Finally, I acknowledge the victim-survivors of domestic violence and abuse - past, present, and future - whose experiences give this research its purpose.

## DECLARATION PAGE

This thesis is the result of my own work and has not been submitted for the award of a higher degree elsewhere.

Mandi Whittle  
October 2025

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## LIST OF ABBREVIATIONS

- CCR – Coordinated Community Response
- CJS – Criminal Justice System
- CPS – Crown Prosecution Service
- CSEW – Crime Survey for England and Wales
- DAHA – Domestic Abuse Housing Alliance
- DAPN – Domestic Abuse Protection Notice
- DAPO – Domestic Abuse Protection Order
- DAPP – Domestic Abuse Perpetrator Programme
- DASH – Domestic Abuse, Stalking, Harassment and ‘Honour’-Based Violence
- DHR – Domestic Homicide Review
- DVDS – Domestic Violence Disclosure Scheme, also known as “Clare’s Law”
- DVPN – Domestic Violence Protection Notice
- DVPO – Domestic Violence Protection Order
- EBO – Emergency Barring Order
- HMCTS – Her Majesty’s Courts and Tribunals Service
- HMICFRS – Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services
- IC – Istanbul Convention
- IPV – Intimate Partner Violence
- IDVA – Independent Domestic Violence Advocate/Advisor
- MAPPA – Multi-Agency Public Protection Arrangements
- MARAC – Multi-Agency Risk Assessment Conference
- MASH – Multi-Agency Safeguarding Hub
- MATAAC – Multi-Agency tasking and coordination meeting
- NFA – No Further Action
- NPCC – National Police Chiefs Council
- NRM – National Referral Mechanism
- ONS – Office for National Statistics
- PCC – Police and Crime Commissioner
- PO – Protection Order
- VAWG – Violence Against Women and Girls

# INTRODUCTION

## The Global and National Context of Violence against Women and Girls (VAWG)

Violence against women and girls (VAWG)<sup>1</sup> is a global problem. It is estimated 736 million women (almost one in three) have been subjected to physical and/or sexual intimate partner violence, non-partner sexual violence, or both, at least once across their lifetime.<sup>2</sup> The most extreme form of gender-based violence is femicide - the killing of a woman because she is a woman. Globally, 137 women and girls are killed daily by an intimate partner or family member.<sup>3</sup> The home is the most dangerous place for a woman - it is estimated a woman or girl is killed every 11 minutes by someone in her own family (UNODC, 2021). Most VAWG is perpetrated by current or former husbands, or intimate partners.<sup>4</sup>

Domestic violence and abuse (DVA), whilst just one form of VAWG, is recognised as creating significant social and economic costs to society<sup>5</sup> (Oliver et al., 2019). Furthermore, it is recognised as gender-based discrimination against women (UN Committee on the Elimination of Discrimination Against Women, 1992) and a breach of human rights (CoE, 2011). The Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence (hereinafter: the Istanbul Convention) is an international Treaty (CETS No. 210) with primary goals of protection, prosecution and prevention (CoE, 2011). The Istanbul Convention is currently considered the authoritative document on combatting VAWG and sets out a detailed framework of criminal justice interventions around domestic violence and abuse (Krizsán and Roggeband, 2023).

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<sup>1</sup> Definitions of the term 'violence against women and girls' (VAWG) vary, but the government defines it as "acts of violence or abuse that we know disproportionately affect women and girls". It covers crimes including rape and other sexual offences, stalking, domestic abuse, 'honour'-based abuse (including female genital mutilation, forced marriage and 'honour' killings), 'revenge porn' and 'upskirting'. (NAO, 2025).

<sup>2</sup> See Research and Data Page of UN Women <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures> - these figures do not include sexual harassment. [accessed 2024-07-07]

<sup>3</sup> <https://www.weforum.org/agenda/2020/11/violence-against-women-femicide-census/>

<sup>4</sup> <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures#83918>

<sup>5</sup> The Home Office estimated cost for victims of domestic abuse in 2016/17 in England and Wales is approximately £66 billion.

<https://assets.publishing.service.gov.uk/media/5f637b8f8fa8f5106d15642a/horr107.pdf>

The Crime Survey for England and Wales estimates that in the year ending March 2024 in the UK 4.7% of people aged 16 and over (2.3 million) experienced domestic abuse in the last year (ONS, 2024c)<sup>6</sup> with the police in England and Wales receiving a call for service every 30 seconds for DVA related incidents (HMIC, 2014b). However, an estimated 80% of victims do not report their [ongoing] abuse to formal institutions such as health services or the police - although the police are often the first point of contact for those that do – yet just 6% of police calls result in perpetrator<sup>7</sup> convictions (Jacobs, 2025:3). Attrition is a persistent challenge with many cases falling out of the system due to evidential difficulties and a lack of victim support (Hitchings, 2005; Hester, 2006a; Barrow-Grint, 2016; Sinclair, 2022; McPhee et al., 2022; Godfrey and Richardson, 2024). Often, victims want protection from violence, rather than the prosecution of their (ex)partners (Hoyle, 1998; Hoyle and Sanders, 2000).

Recent UK policy since 2010<sup>8</sup> has sought to drive meaningful reform across the criminal justice system (CJS) recognising DVA as a national emergency (Home Office, 2023b) with the current government pledging to halve VAWG within a decade ('Safer Streets' mission: Labour Party Manifesto, 2024). However, systemic failings, poor criminal justice outcomes, and low victim confidence remain stark challenges (CWJ, 2019; HMICFRS, CoP and IOPC, 2022; Casey, 2023; Jacobs, 2025). The National Audit Office (NAO; 2025) found little evidence of learning from past strategies, a poor understanding of 'what works' and a failure to utilise existing expertise – the Home Office has not led an effective whole-system response to VAWG.

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<sup>6</sup> The CSEW data for 2024 has new survey questions being tested from April 2023 which may impact more recent estimates due to reduced [split] sample sizes. The Office for National Statistics advises interpretation of this data needs caution.

<sup>7</sup> The term 'perpetrator', whilst contested, is used to describe persons who deliberately use violent and abusive behaviour to control their partner, former partner or family member whether they have been charged, prosecuted or convicted (Logar & Niemi, 2017).

<sup>8</sup> 2010-2015 strategy: [Call to end violence against women and girls: strategic vision](#) (November, 2010); [VAWG Action Plan](#) (March 2011)

2016-2020 strategy: [Ending violence against women and girls strategy 2016 to 2020](#) (March, 2016); a 'refresh' [strategy](#) (March, 2019); and an [update](#) on the work done.

2021-2024 strategy: [Tackling violence against women and girls strategy](#) (July, 2021); [Tackling Domestic Abuse Plan](#) (March, 2022).

The latest strategy is awaited (as at: August 2025).

## Addressing Domestic Violence and Abuse (DVA) Using Protection Orders

One recognised mechanism argued to safeguard domestic abuse victims and prevent future harm is the use of protection orders.<sup>9</sup> The term ‘protection order’ is all encompassing and includes orders which can be civil, criminal or administrative in nature and is treated as an umbrella term. There are a multitude of different protection orders used to protect victims of domestic violence and abuse in England and Wales.<sup>10</sup> This thesis is focussed on civil rather than criminal protection orders. Criminal prosecution addresses offences which have already occurred, whilst civil protection orders function differently by looking to prevent future harm. The Istanbul Convention contains specific Articles referring to protection orders (van der Aa et al., 2015): Article 53 addresses general restraining/protection orders, whilst Article 52 refers to emergency barring orders (EBOs)<sup>11</sup> - the central concern of this thesis.

Article 52 of the Istanbul Convention (2011) places specific obligations on Member States<sup>12</sup> (adopted by England and Wales) to protect its citizens in case of immediate danger using EBOs to ensure the safety of victims of DVA, or those at risk of it. Under such orders, perpetrators can be removed from the home, ordered to stay away from the victim or person at risk and not contact them, whilst balancing the rights of victims and the legal

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<sup>9</sup> ‘A protection order is a decision, provisional or final, adopted as part of a civil, criminal, administrative or other procedure, imposing rules of conduct (prohibitions, obligations or limitations) on an adult person with the aim of protecting another person against an act that may endanger his/her life, physical or psychological integrity, dignity, personal liberty or sexual integrity’ (van der Aa *et al.*, 2015:5).

<sup>10</sup> Common examples include non-molestation orders (NMOs), occupation orders (OOs), restraining orders (ROs) and stalking protection orders (SPOs).

<sup>11</sup> There are many terms used to refer to the instrument in question across different jurisdictions: removal orders, ‘Go’ orders, barring orders, ‘expulsion’ orders, banning orders, temporary orders, interim orders and emergency barring orders to name just some. The lexicon in operation is explored further in the literature review in Chapter 2.

<sup>12</sup> The UK was a Member State at the time it signed the Istanbul Convention (IC) in 2012 and, post Brexit, recognises the instrument as best practice in ratifying the Treaty in 2022. The IC is a legally binding instrument on VAWG but unlike other regional agreements can be signed and ratified by any State (O’Shanassy, 2023). The Council of Europe has 47 member states, 27 of which are members of the EU. It defines itself as the continent’s leading human rights organisation (Krizsán & Roggeband, 2023).

safeguards of perpetrators<sup>13</sup> (Logar and Niemi, 2017). The main distinctive features of EBOs are that they are immediate and short-term. Furthermore, the perpetrator can be ordered to leave rather than the victim who often must flee or seek refuge.

Internationally, EBOs are widely used (Bejinariu, Troshynski and Miethe, 2023; Douglas, 2018; Dowling *et al.*, 2018; Walkey *et al.*, 2022) and are recommended in the Istanbul Convention as ‘best practice’ (Logar and Niemi, 2017) yet their use in England and Wales remains inconsistent (CWJ, 2019; HMICFRS, IOPC and CoP, 2021; JUSTICE, 2023). With the Domestic Abuse Act (2021) now in force, and the UK’s ratification of the Istanbul Convention,<sup>14</sup> attention must focus on preventative tools like EBOs.

In England and Wales, EBOs form part of a two-step process: a police issued domestic violence protection notice (DVPN) which usually lasts 48 hours followed by a domestic violence protection order (DVPO) granted by magistrates for between 14-28 days. These two powers were introduced under Sections 24-33 of the Crime and Security Act (2010) which received royal assent on 8<sup>th</sup> April 2010. A pilot was conducted in 2011<sup>15</sup> followed by a Home Office evaluation (Kelly *et al.*, 2013), before DVPN-Os were rolled out across all 43 police forces in England and Wales from March 2014.

## Domestic Violence Protection Notices and Orders (DVPN-Os): Legislative Origins and Development

The first major push for the introduction of emergency barring orders (DVPN-Os) in the UK followed recommendations in the 2008 House of Commons Home Affairs Committee (Kitchen, 2018). Looking at evidence from international comparators<sup>16</sup> the committee stated: “[EBOs offer] an inexpensive, dynamic and short-term measure” (House of Commons

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<sup>13</sup> This presents state actors with a complex balancing act between victims’ [Article 2: ‘right to life’] and perpetrators’ [Article 8: ‘right to privacy’] rights. Burton, M. (2022) *Domestic Abuse, Victims and the Law*. Routledge, Abingdon, Oxon.

<sup>14</sup> The UK signed the Istanbul Convention in June 2012, ratified in July 2022 And it came into force In November, 2022. For information, the link below details other State members activity on the Treaty: <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treaty=210>

<sup>15</sup> The pilot sites were West Mercia, Greater Manchester Police (GMP) and Wiltshire (the ‘home’ force of the Chief Officer who conducted the government review: *Together We Can End Violence Against Women and Girls*’ (ACPO 2009).

<sup>16</sup> Predominantly Austria and Germany.

Home Affairs Committee, 2008:para 339) whilst also recognising the importance of victim involvement in any decision to remove the perpetrator. Additionally, the Association of Chief Police Officers<sup>17</sup> (ACPO) Review<sup>18</sup> entitled: 'Tackling Perpetrators of Violence Against Women and Girls identified the need for additional powers to fill a 'gap in protection' in the immediate aftermath of a DVA incident. DVPN-Os are positioned as safeguarding tools in the absence of a conviction operating in the attrition space where charges cannot be brought.

The three main policy objectives of DVPN-Os are: reduce incidents of DVA; reduce health and CJS costs associated to DVA; and strengthen the ability of the police and other multi-agency partnerships to provide appropriate protection and support earlier to victims at risk of DVA (Ashley, 2013). Therefore, DVPN-Os rely on multi-agency working, creating 'breathing space' for victims, and enabling monitoring and enforcement (Home Office, 2016b).

A decade on, empirical data on DVPN-O effectiveness is scarce. The 2013 Home Office evaluation remains the definitive text (Kelly et al., 2013) finding that DVPN-Os reduced further police call outs (by one incident) compared to arrest and no further action, especially in 'chronic cases'<sup>19</sup> (where the reduction increased to two further call outs). Critics have raised due process concerns, questions about the required evidential standard of proof, potential impacts on victim autonomy, transparency and accountability issues around senior officers' and magistrates' decision-making, the failure to use DVPN-Os as an early and preventative intervention, as well as a lack of enforcement (Crompton, 2013; 2014; Bessant, 2015; Burton, 2016; CWJ, 2019; Moroz and Mayes, 2019; Blackburn and Graça, 2020). Additionally, whilst DVPN-Os are a quasi-hybrid order - breach is a civil rather than criminal offence - scholars have questioned the recent blurring of boundaries between criminal and civil legal frameworks (Duff et al., 2010; Ashworth and Zedner, 2014; Kelly, 2019; Bates and Hester, 2020; Burton, 2022).

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<sup>17</sup> The National Police Chiefs Council (NPCC) replaced ACPO in 2015.

<sup>18</sup> The Review was a contribution to the Government consultation '*Together We Can End Violence Against Women and Girls*' initiated in March 2009 with a focus on whether new powers or laws were needed by the CJS to better manage perpetrators of VAWG.

<sup>19</sup> 'Chronic' was defined as three or more prior incidents at the same address.

## Research Gap and Rationale

My interest in DVPN-Os began in 2017 during a volunteer role conducting a small evidence review for a local evidence-based policing (EBP) research hub. The police sought to understand the national picture and effectiveness of DVPN-Os yet lacked reliable data to inform practice. This limited awareness and scant evidence, even among practitioners, made clear there was a significant gap in knowledge. My professional curiosity is also situated within a wider personal context. My previous employment as a para-legal in the Crown Prosecution Service (CPS) provides first-hand insights into the criminal justice system, including the slowness of legal processes and the marginalisation of victims, often despite the best efforts of police, CPS and support agencies. These experiences underpin my commitment to social justice and shape my desire to understand the DVPN-O from multiple perspectives.

This study is timely. Part 3 of The Domestic Abuse Act (2021) extends protection order powers introducing Domestic Abuse Protection Orders (DAPOs), hailed as the new ‘go to order’ which commenced piloting in November 2024.<sup>20</sup> DAPOs seek to consolidate existing orders<sup>21</sup> (including DVPN-Os). Despite over a decade since DVPN-O implementation, there has been no robust national [re]evaluation of this stand-alone instrument post-roll out. Available statistics are inconsistent, incomplete and not comparable across police forces (Elkin, 2019; 2020; 2021; 2022) preventing evidence-based practice, and undermining compliance with Article 11 of the Istanbul Convention, which requires regular, disaggregated data on GBV (van der Aa et al., 2015; Walby, 2016; GREVIO, 2022). Taken together this creates urgency to understand current operational realities of DVPN-Os to inform any intended national DAPO roll-out, whilst improving outcomes for [future] victims of domestic violence and abuse. Lessons can be learned from the scope of protection currently offered,

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<sup>20</sup> The DAPO pilot sites are: Greater Manchester (one of the original DVPO pilot sites), Croydon, Bromley and Sutton and the British Transport Police. Two further areas joined in 2025 – Cleveland on 5 March 2025, and North Wales on 28 April. <https://www.judiciary.uk/guidance-and-resources/pilot-starts-for-domestic-abuse-protection-orders/>

<sup>21</sup> DAPOs seek to replace non-molestation orders (NMOs); occupation orders (OOs); restraining orders (ROs) and domestic violence protection orders (DVPOs).

the process of obtaining and enforcing orders and the monitoring and responses to breaches.

The gap between theory and practice in connection with DVPN-Os is 'stark and well-documented' (CWJ, 2019; IOPC, 2019; IOPC, 2022; IOPC, 2024b; Jacobs, 2025). This study responds to repeated calls for increased use of POs/EBOs (van der Aa et al., 2015; CWJ, 2019; Walkey et al., 2022) and addresses a significant evidence gap: how DVPN-Os are authorised, enforced, breached, who they protect, and whether they have achieved intended outcomes.

## Research Aims and Questions

### Aims

1. To examine how DVPN-Os are operationalised within a metropolitan police force
2. To identify the characteristics of victims and perpetrators in DVPN-O cases
3. To assess enforcement and breach patterns
4. To capture practitioner perspectives on the instrument a decade after its rollout

### Research Question(s):

1. How are DVPN-Os operationalised in practice?
  - a. What are the characteristics of DVPN-O cases
  - b. What does enforcement look like?
  - c. How do practitioners perceive DVPN-Os a decade post-implementation?

## Scope, Boundaries, and Limitations

This thesis focusses on civil protection orders addressing domestic violence and abuse, specifically emergency barring orders known as DVPN-Os in the England and Wales context. It does not focus on other forms of VAWG such as rape, forced marriage, female genital mutilation or stalking. Additionally, whilst there are several government bodies<sup>22</sup> with

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<sup>22</sup> Thirteen departments have commitments under the VAWG Strategy and the Domestic Abuse Plan: The Crown Prosecution Service (CPS); Ministry of Justice; NHS England; Office for National Statistics (ONS); Department of Health and Social Care; Ministry of Housing, Communities and Local Government; Department

oversight and delivery of the VAWG Strategy and Domestic Abuse Plan this research pivots specifically to the criminal justice system, focussing largely on police responses. Furthermore, whilst the experiences of men, trans, and non-binary individuals are acknowledged, the disproportionate impact on women is central to this study. A primary driver of the research at the outset was the victim-survivor perspective. In short, several constraints, not least access, time and resources whilst conducting fieldwork during the COVID-19 pandemic, prevented successful recruitment of this demographic. The research design was reorientated to incorporate practitioner voices to support the police quantitative data.

This thesis adopts a mixed-methods research design (Creswell and Plano Clark, 2018) which includes primary and secondary quantitative data; qualitative interviews and observational case studies. The research design utilises an embedded case study approach (Stake, 1995; Yin, 2018). This approach is important because it is currently not possible to track a single case through the entire CJS due to the limitations of available data (HoC, 2025). Selected ‘real-time’ observations of DVPN authorisations and DVPO issuances act as bounded units of analysis which were followed through end-to-end. Whilst small in number (n=16) these case studies are significant (Flyvbjerg, 2006) providing a unique and contextualised lens through which to understand procedural practice, in addition to serving as anchor points in interviews with decision-making professionals.

## Original Contributions to Knowledge

This thesis makes significant empirical and theoretical contributions to the current knowledge gaps by:

- Creating the largest known [detailed] empirical DVPN-O dataset(s) in England and Wales including:
  - relationship type and status, risk profiles, presence of children, and breach dataset (500+ cases)

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for Business and Trade; Department for Culture, Media and Sport; Department for Education; Department for Transport; Ministry of Defence; Government Equalities Office and the Home Office (Jacobs, 2025)

- DVPN-O trend dataset (1700+ cases)
  - risk profiles, breach outcomes and police finalisations
  - multiple DVPN-O issuance (91 dyads)
- Offering original insights into victims ‘willingness to support’ DVPN-Os
- Offering original insights into DVPN-O use in familial, non-intimate relationships
- Providing detailed insight into DVPN authorisation decision-making
- Providing the first detailed enforcement picture of DVPN-Os
- Creation of original ‘real-time’ case studies from DVPN authorisation to DVPO expiry
- Proposing a conceptual framework for improved police recording of civil orders (adaptable to DAPOs)
- Proposing a conceptual re-framing of the current and intended DVA civil protection order framework

## Thesis Structure

This introduction has provided the context, scope and scale of the thesis outlining the research aims, questions and rationale for the study. Chapter One and Two review the literature. Chapter One looks briefly at the changing landscape surrounding domestic violence and abuse including key developments and policy contexts. Chapter Two discusses the literature around the evolution of protection orders and their effectiveness and situates domestic violence protection orders (DVPOs) into the protection order landscape. Taken together these chapters allow for the positioning of the research questions. Chapter Three, the methodology, outlines the mixed-methods research design and sets out the data sources and collection methods as well as the data analysis approaches. This chapter also includes the data management and ethical considerations.

Chapters Four to Seven present the empirical findings and analysis. Chapter Four presents the quantitative police data. Chapter Five and Six detail practitioner perspectives highlighting participant voices taken from the qualitative interviews with police Superintendents and independent domestic abuse advisers (IDVAs). These chapters are largely centred around decision-making in the ‘barring’ phase and practitioners’ experiences post DVPN-O implementation. Chapter Seven presents the case study data which illustrates

the journey from DVPN authorisation to DVPO expiry, before situating the findings in relation to existing literature and theory in Chapter Eight - the Discussion. Finally, Chapter Nine - the Conclusion, in answering the research question(s), addresses the thesis implications, outlines the policy and practice recommendations and future research.

# CHAPTER ONE: DOMESTIC VIOLENCE AND ABUSE - POLICY LANDSCAPE AND POLICING RESPONSE

Offences of domestic violence and abuse (DVA) often represent a ‘leaky pipeline’ in the criminal justice system (CJS), indicated by consistently high attrition<sup>23</sup> rates (Hagemann-White et al., 2015). In seeking ways to address these attrition rates, research demonstrates improved prosecution outcomes result when higher levels of personal, emotional and physical victim intervention are present (Cretney and Davis, 1997; Hoyle and Sanders, 2000). The past few decades have seen considerable changes made in the way domestic violence and abuse is responded to by criminal justice agencies.

Traditionally, the criminal justice system has responded to a history of DVA as ‘separate acts’ whilst equating violence [and ‘risk’] to [serious and immediate] ‘physical’ harm which has proved problematic (Kelly et al., 2011; Stark, 2012; HMIC, 2014b; HMIC, 2015; HMICFRS, 2017; HMICFRS, 2019; Myhill and Johnson, 2016; Stark and Hester, 2019; Brennan et al., 2019; Barlow et al., 2020). The introduction in UK law of Stark’s (2007) coercive control framework<sup>24</sup> signifies an adoption of a broader harms-based notion of liberty and rights in addition to the understanding of physical injury which includes financial, emotional, psychological and sexual harms. This literature review starts with the current definition of domestic violence and abuse, and some of its conceptual framings before moving onto outlining the historical problems victims have faced seeking relief from abuse, some of the challenges experienced by the authorities in responding to it alongside some of the policy developments.

## What Is Domestic Violence and Abuse: Definitions, Theory and Concepts

### The Domestic Abuse Act (2021)

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<sup>23</sup> Attrition is defined as ‘the process whereby cases drop out of the criminal justice system at one of a number of Potential points of exit from that system’ (Lea, 2003:583).

<sup>24</sup> Section 76 Serious Crimes Act (2015) introduces the offence of coercive and controlling behaviour.

Domestic violence and abuse (DVA)<sup>25</sup> policies have seen a cultural shift towards a [human] rights-based paradigm. The European Court of Human Rights (ECHR) places a positive obligation of ‘due diligence’ upon State parties to protect women from domestically abusive partners in situations where the authorities knew, or ought to have known an identified victim is at serious risk<sup>26</sup> (Burton, 2010; Kelly et al., 2011). This puts pressure on State parties to address violence in the home through [immediate] effective [preventative] action. This applies to each and every act of domestic violence even if the risk to life is not immediate (McQuigg, 2022). In the past, state responses regulated DVA through disparate pieces of legislation under the civil and criminal justice frameworks (Edwards, Malone and Jones, 2023). Recent developments have seen a consolidation and strengthening of legislation culminating in the Domestic Abuse Act (2021).

The Domestic Abuse Act (DAA; 2021) defines domestic abuse as any incident or pattern of incidents between those aged 16 years and over who:

- are a [ex]partner, a relative, have, or there has been a time when they each have had, a parental relationship in relation to the same child

The Domestic Abuse Act 2021 outlines the following behaviours as abuse:

- physical or sexual abuse
- violent or threatening behaviour
- controlling or coercive behaviour<sup>27</sup>
- economic abuse
- psychological, emotional, or other abuse

The Act recognises children under 18 years who witness or experience the effects of domestic abuse in their own right. Previously, there had been no statutory definition of domestic abuse in England and Wales. Hailed as a ‘once-in-a-generation’ piece of legislation

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<sup>25</sup> Domestic violence and abuse (DVA) is the terminology adopted throughout this thesis. It is a widely used term, especially in England and Wales, specifically within policing. DVA includes both intimate partner violence (IPV) and familial violence (FV). The author chooses to include both ‘violence’ and ‘abuse’ so as not to minimise or accentuate either term whilst capturing the broadest spectrum of harms and behaviours (Aldridge, 2020).

<sup>26</sup> ECtHR, *Opus V Turkey*, [2009] para 129.

<sup>27</sup> *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 an 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. (Home Office, 2021).

the DAA Act (2021) provides additional protections in the family and civil courts and creates new criminal offences for 'non-fatal strangulation' and 'post-separation coercive control' (Home Office, 2021c). The Act also creates new protection orders (DAPN-Os) currently being piloted. This thesis focusses on the incumbent instrument: Domestic Violence Protection Notices and Orders (DVPN-Os).

Whilst the new Act recognises violence as more than isolated incidents of physical harm, the lack of a gendered statutory definition has attracted criticism (Bishop, 2021) along with the shift in terminology from 'violence' to 'abuse' (Aldridge, 2020). The new legislation is not without controversy. Whilst some commentators see the DAA (2021) as a landmark piece of legislation, more reserved voices state it is a step in the right direction whilst others view it as disappointing and discriminatory (Edwards, Malone and Jones, 2023).

## The Nature of Domestic Violence and Abuse

There are long running debates regarding the theoretical and practical nature of domestic violence and abuse (DVA), as well as how to measure it (Kelly, 1988; Johnson, 1995; Stark, 2007; Myhill, 2015; Velonis, 2016; Fitz-Gibbon and Walklate, 2017; Walby and Towers, 2018; Stark and Hester, 2019; Bland, 2020; Donovan and Barnes, 2021). 'Family violence' theorists view violence as 'conflict' within the family which is gender symmetrical (Straus and Gelles, 1986; 1990a; McNeeley and Mann, 1990). Whereas 'feminist' scholars view domestic violence as gender asymmetrical, predominantly perpetrated by men against women, embedded in a pattern of power and control (Schechter, 1982; Dobash et al., 1992; Dobash, 1992; Pence and Paymar, 1996; Stark, 2007; Stark, 2009; Hester, 2011).

Johnson (2008) attempts to mediate this gap proposing four main types of domestic violence and abuse: Intimate Terrorism where the individual is violent and controlling but the partner is not; Violent Resistance, where the partner is violent and controlling whilst the individual is violent but not controlling; Situational Couple Violence in which although the individual is violent, neither the individual or partner are both violent and controlling, (viewed as most 'common'); and Mutual Violent Control where both the individual and partner are both violent and controlling (viewed as least common). Johnson (2008) sampled couples who were physically violent; more recently Mennicke (2019) has proposed an expanded set of typologies sampling both violent and non-violent couples. In contrast to

their tiered typology approach, Stark (2007) does not frame physical violence as ‘worse than’ non-physical violence, aligning with Kelly’s (1988) idea of a non-hierarchical ‘continuum of violence’.

## ‘A Continuum of Violence’ And ‘Space for Action’

The concept of ‘space for action’ (Kelly, 2003; 2007) describes how perpetrators of domestic violence and abuse (DVA) restrict victims’ resources, autonomy, and decision-making capacity (Kirkwood, 1993; Stark, 2007; Downes, Kelly and Westmarland, 2014). It evolves from Kelly’s earlier work on surviving sexual violence (1988), which introduced the ‘continuum of violence’ - a framework that challenges linear or hierarchical notions of abuse, except in cases of death. Rather than being neatly bounded incidents, acts of violence are lived as interconnected, continuous experiences that ‘shade into and out of one another’ (Kelly, 2012:xviii), while being categorised in law and policy as mutually exclusive events.

This framing reveals how only the most extreme expressions of gendered violence tend to attract legal or media attention, while the ‘everyday’ routines of intrusion and coercion, no less harmful, remain marginalised (Smith, 1990; Kirkwood, 1993). Kelly critiques such constructions for focusing on behaviours rather than consequences, thus reinforcing tensions around how abuse is measured, particularly in terms of repetition and visibility (Kelly, 2012; Walklate, 2014; Walby, Towers and Francis, 2014; Walby, 2016; Walby and Towers, 2018; Myhill and Kelly, 2021). These ‘everyday’ harms are rooted in ‘conductive contexts’ - environments shaped by historical, social, and economic inequalities that create fertile ground for abuse (Kelly, 2007).

The ‘space for action’ concept in a DVA context, focuses on an understanding of coercive control as a patterned, ongoing strategy that may not involve physical or linear violence (Sharp-Jeffs, Kelly and Klein, 2018). This form of abuse, marked by isolation, intimidation, and micro-management, can remain ‘invisible in plain sight’ while eroding autonomy, independence, and personhood (Schechter, 1982; Stark, 2007). When viewed in isolation, these intrusions often evade legal recognition. Yet over time, they operate cumulatively, violating self-esteem and integrity through a ‘continuum of violence’ (Lundgren et al., 2002).

The unpredictability of living with coercive control saps energy and destabilises identity (Schechter, 1982; Wiener, 2017) creating a state of 'core instability' where fear is ever-present, even in the absence of physical episodes.

Together, the concepts of coercive control and 'space for action' challenge incident-based models of abuse (Bishop, 2021), providing a gendered lens through which to understand how violence functions structurally, relationally, and psychologically. Sharp-Jeffs et al. (2018) argue, these concepts work in tandem to expose and disrupt dominant institutional understandings of DVA, particularly within policing. Furthermore, this lack of understanding highlights how agencies and professionals tasked with safeguarding victims (like the police) are part of a 'conducive context' which can facilitate and replicate the coercive control of women (Kelly, 2016; Beddows, 2022; EUROJUST & EIGE, 2025).

## The Problem of Domestic Violence and Abuse

Throughout the 1970s, 80s and 90s substantial social and legal traction followed the increased feminist consciousness raising, research and public campaigning on the issue of violence against women (Schneider, 2000). Significant policing and policy developments from the 1990s resulted. Today we see government and policing policies designed to help tackle and combat the issue (HM Government, 2022). We now have more safe spaces such as refuges and sanctuary schemes, 24-hour domestic abuse help lines, risk assessment tools and multi-agency risk conferences, specialist domestic violence courts, pro-arrest and prosecution policies and independent domestic violence advisors to help combat and support women in abusive relationships (Sherman and Berk, 1984; Malos and Hague, 1997; Home Office, 2000; Hoyle and Sanders, 2000; Robinson and Tregidga, 2007; Richards, 2009; Matczak, 2011; Coy and Kelly, 2011; Hague, 2021; Welsh, 2023). These developments have shifted domestic violence and abuse from the private domain into public consciousness; from visible incidents of physical violence to coercive control – characterized by a pattern or series of events often with invisible harms (Stark, 2007) - and from civil frameworks of recourse, to criminal - more recently, with a hybridisation of the two (Stark, 2012; Burton, 2022; Walklate, 2025). Yet the persistent narrative that two women a week are killed by a current or former partner continues to circulates in public discourse (Allen et al., 2020).

More precise estimates of domestic homicide place this figure at three women every 10 days (O’Callaghan and Ingala Smith, 2024), while a further three women a week are believed to die by suicide as a result of domestic abuse (Refuge, nd). Recent data reveals suspected victim suicides now outnumber intimate partner and familial homicides for the first time (Hoeger et al., 2024). One contributing factor to these deaths is the erosion of ‘space for action’<sup>28</sup> - a concept central to government priorities around safety and freedom from abuse (Welsh, 2023; McLachlan, 2023; Stark, 2007; Kelly et al., 2013). However, the expansion of space for action is often undermined by the reality that many victims do not report abuse or access support. This may explain why so many domestic homicide victims are unknown to services before their deaths (Bland and Ariel, 2015; Chalkley and Strang, 2017; Thornton, 2017; DAC, 2022). In contrast, Campbell et al. (2003) found that one-quarter of victims who were murdered had already secured protection orders, suggesting that legal mechanisms can offer a false sense of security. Such findings support the argument that legal tools may carry more symbolic value than practical protection (Barron, 1990; Gill and Anitha, 2009).

## Attrition

Fifteen years ago, the Association of Chief Police Officers (ACPO: 2009) reported that only 25% of recorded DVA incidents resulted in arrest, and just 1.5–5% led to conviction. In the year ending March 2024, the police made 41.7 arrests per 100 domestic abuse-related reported crimes, 7.2% of crimes resulted in a charge or summons, and only 4.5% of offenders were convicted (ONS, 2024b). National police outcome finalisation codes reveal 77.6% of DVA cases are dropped due to evidential difficulties, compared to just 32.5% in non-DVA cases (ONS, 2024b). Most DVA cases fall out of the system in the immediate aftermath following an incident (Barrow-Grint, 2016; Bates et al., 2025) but attrition can be a gradual reduction in cases throughout the CJS.

Whilst not new (Edwards, 1989; Lea, Lanvers and Shaw, 2003; Hester, 2006a) the phenomena of attrition is a critical and intricate issue with serious implications for victim

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<sup>28</sup> This framing also underpins the policy rationale for Domestic Violence Protection Notices and Orders (DVPN-Os), which seek to disrupt patterns of coercive control and create opportunities for victims to reassert autonomy (Hagemann-white et al, 2019). Chapter 2 focusses on DVPN-Os.

safety (Chopin, Aebi and Rigoni, 2025). Within the ‘system’, most DVA/coercive control attrition closures are formally recorded as Outcome 15s - victim supports, evidential difficulties, and Outcome 16s -victim does not support, evidential difficulties (Brennan and Myhill, 2022). Authorities often rely on civil remedies (such as protection orders) when the [high] criminal evidential threshold is not met. Aside from legal and institutional factors, attrition rates are also viewed as a barometer of [in]effectiveness on how the system handles [DVA] cases (Chopin, Aebi and Rigoni, 2025).

The police outcome framework<sup>29</sup> was introduced to support transparency and nuance in case disposal, moving away from target-driven approaches (Home Office, 2020a; Home Office, 2023a). However, police data often lacks detail to fully understand victim withdrawal or is incomplete, inconsistent or inaccurate, meaning such recording practices hinder oversight and improvement (Edwards, 1989; Gurney-Read et al., 2025; Bates et al., 2025). Additionally, high ‘Outcome 16’ figures suggests that many victims’ needs remain unmet, or that their safety concerns are misaligned with what the justice system offers. Many women call the police seeking immediate safety, rather than prosecution, their goals may be satisfied on police arrival, with further legal action seen as unnecessary, unsafe, or unwanted (Hoyle, 1998; Hoyle and Sanders, 2000; Hester, 2006a; N8 PRP, 2025).

Whilst high attrition rates may signal systemic inefficiency, they also reflect the choices and agency of victims (Chopin, Aebi and Rigoni, 2025). Taken together, the contexts of high attrition, low prosecutions and unmet safety needs suggest the criminal justice system continues to struggle with its core mission of protection. ‘Success’ is still measured in convictions, despite evidence that these metrics say little about safety or wellbeing (Westmarland and Kelly, 2013; Myhill and Kelly, 2021). Without recognising how power, fear, and coercion shape reporting and engagement, the system risks ‘responsibilising’

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<sup>29</sup> Caution is needed when comparing different force’s crime outcomes as they can be used in different ways and each force may have different volumes of crime types to deal with. Since April 2014 under the Home Office Counting Rules (HOCRs) all crimes were assigned one of 19 possible outcomes. Increased in 2015 to 20 outcomes, 21 outcomes in 2016, and since 2019 there are now 22 possible outcomes / finalisations available. <https://www.gov.uk/government/statistics/crime-outcomes-in-england-and-wales-2022-to-2023/crime-outcomes-in-england-and-wales-technical-annex>

victims while failing to create meaningful or sustained space for action (Coy and Kelly, 2019; Hadjimatheou, 2021; Rutter and Barr, 2021; Beddows, 2022).

## Separation

The point of separation following domestic abuse is widely considered to place victims at heightened risk of abuse and even death (Campbell et al., 2003; Römken, 2006; Logar, 2014; McLachlan, 2023; O'Callaghan et al., 2025). Goodmark (2012), highlights two cultural assumptions underpinning policy and practice: first, that separation from an abusive relationship stops abuse, and second, that separation is the most appropriate and desired outcome for all women. The prevailing argument suggests that women, as autonomous beings, will leave if given adequate support or interventions. These tropes are reflected in criminal justice policy and practice (Mahoney, 1991; Messing, Ward-Lasher and Thaller, 2015). Yet, Edwards (1989) found a police culture marked by victim-blaming, negative stereotyping, and the anticipation of victim withdrawal from the 'justice' process.

In practice, many victim-survivors express ambivalence about separation; they want the violence, rather than the relationship itself, to end (Hoyle and Sanders, 2000; Ritchie, 2012). This ambivalence often frustrates the criminal justice system (Mills, 1999; Kohn, 2008). Cases with 'uncooperative' victims were routinely deemed 'unprosecutable' (Ellison, 2003). Anticipation of withdrawal contributed to a cycle in which police hesitancy discouraged reporting, reinforcing perceptions that domestic abuse was 'rubbish work' (Groves and Thomas, 2014).

Kelly (2016) highlights the unintended consequence of responses that focus intervention on victims placing expectations on them to alter their behaviours, rather than holding perpetrators accountable (Kelly, 2016; IOPC, 2024a; Walklate, 2025). Criminal justice agencies must recognise that ambivalence can be a typical response to prolonged victimisation and may not be a sign of passivity or a refusal of protection (Kelly et al., 2011). The distinction between the act of separation (leaving) and separation-based remedies (arrest, prosecution, protection orders) is useful here (Goodmark, 2012). Such remedies aim to make separation safer by reinforcing distance through legal mechanisms.

## Mechanisms Of Separation: Arrest And Prosecution

Policing of domestic violence and abuse has changed significantly over recent decades (Hague, 2021). A central driver has been the introduction of ‘positive action’ policies, particularly [mandatory] pro-arrest approaches (Hirschel and Hutchison, 2003). The influential Minneapolis Domestic Violence Experiment (Sherman and Berk, 1984) suggested arrest deterred reoffending, leading to widespread adoption of mandatory arrest<sup>30</sup> in the US and pro-arrest and ‘positive action’<sup>31</sup> stances in the UK (CoP, 2018; Goodmark, 2015). Replication studies, however, found arrest produced only short-term deterrence and could escalate violence, particularly for ethnic minority and poor women (Sherman et al., 1991). Mandatory arrest policies reduced police discretion but also undermined victim autonomy (Hanna, 1996; Hirschel and Hutchison, 2003; Messing et al., 2021). Despite critiques, these policies have remained central to criminal justice responses (Mills, 1998), though inconsistently applied (Johnson and Connors, 2018).

Unintended consequences include increased dual arrests and rising numbers of women arrested (Hirschel, 2008; Hirschel and Buzawa, 2012; Tolmie, 2018). For women, arrest and conviction carry severe repercussions: reduced employability, loss of child custody, and [re]traumatisation of children (Römkens, 2006). UK data highlights these gendered disparities: whilst 93% of defendants are male and 84% of victims are female, women are three times more likely to be arrested (Refuge, nd). Despite such disparities, presumptive arrest remains a ‘sensible policy’ with police attendance itself showing protective value (Vigurs et al., 2016:ii). However, Römkens (2006) argues for more holistic interventions that reconcile the divergent interests of police, victims and prosecutors.

Evidence-led prosecutions reduce reliance on victims’ statements, but pursuing cases against victims’ wishes is controversial (Burton, 2015). Whilst such approaches reinforce the seriousness of domestic abuse and reduce opportunities for perpetrator intimidation

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<sup>30</sup> Where police make an arrest regardless of the victims wishes where they have cause to believe an offence has been committed or a protection order has been violated and perpetrators prosecuted even against victims wishes (Hanna, 1996).

<sup>31</sup> Where the police generally support an arrest of the DVA perpetrator providing grounds exists and it is necessary and proportionate to do so (HMICFRS, 2021).

(Ellison, 2003; Burton, 2016), they can also strip victims of autonomy and risk replicating coercion (Hanna, 1996; Hanna, 2009). Goldfarb (2008) insists that the law must support women's autonomy by reconciling the system's emphasis on separation with many women's desire to maintain relationships free from abuse.

At the same time, arrest may provide 'space for action' (Kelly et al., 2013) by creating windows for referral to support services, even without prosecution (Vigurs et al., 2016). Policy shifts in England and Wales have sought to narrow the 'justice gap' by developing stronger protective measures and sanctions (HMCPSP and HMICFRS, 2020). Some notable instruments include the Domestic Violence Crime and Victims Act (2004); Forced Marriage Act (2007), Crime and Security Act (2010), Anti-Social Behaviour, Crime and Policing Act (2014), Serious Crime Act (2015) and the Domestic Abuse Act (2021). Yet inspection findings continue to highlight failures in implementation and reliance on flawed practices (HMCPSP and HMIC, 2004; HMIC, 2014b; HMICFRS, IOPC and CoP, 2021).

## Policy Developments Since 2010

Since 2010 successive governments have framed domestic abuse within the broader rubric of Violence Against Women and Girls (VAWG), setting out three cross-government strategies in 2010, 2016 and 2021, with a further update due in 2025. Each strategy has layered new priorities and interventions onto the landscape of criminal justice and support responses. The 2010 strategy consolidated risk-led approaches and multi-agency working, embedding [DASH]<sup>32</sup> risk-assessments and multi-agency risk-assessment conferences [MARACs] (Home Office, 2010). By 2016, coercive controlling behaviour had been criminalised and there was increasing emphasis on perpetrator management, disclosure schemes, and responses to technology-facilitated abuse (Home Office, 2016c). The 2021 strategy, the first to follow the 'landmark' Domestic Abuse Act' (2021), presents a 'whole-system, whole-society' approach, foregrounding victim-voice, intersectionality, and the need for improved perpetrator accountability (HM Government, 2021; Home Office, 2022; HM Government, 2022). The pending 2025 strategy, operating in tandem with the government's mission to halve VAWG

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<sup>32</sup> Other risk assessment models are used across England and Wales but DASH – Domestic Abuse, Stalking and Honor-Based Violence tool – is the most widely used by professionals to identify high-risk (and medium, standard/low risk) incidents.

in the next decade,' has received early critique whilst the effectiveness of previous government strategies have been questioned (NAO, 2025; Jacobs, 2025; Victims Commissioner, 2025; Malone, 2025). Taken together this suggests VAWG continues to be a challenging and dynamic field of policy development.

Against this backdrop, a wide range of instruments have been introduced or consolidated, including [DASH] risk assessments (Ariza, Robinson and Myhill, 2016; Myhill and Hohl, 2016; Myhill, 2018; Walklate, 2018; Barlow, Walklate and Johnson, 2021; Barlow and Walklate, 2021; Myhill, Hohl and Johnson, 2023); multi-agency risk assessment conferences [MARACs] (Coy and Kelly, 2011; Stanley and Humphreys, 2014; Robbins et al., 2014; SafeLives, 2023b; Davies, Barlow and Fish, 2023); the Domestic Violence Disclosure Scheme [also referred to as 'Clare's Law'] (Duggan, 2012; Grace, 2015; Fitz-Gibbon and Walklate, 2017; Duggan, 2018; Hadjimatheou and Grace, 2021; Hadjimatheou, 2021; Renehan, 2023); conditional cautioning (Morgan, McCausland and Parkes, 2019; Strang et al., 2017); and criminalising coercive controlling behaviour (Stark, 2007; 2012; Douglas, 2015; Myhill, 2015; Myhill and Hohl, 2016; Wiener, 2017; Walklate, Fitz-Gibbon and McCulloch, 2018; Walby and Towers, 2018; Stark and Hester, 2019; Barlow et al., 2020; Barlow and Walklate, 2021). Further developments have included new approaches to perpetrator monitoring (HMIC, 2015; Davies, 2018; DRIVE Project, 2021; Home Office, 2024), measures addressing female genital mutilation [FGM] (Gaffney-Rhys, 2017; Proudman, 2017; Larsson et al., 2018; Home et al., 2020), and a growing attention to suspected victim suicides following domestic abuse (Bates et al., 2021; Bates et al., 2022; Hoeger et al., 2024).

Whilst this expanding toolkit reflects the breadth of the government's policy agenda on VAWG, it also highlights the uneven attention given to different measures. Whereas risk assessment, MARACs, 'Clare's Law' and coercive control have generated substantial scholarly scrutiny, Domestic Violence Protection Notices and Orders (DVPN-Os) have remained relatively under-researched. It is therefore timely to investigate how these emergency barring orders operate in England and Wales, and how they sit within the shifting policy landscape of the past fifteen years [discussed in the next chapter]. Successive strategies and instruments illustrate how government responses since 2010 have sought to intervene at multiple points, from early disclosure and risk assessment through to post-offence

monitoring and criminalisation. It is within the immediate crisis of separation, the point at which risk often escalates most sharply, that DVPN-Os were designed to operate, making them a crucial (yet under-examined) part of this evolving policy landscape.

## The 'Act' Of Separation

Not all victims turn to the law for assistance (Bland and Ariel, 2015; Thornton, 2017; Victims Commissioner, 2025). Leaving an abusive partner can increase risk (Binney, Harkell and Nixon, 1981; Tjaden and Thoennes, 2000; Goodmark, 2012; Desai et al., 2022), often requiring multiple attempts (Refuge, nd). Women can face financial instability (Kuennen, 2007; Hitchings *et al.*, 2023), housing barriers (Binney, Harkell and Nixon, 1981; Pahl, 1985; Women's Aid, 2024) and the fear and threat of [ongoing] retaliation (Hoyle and Sanders, 2000; Römken, 2006; Bruton and Tyson, 2018). Femicide Census data shows the danger is acute: more than half of women killed by a [ex]partner were in the process of leaving, with most killed within the first year (O'Callaghan and Ingala Smith, 2024) the majority within a month (O'Callaghan et al., 2025).

For some, separation leads to intensified abuse: stalking, technology facilitated abuse and post-separation 'paper abuse' (Mahoney, 1992; Logan and Walker, 2009; Stoeber, 2014; Korkodeilou, 2020; Desai et al., 2022). For others, separation can represent a significant step towards improved safety (Haller, 2005; Clarke and Wydall, 2013; Sharp-Jeffs, Kelly and Klein, 2018). While protection orders are often framed as facilitating safe separation, evidence on their effectiveness is mixed (Goodmark, 2012; Brame *et al.*, 2015; Cattaneo, Grossmann and Chapman, 2016; Douglas, 2018; Herrera and Amor, 2023) indicating the law may only provide an 'illusion of protection' (Gill and Anitha, 2009; Barron, 1990) especially when implementation gaps persist (Campbell et al., 2003; CWJ, 2019).

## Chapter Summary

Shifts in legislation and policy often face implementation challenges when putting into practice (Schneider, 2000; Wangmann, 2012; Kelly *et al.*, 2013; Dawson and Stanko, 2013; CWJ, 2019; CWJ, 2021; Walklate, 2025). The criminal justice system has not always used the powers at its disposal in this regard. Recent HMICFRS inspection findings continue to

highlight areas of policing practice than can cause significant harm to victims specifically around the [limited] use of protective measures (HMICFRS, IOPC and CoP, 2021). Whilst the mechanisms of arrest, prosecution and protection orders may be available for [some] victims, the act of separation can be extremely complex.

An enduring complaint about the way police have responded to domestic abuse is the treatment of it as a 'civil' matter or 'lesser' work (Groves and Thomas, 2014; Edwards, 1989). The past 30-years have seen a shift to 'pro-arrest' and 'pro-prosecution' strategies. With the advent of domestic violence protection notices and orders (DVPN-Os), Burton (2015) raises the question of whether asking officers to facilitate 'breathing space' using civil emergency barring orders (DVPN-Os) could be seen as a retrograde step? Alternatively, given the failings of a 'criminalisation' paradigm to respond effectively to DVA (Goodmark, 2018), can the police create 'space for action' to facilitate longer-term safety planning, absent a criminal prosecution, prove a more realistic and attractive proposal for victim-survivors (Hagemann-White et al., 2015; Goodmark, 2012; 2015; 2018; 2023; Burton, 2016; Walklate, 2025).

Overall, the response victims receive from the criminal justice system varies and its ability to protect women and children is questioned (Buzawa et al, 2011, Hagemann-White, 2010, Goodmark, 2012; HMIC 2014, 2017, 2019; CWJ, 2019, HMICFRS 2021). Few perpetrators are convicted or receive criminal justice sanctions (Hester, 2006a; Hester, 2006b; Hester, 2013; ONS, 2024b; Chopin, Aebi and Rigoni, 2025). Attrition in the criminal justice system, particularly around offences of DVA, is widely recognised, and a consistent feature of the landscape (Strickland, 2013; Harrison, 2021; McPhee et al., 2022). Cases fail to progress through the system for a myriad of reasons, not least because of victim perceptions of safety when they do engage (Hester, 2006a; Cretney and Davis, 1997; Robinson and Cook, 2006). Whether pursuing or discontinuing legal action DVA interventions designed to improve case outcomes should prioritise supporting victims' decision-making (Chopin, Aebi and Rigoni, 2025). Chapter Two looks at victim protection through the lens of civil orders in England and Wales, with a specific focus on domestic violence protection orders (DVPOs).

## CHAPTER TWO: SITUATING PROTECTION ORDERS

This chapter proceeds with a specific focus on protection orders used to tackle domestic violence and abuse (DVA). It looks at what they are, the different orders available, how they are obtained and outlines the [international] evidence base on their ‘effectiveness’ to date, before focussing on one specific instrument: emergency barring orders (EBOs) known as domestic violence protection notices/orders (DVPN-Os) in the UK<sup>33</sup> context. Available since March 2014, DVPN-Os are identified as a new and innovative civil protection mechanism. Their unique position is situated in the current protection order landscape in England and Wales before assessing their implementation, the current knowledge base and operationalisation in everyday practice. Contemporary challenges are highlighted around how the police are utilising these tools, a decade post national roll-out.

### What Are ‘Protection Orders’?

Protection orders<sup>34</sup> are positioned as a secondary responder<sup>35</sup> intervention. Protection orders (POs) are designed to be both preventative and protective and have the flexibility to work as an early intervention and as an ongoing or additional safeguarding measure. The term ‘protection order’ encompasses a myriad of distinct orders which operate differently, even if named similarly in another jurisdiction. Protection orders can vary in duration, some are issued immediately in emergency situations (discussed in more detail later in the chapter), some are temporary, some are longer-term or indefinite. In general, restraining and protection orders provide ongoing or long-term protection. Civil and criminal protection orders serve different functions (Ashworth and Zedner, 2014). Criminal orders seek to address - through the mechanisms of deterrence and punishment - prior offending

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<sup>33</sup> England and Wales.

<sup>34</sup> Protection order is undefined; it is used as a generic term. There are several different terms used in the literature to describe various orders. For example: protection orders, restraining orders, injunctions, safety orders, preventative orders, behaviour orders, two-step prohibition orders.

<sup>35</sup> *Primary prevention*: aims to prevent violence emerging (i.e. awareness raising campaigns, educational programs, gender mainstreaming, community initiatives etc.) *Secondary prevention*: identifies risk factors and at-risk groups and providing help (24-hour helplines, health screening for women, establishing legal, economic and social level initiatives to support all women etc.) *Tertiary prevention*: measures to prevent further violence (support services, shelters, law for protection against violence, effective police interventions, court procedures etc.) Adapted from the UNs ‘Austrian model of intervention in cases of domestic violence’ (Logar, 2005).

behaviour and operate on a higher evidential burden of proof<sup>36</sup> (Law Commission, 1989). Whilst civil orders are more future orientated and look to protect people from further offences on a lower evidential burden of proof<sup>37</sup> (Law Commission, 1989). A breach of protection order is driven mainly through one of two sanctioning systems, either through the civil court (contempt of court) or criminal court (criminal conviction).

Civil orders are intended to be complimentary to the criminal justice system; they are now a common response to DVA in the USA, Canada, Australia, New Zealand, across Europe and in the UK (Goldfarb, 2008; Benitez et al., 2010; Goodmark, 2012; Russell, 2012; Douglas, 2015, Burton, 2015; Dowling et al., 2018; Cordier, et. al., 2021, Walkey et al., 2022, EIGE, 2025). Civil orders allow victim-survivors more access and control to remedies without the need to involve the police or prosecution authorities to the same coercive degree inherent in criminal remedies (Murphy, 2003; Kuennen, 2007). Civil protection orders can be made where there has been no criminal finding of guilt and often operate on a two-step [hybridised] basis: civil issuance with criminal breach (Simester and von Hirsch, 2006; Burton, 2009; 2022; Ashworth and Zedner, 2014).

Such flexibility provides an array of orders to meet differing requirements. Their design allows for them to cover both physical and non-physical violence and wider abusive behaviours (Tolmie, 2018). Recent developments across Europe have seen the development of cross-border protections allowing for immediate continuity of protection for victim-survivors through ‘mutual recognition’ between issuing and executing authorities across different Member States (EPRS, 2017). Whilst an important development, the European Protection Order (EPO)<sup>38</sup> has been critiqued for its low usage and ongoing implementation issues (EUROJUST & EIGE, 2025).<sup>39</sup> Portability of orders across borders have faced similar implementation challenges in other jurisdictions (ANROWS, 2017). However, overall, such orders are reliant on victim engagement with the authorities.

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<sup>36</sup> ‘Beyond reasonable doubt’

<sup>37</sup> ‘Balance of probabilities’

<sup>38</sup> Directive 2011/99/EU covers criminal orders. Regulation 606/2013 covers civil orders. The two frameworks and the EPO may apply exclusively or in conjunction.

<sup>39</sup> Including a lack of knowledge and awareness by professionals alerting victims to the possibility of such protections (EUROJUST & EIGE, 2025).

## [General] Protection Order ‘Effectiveness’

Protection order effectiveness remains contested (Goodmark, 2012). Whilst ‘effectiveness’ may be hard to assess, some women report positive effects when obtaining protection orders (POs) including feelings of improved safety (Kaci, 1994; Brame *et al.*, 2015; Fleury-Steiner, Fleury-Steiner and Miller, 2011; van der Aa *et al.*, 2015), a reduction in [physical] violence (Holt *et al.*, 2003; Kothari *et al.*, 2012), feeling more empowered (Chaudhuri and Daly, 1992; Fischer and Rose, 1995; Russell, 2012), being able to set clearer boundaries, or seeking help from other agencies (Johnson, Luna and Stein, 2003; Kothari *et al.*, 2012). Victims report feelings of validation through being believed, and through encounters during the CJS process (Harrell and Smith, 1996; McFarlane *et al.*, 2004; Kethineni and Beichner, 2009; Bell *et al.*, 2011; Hefner, Miller and Fleury-Steiner, 2022). Additionally, having a protection order in place can also act as a ‘paper trail’ for future prosecutions (Weisz, Tolman and Bennett, 1998; Johnson, Luna and Stein, 2003; Douglas, 2018; Spearman *et al.*, 2024). This contributes to the symbolic nature of protection orders in ‘sending a message’ to the perpetrator that their behaviours are wrong and will not be tolerated (Fischer and Rose, 1995; Fleury-Steiner, Fleury-Steiner and Miller, 2011). Simply initiating the protection order process has been found to reduce violence (McFarlane *et al.*, 2004).

Concomitantly, some women report negative effects such as an increase in violence (Fischer & Rose, 1995; Spitzberg, 2002; Hefner *et al.*, 2022). One of the earliest studies on civil protection orders by Grau *et al.*, (1985) concludes civil POs are ineffective with offenders with prior DVA histories. Offenders who use severe violence prior to an order are less likely to abide by one (Harrell and Smith, 1996). Orders have also been found to be less effective with perpetrators who misuse substances such as drugs and alcohol (Chaudhuri and Daly, 1992; Ko, 2002), and have previous criminal convictions (Ko, 2002; Kethineni and Beichner, 2009); in these circumstances orders are held to have less of a deterrent effect (Rigakos, 1997; Harrell and Smith, 1996; Buzawa and Buzawa, 1996) particularly when ‘stalking’ behaviours are present (Spitzberg, 2002; Logan and Walker, 2010).

Overall, the international literature illustrates civil protection orders for domestic abuse provide a victim-initiated intervention which comes with legal recourse through enforcement mechanisms (Gill and Anitha, 2009). Protection orders are associated with a small but significant reduction in severe violent re-victimisation although when used in less severe, non-physical forms of violence, they have been found to be less effective at reducing re-victimisation (Dowling et al., 2018). Orders may reduce further serious violence or victims may experience a de-escalation in violence to less severe or non-physical forms of abuse or harassment (Dowling et al., 2018). In short, the evidence base on protection orders is mixed in terms of effectiveness (Goldfarb, 2008; Jordan, 2004; Goodmark, 2012; Cattaneo, Grossmann and Chapman, 2016; Cordier et al., 2021), not least because of methodological challenges (Benitez, McNeil and Binder, 2010; Cordier et al., 2021) but also because women have diverse needs and goals when seeking protection (Chaudhuri and Daly, 1992; Ptacek, 1999; Hotaling and Buzawa, 2003; Logan and Walker, 2009).

A further complication lies in how 'effectiveness' is measured. Much of the evidence relies on breach statistics, which often obscure under-reporting by victims, poor police follow-up and a lack of reliable data (Dobash et al., 2000; Burton, 2003; Towns, 2009; van der Aa et al., 2015; CWJ, 2019; Hefner, Miller and Fleury-Steiner, 2022). Importantly, most of the systematic and meta-analysis studies (Dowling et al., 2018; Cordier et al., 2021) focus on intimate partner abuse largely obscuring protection order usage in familial relationships. Additionally, less research attention has been paid to protection order cost-benefit analysis which is difficult to ascertain accurately (Logan, 2020). Overall, civil protection orders are generally seen as a cheaper, faster option compared to traditional criminal justice avenues (Strand, 2012; Logan, 2020; Duff *et al.*, 2010; Ashworth and Zedner, 2014; Hefner, Miller and Fleury-Steiner, 2022).

## Enforcement

Whilst victim safety cannot be guaranteed, orders may be effective where there is robust protection measures and enforcement mechanisms at the point of separation (Goldfarb, 2008; Logan and Walker, 2009; Logar and Niemi, 2017) which in turn may lead to the likelihood of victims engaging with the CJS in future (Fleury-Steiner, Fleury-Steiner and

Miller, 2011; Kothari et al., 2012). Conversely, victims are less likely to engage if the system [re]victimizes them by failing to recognise their needs (Nichols, 2011; Nichols, 2013; Hitchings, 2005; Hanna, 2009; Burton, 2015). van der Aa et al (2015:167) report “apart from GPS monitoring there are practically no pro-active, cost-effective forms of monitoring that are available”. Enforcement remains challenging, inconsistent and insufficient with limited arrests for breaches and/or inadequate sentences; even with a shift from civil to criminal sanctions (Rigakos, 1997; Holt et al., 2002; Goldfarb, 2008; Stoeber, 2011; Durfee, 2015; CWJ, 2019; HMICFRS, IOPC and CoP, 2021).

Several (systematic) studies have suggested breach rates can range anywhere between 7% and 81% (Spitzberg, 2002; Benitez et al., 2010; Logan, 2020; Dowling, 2021; Cordier et al., 2021; Dowling, et. al., 2018) with most studies reporting a breach rate between 40-60% (Benitez et al. 2010). The highest risk of reoffending occurring immediately following the incident and or shortly after issuance of a protection order (Holt *et al.*, 2003; Benitez, McNiel and Binder, 2010; Russell, 2012; Poynton *et al.*, 2016; Morgan, Boxall and Brown, 2018). Holt et. al., (2002) and Strand (2012) illustrate a ‘protective effect’ whilst orders are live. In Strand’s study only 18% of the recidivists, did so, within the order period. Strand concluded protection orders should be used more widely in low to medium risk cases, but not for those who present as high risk - echoed by Grau *et al.* (1985). Protection orders are unlikely to deter high-risk perpetrators (Nichols, 2013; Costello and Durfee, 2020).

Notwithstanding high-breach rates, a possible reduction in, or severity of [physical] violence may be considered ‘positive’ (Holt et al., 2002; van der Aa et al., 2015; Holt, Øverlien and Devaney, 2018). Equally, any breach of order may be considered ineffective. Whilst some research supports protection order effectiveness and increased feelings of victim autonomy and safety when electric monitoring is in place, concerns remain regarding victim anxieties to engage with the technology, alongside post-intervention anxieties (Römken, 2006; Hwang, Simpson and Butler, 2021; Herrera and Amor, 2023; Ibarra, Gur and Erez, 2024). Taken together, the evidence suggests whilst protection orders can be valuable tools, their protective capacity and value depends less on their formal availability and more on the institutional, cultural and resourcing contexts in which they are embedded (Clark, 2023).

The Explanatory Report on the Istanbul Convention to the Council of Europe states the most effective mechanism of protecting DVA victims and guaranteeing their safety is through physical distance between the perpetrator and victim (CoE, 2011b). One measure to achieve physical distance advocated for within this framework are emergency barring orders (i.e. DVPN-Os). It is worth briefly noting the cultural and institutional contexts this Convention creates before looking at the EBO mechanism in more detail.

## The Istanbul Convention

The Council of Europe, Convention on Preventing and Combatting Violence Against Women and Domestic Violence – referred to as the Istanbul Convention (IC) (2011), is considered the ‘gold standard’ approach for addressing VAWG and the most comprehensive international treaty to date (van der Aa et al., 2015). It was created to specifically deal with the offence of domestic abuse (Herring, 2020). There are 81 Articles aimed at tackling VAWG, and the Convention is structured under four pillars: prevention, protection, prosecution and co-ordinated policies. The UK became a signatory of the convention in 2012, ratified the instrument in July 2022<sup>40</sup> and the Convention came into force on 1<sup>st</sup> November 2022.

Countries ratifying the instrument must ensure emergency barring orders (Article 52), alongside restraining orders and protection orders (Article 53) are available to, and can be ordered to, protect victims (Walkey et al., 2022). Article 52 is most relevant to this thesis. Importantly Article 52 stipulates no history of, or physical violence, is required and that orders can be put in place before an act of violence has taken place, namely when threats have been issued (Logar and Niemi, 2017). It is the [future] risk of harm that validates the use of an order. The Convention is clear, sanctions for any breach must be ‘effective, proportionate and dissuasive’, importantly however, Article 52 is silent on how EBOs should be monitored whilst in force, or sanctioned if breached (Niemi, 2023).

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<sup>40</sup> Upon ratification the UK applied reservations under two Articles: Article 44(3) [the ability to prosecute UK nationals and those habitually resident in the UK for VAWG offences committed in other jurisdictions which are crimes in UK law but not under the law of that other country] and Article 59 [which applies to migrant victims whose residence status depends on that of their spouse/partner]. Other countries have entered into the Convention with reservations, especially regarding Article 44(3) such as France and Sweden (Horne & Choudry, 2022: para 18; GREVIO, 2023).

## Emergency Barring Orders

The goal of barring orders is to provide non-repressive or stigmatising intervention which prevents DVA by intervening at an early stage when no criminal procedure has started and leads to specialist support for victims, children and perpetrators, separately yet inter-relatedly (Römkens and Lünemann, 2008) whilst simultaneously holding perpetrators to account (Kelly et al., 2011). EBOs are available immediately 'on the spot' which sets them apart from many other protection orders available, they are short in duration, remove any financial burden from a victim, do not require victim attendance at court or victim initiation, orders are independent of criminal proceedings and often issued by the police (CoE, 2011; Kelly et al., 2011: 51; Van der Aa, 2015:196; Van der Aa et al., 2015: 68).

The ideological argument against imposing an intervention without the victim's consent is that it further disempowers the victim (Hoyle & Sanders, 2000:19; Burton, 2015:37).

The absence of a requirement for victim initiation can be particularly complex when some victims refuse an order, request for an order to be revoked, initiate contact or resume cohabitation with their abuser following issuance of this emergency measure; a feature which is not uncommon throughout most European jurisdictions (Kelly et al., 2011).

However, whether or not the victim agrees with the order, early engagement with them is deemed crucial (Kelly et al. 2013: 38; WiBig, 2004).

EBOs are quickly gaining traction and popularity across Europe, although there is limited information about their implementation across countries (Nägele, 2016). EBOs are seen as interim measures that can be used in conjunction with other civil protection orders to provide longer-term and complementary protection without gaps (Niemi, 2023). In the European context, EBOs first emerged in Austria in 1997 (Haller, 2005; Logar, 2005) followed shortly thereafter in Germany in 2002 (Löbmann, 2006). Legislation in both countries has been evaluated with favourable conclusions (Logar, 2005; Haller, 2005; WiBig, 2004; Lobmann 2006; ACPO, 2009).

EBOs allow early proactive involvement by the state to help victims stay in their homes (Römkens and Lünemann, 2008). However, Römkens & Lünemann (2008) reviewed EBO experiences in Germany and the Netherlands finding similar initial implementation problems to Austria regarding ‘profound police reluctance’ to use EBOs. Police reluctance in the Netherlands was found to be more than attitudinal or initial start-up problems, but structural, reflected in the fact the police’s focus is on crime-control which creates a culture at odds with the less repressive preventative nature of the orders. Similar implementation issues have been found elsewhere (Kelly et al., 2011, Walkey et al., 2022). Whilst not all European states have EBOs, they are a novel introduction into the UK protection landscape. The literature review will now turn to the civil protection order landscape in England and Wales to situate the emergence of EBOs within the protective framework in operation.

## Civil Protection Orders in England and Wales

Since the 1990s several different variants of civil orders have developed; perhaps the most infamous being the anti-social behaviour order (ASBO)<sup>41</sup> introduced by the Crime and Disorder Act (1998). The ASBO became a template for a proliferation of preventative civil orders adopting a ‘two-step’ hybridisation approach<sup>42</sup>. Hybrid orders are civil upon application with criminal penalties upon breach, marking a criminalisation shift and a blurring of boundaries resulting in reduced victim choice (Hitchings, 2005; Duff et al., 2010). The table below briefly sets out the main civil protection orders currently operating in England and Wales for responding to domestic violence and abuse. Each will be briefly discussed.

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<sup>41</sup> Repealed in 2014 by the Anti-Social Behaviour, Crime and Policing Act 2014. Whilst ASBOs could exclude perpetrators from a residence they were not applicable in domestic violence and abuse cases because they do not apply to ‘people of the same household’ [Ashworth, A., Gardner, J., Morgan, R., Smith, A. and Von Hirsch, A. (1998) ‘Neighbouring on the Oppressive: The Government’s ‘Anti-Social Behaviour Order’ Proposals’, *Criminal Justice* 16(1), pp. 1-8.]

<sup>42</sup> Contemporary examples of hybrid orders include serious crime prevention orders (SCPOs), community protection notices (CPNs), criminal behaviour orders (CBOs), public spaces protection orders (PSPOs), football banning orders (FBOs), stalking protection orders (SPOs) and knife crime prevention orders (KCPOs). In addition, the domestic abuse protection order (DAPO) currently being piloted is also hybrid in nature.

Table 1: Schedule of current DVA protection orders in England and Wales

Order	Act	Issuing Court	Applicant	Immediate	Duration	Criminal Order	Civil Order	Criminal Breach	Civil Breach	Hybrid Order
RO	PHA (1997)	Magistrates / Crown	Police-CPS / Court	N	Typically, 6-12 months or indefinite	Y Made upon conviction or acquittal	N	Y	N	N
OO	FLA (1996)	Family / Civil Court	Victim	N	Typically, 6-12 months	N	Y	N	Y	N
NMO	FLA (1996)	Family / Civil Court	Victim	N	Typically, 6-12 months	N	Y	Y*	Y*	Y*
DVPO	CSA (2010)	Magistrates	Police	Y	14-28 days	N	Y	N	Y	N

\*Since 2007, following the introduction of Section 1 of the DVCVA 2004, breach of non-molestation orders can be treated as either a criminal offence or a civil contempt of court.

## Restraining Orders

Restraining orders (ROs)<sup>43</sup> are granted under the Protection from Harassment Act (PHA;1997) and issued by a criminal court. Whilst civil in nature these orders are only applicable following a criminal charge. ROs can be issued where the prosecution ‘offer no evidence’, upon acquittal after trial, or upon conviction at sentence. ROs can be used for offences of harassment, intimidation, domestic abuse and stalking (Ashworth and Zedner, 2014; Bates and Hester, 2020). Whilst a victim does not directly apply for a RO, their views are obtained; if an order is unwanted it is less likely it will be considered effective (Baker McKenzie, 2021; Edwards, Malone and Jones, 2023). Breach of a RO is a criminal offence punishable by way of fine or up to five years imprisonment (Sentencing Council Guidelines, 2024).

However, the guiding principle is to protect a person(s) and therefore they are preventative rather than punitive (GREVIO, 2023). Their utility lies in extending protection to victims beyond intimate partners and linking protective measures with criminal sanctions, yet they have been critiqued for inconsistent application, a reliance on criminal justice engagement, high rates of breaches and variable judicial practice (Bates and Hester, 2020). Restraining orders highlight the enduring centrality of prosecution and court-led remedies in the

<sup>43</sup> Governed by section 5 PHA 1997 followed by section 12 of the DVCVA (2004) introducing section 5A into the PHA 1997.

protective landscape yet raise questions about victim safety in the context of enduring high attrition rates when [most] cases fail to progress.

## Non-Molestation and Occupation Orders

Currently, the main route for victims seeking civil protection from domestic abuse in England and Wales is through the family courts. Two types of remedy orders can be granted: non-molestation orders (NMOs)<sup>44</sup> where breach can be classified as a criminal offence<sup>45</sup>, and occupation orders (OOs)<sup>46</sup> where breach is deemed a civil contempt of court. Both are obtained under Part IV of the Family Law Act (1996). Although there is no specific definition of ‘molestation’, NMOs cover behaviours such as persistent threats of violence, violence, abuse, and harassment and are intended to take a wider view than just physical violence, implying deliberate conduct which merits court intervention (Hitchings, 2004; Burton, 2022; GREVIO, 2023). However, Burton (2022) highlights the distinction that whilst ‘non-molestation’ has a generous interpretation in case law, it stops short of protecting privacy.

These orders can prohibit contact (NMOs) and/or exclude perpetrators from the home (OOs). NMOs are the more regularly applied of the two orders (Bates and Hester, 2020) and more likely to be granted by the court (Herring, 2020). Occupation orders (OOs) are notoriously difficult to obtain, especially in circumstances where no physical violence is recorded; controversially they have been referred to as a ‘draconian measure’<sup>47</sup> which should be used in exceptional circumstances (Barron, 1990; Burton, 2008; Bessant, 2015; Herring, 2020; Burton, 2022; Speed and Richardson, 2022). Contingent on individual circumstances, these orders can be costly if the victim does not qualify for assistance with Legal Aid, are time limited, do not guarantee protection, and do not give long-term solutions to disputes over property (Shelter, 2024; Burton, 2022; Speed and Richardson, 2022). A key limitation of these orders is that they are not immediate, requiring a court hearing which compromises victim safety (Edwards, Malone and Jones, 2023).

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<sup>44</sup> Governed by Sections 42-49 FLA 1996

<sup>45</sup> Since 2007, following the introduction of Section 1 of the DVCVA 2004, breach of non-molestation orders can be treated as either a criminal offence or a civil contempt of court.

<sup>46</sup> Governed by Sections 33-38 FLA (1996)

<sup>47</sup> *Chalmers V Johns* [1999] 1 FLR 392 the Court of Appeal

A further contentious issue is that section 60 of the FLA (1996), which allows for an application to be made by a 'third party' on behalf of a victim was never enacted (Burton, 2003; 2008; Humphreys and Kaye, 2007). Third-party applications are contentious (Humphreys & Kaye, 1997; Wilcox, 2010; Wangmann, 2012; Diemer, 2012: 61; Douglas, 2018; Logan et al, 2020, Burton, 2022). On the one hand removing the onus from the victim at a time of increased emotion and anxiety - whilst simultaneously removing any financial burden - is seen as beneficial. However, when 3<sup>rd</sup> parties initiate orders, women's self-determination may be overridden and they lose control over the conditions which get imposed (Hagemann-White et al., 2015).

Enduring problems regarding enforcement of NMOs [and OOs] remain (CWJ, 2019; Bates and Hester, 2020; Burton, 2022) especially for victims suffering non-physical abuse (Burton, 2008). Yet victims continue to want civil orders especially NMOs given the increasing volumes processed in the family court (MoJ, 2022; ONS, 2024a). A further limitation with NMOs and OOs is that they are usually applied for in circumstances where parties wish to separate, leaving a protective gap for couples who remain together.

Taken together, the aforementioned orders illustrate the fragmented and inconsistent nature of protection orders addressing DVA in the context of England and Wales. New proposals within the DAA (2021)<sup>48</sup> allow victims, police and third parties to make civil order applications but are not yet rolled-out across all forces. Whilst important protection mechanisms for separation exist, gaps are left where victims are unwilling or unable to pursue civil/criminal remedies, where police are reluctant or unable to act and enforcement remains patchy and where the judiciary are reluctant to issue orders (OOs). Despite their availability on paper, protective orders have not necessarily translated into consistent practice or uptake; there remains a reluctance for courts to grant OOs (Herring, 2020; SEA, 2021; Burton, 2022; Speed and Richardson, 2022). It is within these gaps that emergency barring mechanisms, specifically DVPN-Os, were introduced to offer immediate state-led

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<sup>48</sup> Domestic abuse protection notices (DAPNs) and domestic abuse protection orders (DAPOs) introduced by Sections 22-48 of the DAA (2021) are currently being piloted with a view to DVPN-Os being [operationally] repealed upon DAPN-O roll-out.

protection in circumstances of ongoing risk to alleviate the burdens of application from victims.

## Domestic Violence Protection Notices and Orders

In essence, the DVPN-O legislation can remove someone from their home without a conviction, or any finding of wrongdoing on a low threshold of evidence.<sup>49</sup> Effectively, the domestic violence protection notice (DVPN) is an emergency non-molestation and eviction notice issued immediately by the police. The police then apply to the magistrates' court for a domestic violence protection order (DVPO) which can further prevent a perpetrator returning to the home or having contact with the victim for between 14-28 days. This two-stage mechanism<sup>50</sup> is designed to provide [early] safeguarding and 'breathing space' for the victim, reduce reoffending, and hold perpetrators' to account (Home Office, 2016b). DVPN-Os have a power of arrest<sup>51</sup> without warrant, but no power of entry. A DVPO breach is punishable as a civil contempt of court by way of fine up to £5,000 and/or up to two months imprisonment. The DVPN-O does not place any financial burden on a victim-survivor, who does not need to attend court, and they do not 'criminalise' the perpetrator<sup>52</sup> (CSA, 2010).

Two distinguishing features of DVPN-Os, compared to NMOs/OOs are firstly, the consent of the victim is not required. Secondly, the DVPO regime could be considered a 'mini' version of the unimplemented s.60 of the FLA (1996), allowing for the police, as third-parties, to initiate applications (Miles, George and Harris-Short, 2019). Arguably, it may have been preferable to enact section 60 and allow the police to become third-party applicants for longer-term orders such as NMOs/OOs (Burton, 2015).

Under the DVPN-O legislation, a DVPN cannot be appealed (by either a perpetrator or victim), amended or varied (Home Office, 2016b). Whilst a DVPO cannot be extended, a new order can be sought if further violence occurs (Blackburn and Graça, 2020). There are

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<sup>49</sup> DVPN-Os operate on the civil standard of proof, 'on the balance of probabilities' compared to the criminal standard of proof, 'beyond reasonable doubt.'

<sup>50</sup> To clarify: DVPN-Os are not classified as *two-step* (hybrid) orders. Breach of a DVPO is not a criminal offence, it is a civil contempt of court. However, DVPN-Os are operationalised in *two-stages*.

<sup>51</sup> Sections 26, 28 (9), 29 CSA (2010)

<sup>52</sup> However, as stated earlier, breach of a DVPO is punishable by way of fine up to £5,000 or up to 2 months imprisonment.

up to five different prohibitions which can be imposed by a DVPN-O but ‘non-molestation’ of the victim-survivor must be included:

1. Non-molestation of the victim
2. Prohibit the perpetrator from evicting/excluding the victim from a premises
3. Prohibit the perpetrator entering the premises
4. Require the perpetrator to leave a premises
5. Prohibit a perpetrator from coming within a set distance of the victim (i.e. no-contact).

[Section 28 (6)-(8) CSA, (2010)]

Preliminary assessment of the DVPN-O legislation shows it has been ‘generally effective in meeting the original policy objectives...and yielded positive results’ (Home Office, 2015:21). The following sections discuss the official DVPN-O process and the Home Office evaluation of the government pilot, before moving on to consider the available evidence base.

## The DVPN-O Process

Essentially there are seven stages and two-instruments in the DVPN-O Process:

- Stage 1: DVPN Application to Authorising Officer (AO)
- Stage 2: Authorisation of DVPN
- Stage 3: DVPN Issuance
- Stage 4: Application for a DVPO
- Stage 5: DVPO Process
- Stage 6: Multi-Agency Engagement whilst DVPO ‘live’
- Stage 7: DVPO Expiry.

(Home Office DVPO Guidance, 2020)

Each of the stages above have been captured in the process map below (Figure 1). It illustrates police DVPN initiation and issuance of the DVPN ‘notice of hearing’,<sup>53</sup> [usually] conducted within the 24-hour custody detention window (Stages 1-3). Followed by the

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<sup>53</sup> Section 25 (1)-(3) of the Crime and Security Act (2010). The ‘notice of hearing’ (NIH) acts like a summons.

police application for a DVPO to the Magistrates court within 48-hours<sup>54</sup> (Stage 4). Once a DVPO has been issued by the court<sup>55</sup> (Stage 5), multi-agency arrangements in the community should be actively managed for the order duration [14-28 days] (Stage 6). The order will automatically elapse after the end date (Stage 7).

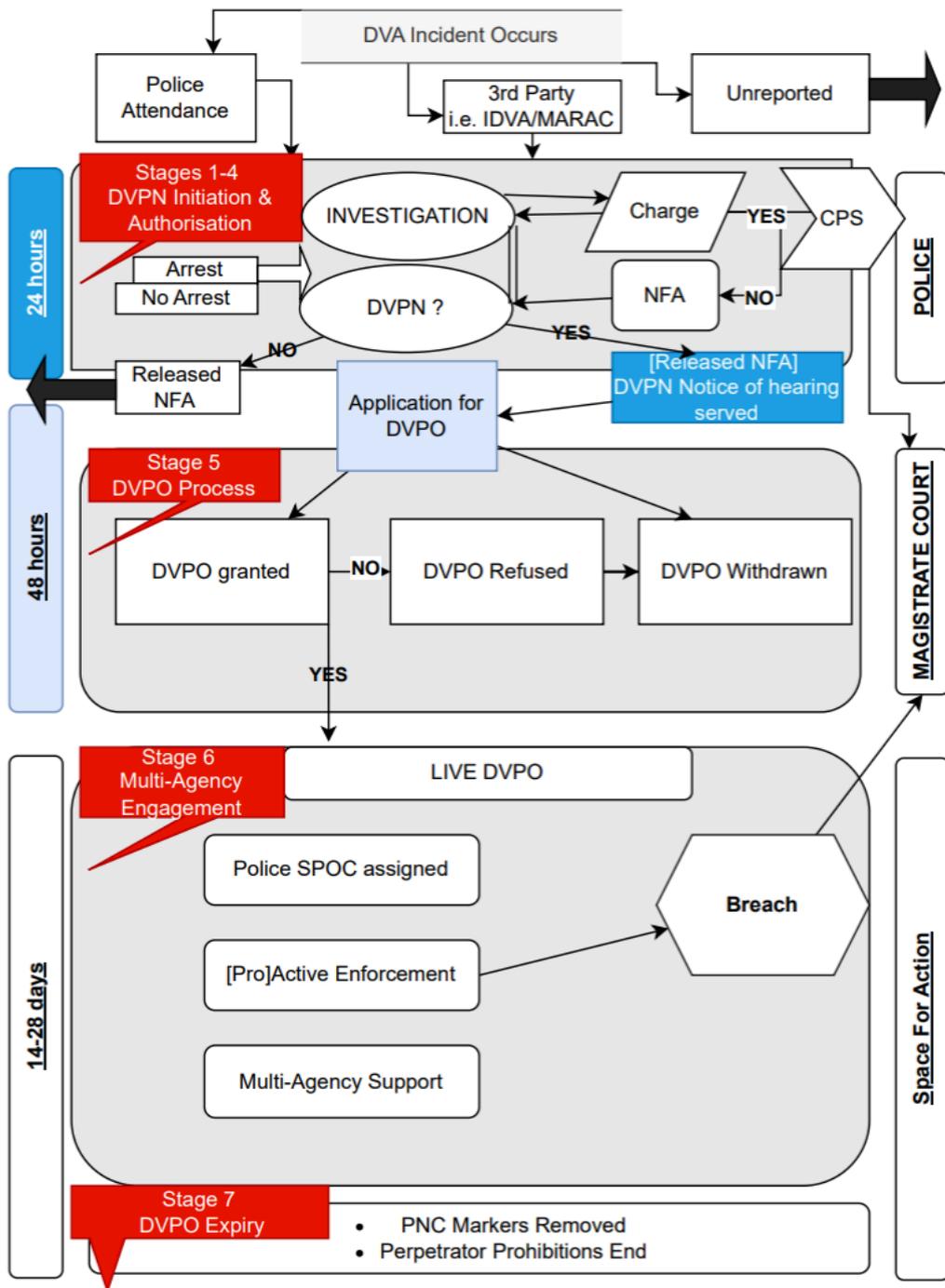
## DVPN-O Process Map

Figure 1: DVPN-O Process Map - Seven stages of the DVPN-O Process

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<sup>54</sup> Section 27(1)-(10) of the Crime and Security Act (2010). Following service of a NIH it is mandatory for the police to apply for a DVPO within 48-hours (excluding Christmas, Sundays and Bank Holidays) Before the DVPN will elapse.

<sup>55</sup> Section 28(1)-(8) of the Crime and Security Act (2010).



In assessing whether a DVPN is appropriate (Stage 1), the following criteria needs to be met:

- the perpetrator is aged over 18.
- the relationship must consist of one defined by the FLA (1996) of ‘associated person’ (i.e. current/ex-partner, cohabitant, relative, [step]parent).
- the perpetrator has been violent or threatened violence towards the victim-survivor on this occasion.

- a DVPN is deemed ‘necessary’ (namely no other less intrusive measure is available to fill a gap in protection) to protect the named person from further violence.

(Kelly et al., 2013; Home Office, 2016).

The ‘protective gap’ above refers to circumstances where bail conditions cannot be imposed; a charge cannot be brought, and a perpetrator is due to be released from custody ‘no further action’ (NFA); or when a simple caution has been administered (Home Office, 2016:1-2). Of note a decision to take ‘no further action’ can be made by the police or the Crown Prosecution Service (CPS) depending on the seriousness of the case. Current CPS guidelines are clear that at the point prosecutors make a decision to NFA they ‘should nonetheless advise the police that they can consider applying for DVPN-Os to protect victims’ and any decision should be made speedily with the victim (and any children) in mind (CPS, 2024).

The DVPN process most often centres around the time-sensitivities of the 24-hour ‘custody clock’. DVPNs arguably add additional complexity to custody detentions under PACE (1984). Indeed, the Home Office DVPN-O Evaluation (discussed next) recommended considering modification of the legislation to allow the police additional time to process DVPNs to aid national implementation (Kelly et al., 2013). To date, this has not been pursued. Arguably the most technical aspects of the process occur at Stages 2, 3 and 4. Within the 24-hour custody clock, an additional pressure involves the availability of an authorising Superintendent who may not be readily accessible especially ‘out of hours’.

To authorise a DVPN a Superintendent (AO)<sup>56</sup> must have grounds for believing that violence has been used or threatened by the perpetrator against the ‘associated person’, and the DVPN is both necessary and proportionate to protect the associated person from further violence or the threat of further violence (Home Office, 2016b)<sup>57</sup>. The Superintendent can apply any or all the available prohibitions to the notice and must document each with their

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<sup>56</sup> The Superintendent in the legislation is referred to as the AO – Authorising Officer. Distinct from the IO – Initiating Officer.

<sup>57</sup> Section 24(1)-(2) of the Crime and Security Act (2010).

decision-making rationale taking account of the human rights of both the victim and the perpetrator<sup>58</sup>.

The Home Office DVPO Guidance (2016; 2020) received a recent brief update:

“It is important to note that bail with conditions and protective measures can be used simultaneously to build up greater protection for the victim”

[Para 1.2 Home Office, 2022]

This is an important addition. It speaks to closing protective gaps and indicates a ‘preventative mindset’ in terms of using both separation mechanisms together to bolster protection, rather than viewing DVPN-Os as a standalone instrument or ‘last resort’ when bail cannot be achieved.

Section 33 of the Crime and Security Act (2010) allows for the Secretary of State to make an order to bring specific provisions into force for a limited time to assess their effectiveness.

This enabled the launch of the Home Office DVPN-O pilot scheme and subsequent evaluation of the instruments, discussed next.

## Home Office DVPO Pilot and Evaluation

The Home Office evaluation by Kelly and colleagues (2013) is a mixed methods study using a matched-case control methodology to assess the impact of DVPN-Os on [short to medium-term] re-victimisation (measured by [subsequent] police call-outs) in cases where DVPN-Os were used (or not). The quantitative analysis is accompanied by thematic evaluation of practitioner perceptions of the pilot, and their experiences of DVPOs. Kelly et al. (2013) did not consider severity of each incident or long-term effects on re-victimisation and, whilst unable to attribute the effects they observed conclusively to the DVPO, the complementary qualitative data increased confidence in the quantitative findings.

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<sup>58</sup> These include: Article 2, Article 3 and Article 8 of the Human Rights Act (1998).

Out of a possible 509 DVPN issuances, 487 DVPNs were authorised and 414 DVPOs were granted by the court across three police forces<sup>59</sup> during the 15-month pilot. Additionally, no perpetrators engaged with interventions designed to change their behaviour<sup>60</sup>, and only 1% of DVPOs were recorded as breached – acknowledged as a likely underestimate (Kelly et al., 2013). The evaluation identified that orders were not systematically followed up once imposed. The consensus amongst key implementors was that continued intervention, by the police during the DVPO, was necessary to improve support for the instrument (Kelly et. al., 2013). A concomitant issue arising out of the need to monitor the orders is the issue of multiple usage. It is unclear whether any participants had been issued with more than one order during the pilot.

Monitoring data revealed 29% of victims did not support the police referring them to specialist support services (Kelly, 2013: 18) however, the pilot does not illuminate how many victims supported being protected by a DVPN-O in the first place. The imposition of orders without victim consent was considered a key policy feature in providing immediate protection. A further blind spot in the pilot evaluation relates to the issuance of DVPN-Os when victims are unsupportive of the intervention. This absence is replicated in other jurisdictions (Douglas and Fitzgerald, 2013). Additionally, during the pilot the police attempted to refer 90% of DVPN-Os for specialist support. Just under two-thirds of cases (n=252) were referred. The observed attrition was due to a lack of victim consent for referral<sup>61</sup>. This requires further attention.

There were limited victim voices (n=16) captured during the evaluation, and fewer perpetrator ones (n=2). The evaluation team highlighted the voices captured are therefore not representative however, generally, most victim-survivors spoke positively of their experiences and of the orders (Kelly et al., 2013). Kelly et al., (2013) report most victims were ‘fairly’ or ‘very’ satisfied with the police response relating to the DVPN-O. Of note, most victims interviewed had received specialist support therefore

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<sup>59</sup> Pilot sites included: Wiltshire, Greater Manchester Police (GMP) and West Mercia.

<sup>60</sup> Of note, not all pilot areas had perpetrator programmes so intervention referrals could not be made (Kelly, 2013: 11).

<sup>61</sup> High risk victims are automatically referred into a MARAC – regardless of whether they consent or not. However, if victims risk assessed at standard or medium do not consent to a referral, no referral can be made.

their views may have been more positive as a result (Kelly, 2013). However, some victims expressed negative responses which included a perceived loss of control over their situation and a lack of support once a DVPO had expired (ibid).

In summary, the Home Office pilot highlighted several remaining impediments prior to national roll-out:

- streamlining of the DVPN process.
- level of authority to authorise the DVPN.
- effective referral to support services.
- access to services for perpetrators.
- differences in the impact when DVPOs are used at the earliest reporting.
- increase recognition of extended routes of referral.
- enhanced police training to recognise cases DVPN-Os can be used in.
- pro-active monitoring of 'live' orders.
- possible legislation changes extending the duration of the DVPN.
- criminalising breaches.

(Kelly et al., 2013: 35-36).

The pilot data demonstrates an 89% 'success' rate and an 11% attrition rate. Concomitantly, the empirical data demonstrated DVPN-Os were associated with a modest reduction<sup>62</sup> in re-victimisation relative to when arrest, NFA and no intervention resulted (Kelly, 2013). A slightly greater reduction<sup>63</sup> in revictimisation was observed when DVPN-Os were used in more 'chronic' cases (ibid). It was upon this evidence the Home Secretary decided to implement Sections 24-33 of the CSA (2010).

Following national roll-out, the Home Office 'One Year On' assessment looked at how DVPN-Os were working in practice (Home Office, 2016a)<sup>64</sup> National variance was identified which

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<sup>62</sup> One fewer repeat call-out when a DVPO was used compared to no intervention.

<sup>63</sup> Two fewer repeat call-outs when a DVPO was used compared to no intervention.

<sup>64</sup> It is significant to note even at this early stage; not all forces were able to return the full set of data requested from them and significant variations in the number of DVPN-Os issued across England and Wales is evident. Essex police authorised 229 DVPNs, South Yorkshire authorised 51, whilst Gloucestershire authorised seven DVPNs during the same 6-month timeframe. The full dataset available here at Annex A:

was also a feature in the three original pilot sites. However, the report highlighted pockets of good practice, namely the appointment of specific legal teams to process the orders and ensure listing of the cases was streamlined. Additionally, consideration of the introduction of a screening or gatekeeping triage system to alleviate some of the ongoing challenges around Superintendent authorisation (Home Office, 2016a). Of note the breach rate was assessed at 18% compared to the 1% in the original pilot.

Several policy recommendations were made. These included training the police to better identify coercive control in DVA cases; to ensure DVPOs were not limited to cases of physical violence; consideration of annual data returns of DVPN-O data to the Home Office; consider how to implement effective programmes for perpetrators as part of the DVPO process, and increased promotion of the instrument through internal face-to-face briefings (Home Office, 2016a).

## DVPN-O Evidence Base: A Decade of Implementation

### What We Know About DVPN-O [Case] Characteristics

In the Home Office pilot, the majority of DVPOs had been issued in cases risk assessed as medium (Kelly, 2013). Most perpetrators (n=341) issued with a DVPO had been arrested on suspicion of assault, ABH or common assault whilst just 4% (n=15) had been issued for threats of violence<sup>65</sup> (Kelly et al., 2013:60). DVPN-O characteristics reveal they were used for cohabiting couples (65.9%) with a medium risk-level (56%) for the full 28 days (77.8%). Most victims were female (96.4%; n=399). Most perpetrators were male (97.1%; n=402). It is strongly encouraged in police guidance to avoid using DVPOs in high-risk cases (CoP, 2015; Bates & Hester, 2020) despite that, research suggests in practice, DVPO's may be 'reserved' for use in the most serious and high-risk cases (Smith, 2017; Whittle, 2018; Senior, 2018; Blackburn and Graça, 2020).

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[https://assets.publishing.service.gov.uk/media/5a75bb3640f0b67f59fcf2c6/2016-03-08\\_DVPO\\_report\\_for\\_publication.pdf](https://assets.publishing.service.gov.uk/media/5a75bb3640f0b67f59fcf2c6/2016-03-08_DVPO_report_for_publication.pdf) [Accessed: August, 2024]

<sup>65</sup> For context, the offence of coercive and controlling behaviour under S.76 of the Serious Crime Act (2015) was not in place at the time of the pilot.

The current evidence reveals a fundamental tension in DVPN-O operationalisation. While policy intends early intervention, practice gravitates towards chronic cases. During the pilot DVPN-Os were advocated to be potentially most effective when used in 'chronic cases' – defined as three or more prior police call outs (Kelly, 2013). However, when a DVPN-O was issued after an initial incident, although not statistically significant, an increase in re-victimisation was observed. The authors suggest when DVPN-Os are used as an early intervention perpetrators may perceive them as 'disproportionate' whereas when issued where there is a documented history of abuse they may be viewed as a more 'reasonable response' (Kelly et al., 2013:35).

This tension manifests in contradictory findings across forces. Smith (2017) indicates DVPN-Os were initially intended for use in lower-risk cases, but in Hampshire were 'reserved' for the most prolific offenders. In contrast to the Home Office study (2013), Smith (2017) found [chronic] offenders subject to DVPN-Os offended more, and more often, than those who had not been issued with a DVPN-O, indicating no deterrent effect. More recently Blackburn and Graça (2021) illustrate the majority of DVPN-Os were issued in standard risk cases (66%) in the Metropolitan Police Service (MPS). In over 70% of their sample a DVPN had been issued in repeated abuse cases described as five or more prior recorded offences, rather than with first time offenders (Blackburn and Graça, 2020).

Ewin et. al, (2020) comment overall, the most important factors which encouraged seeking a DVPN were the presence of physical violence and repeat victimisation. The majority of DVPN-Os issued during the pilot were for physical abuse (Kelly et. al., 2013) which has been mirrored in other studies (Senior, 2018; Whittle, 2018; Blackburn and Graça, 2020). Jones (2020) further observes DVPNs were issued less frequently in coercive control cases. This echoes the wider literature on incident focussed policing with a physical violence focus (Hoyle, 1998; Robinson et al., 2016; Myhill, 2017). Taken together this creates a paradox whereby the DVPN-O policy intention of an 'early intervention' appears to be at odds from its application in practice.

In the DVPN-O literature Jones (2020) distinguishes between serial perpetrators understood as offending with more than one partner, and offenders with prior histories against the same

partner who receive DVPN-Os. Two studies make brief mention to multiple DVPN-O usage. In the first (n=262), no perpetrators had been served with more than one DVPN against a different victim in Leicestershire and 5% (n=14) had been served with more than one DVPN against the same victim, suggesting multiple DVPN-O usage is a 'tool used sparingly' (Jones, 2020:41). Similarly, in the second study in the Metropolitan police force (n=245) multiple DVPN-Os (n=10) had been issued with couples having one, two or three previous DVPN-Os (Blackburn and Graça, 2020). During the original pilot victims (n=16) indicated satisfaction with the DVPO, interestingly, some indicated a willingness to have further orders in the future: '...happy for another DVPO to be issued if similar circumstances arose' (Kelly et al., 2013:28).

### Practitioner Decision-Making and Operationalisation

The overall process assessment of the pilot indicates some of the challenges faced by the project. Whilst each pilot site had developed their own local working arrangements Kelly et al., (2013) identified varied levels of police officer support for the DVPO. Some of the reasons centred on availability of authorising officers (Superintendent or above), timing constraints of the legislation, perceived burden of paperwork around the DVPN-O and a perceived lack of understanding with some of the process (Kelly et al., 2013: 37). At the final stages of the pilot the suggestion was that DVPN-Os were not fully embedded into routine practice.

Some police officer perceptions view the DVPN process as 'bureaucratic' and 'burdensome' (Kelly et al., 2013; Whittle, 2018: 49-50; Jones, 2020) alluding to on-going issues regarding police officer discretion and the perceived level of work involved when dealing with domestic violence and abuse cases (Myhill & Johnson, 2016). Others are very enthusiastic about DVPN-Os stating these tools 'offer a huge amount of protection for victims' (Davies, 2018) and help the police 'manage' and 'contain' on-going long-term abusive relationships (Bates & Hester, 2018).

Contemporaneously, Jones (2020) indicates more than 40% of DVPN applications were initiated by specialist DVA officers/teams assigned to the higher risk-level cases in

Leicestershire, as opposed to front-line officers prevalent in Harrison's (2021) study in North Wales. Whilst North Wales Police (NWP) report significantly higher numbers of DVPN applications nationally [not necessarily actual notices and 'successful' DVPOs], Harrison's (2021:8) research raises concerns about officer investigative bias and the potential for DVPNs to be used to circumnavigate the investigation and prosecution process; a concern previously highlighted by Crompton (2014).

Harrison's (2021) research indicates that 'Golden Hour' principles<sup>66</sup> of early investigation to support a prosecution may be usurped for the quicker resolution of immediate safeguarding offered by DVPNs, especially when officers perceive a victim withdrawal likely and/or charge as unlikely. Similarly, Jones (2020:55) indicates where officer focus is on the dual DVPN/criminal investigation process, if the DVPN is the preferred choice then there will be a 'light touch' approach to investigation. This raises potential important operational consequences resulting from the autonomous structure of police forces across England and Wales, and a lack of central guidance or 'best practice' during DVPN-O implementation.

More recently, Baroness Casey (2023) reported officers [in the Met] not having the time to use protective measures such as DVPOs due to large caseloads. One officer commented: "The best outcome is closing a report to reduce your workload, rather than really thinking 'where can I go next with this.'" (Casey, 2023:155). This may offer some indication to understanding their low usage across some forces. When orders are utilised, physical violence and revictimisation appear to be the most important factors in police officer decision-making to initiate a DVPN in Ewin et al's (2020) study. The presence of children is also a driver influencing officer decision-making (Ewin, Bates and Taylor, 2020; Jones, 2020)<sup>67</sup>.

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<sup>66</sup> The principle that effective early action, in the period immediately following the incident, can result in securing significant material that would otherwise be contaminated or lost to the investigation and maximise the chance of securing material admissible in court (HMICFRS, 2023)

<https://hmicfrs.justiceinspectors.gov.uk/glossary/golden-hour-principle/>

<sup>67</sup> In Jones's (2020) mixed methods study he found contradictory evidence on the 'presence of children'. The qualitative evidence supported presence of children influencing officer decisions to initiate a DVPN whilst the quantitative data appeared to have limited evidence on officer influence when the only variable present.

Ewin et al., (2020) also highlight whether the victim was supportive of the instrument (or not) being a salient factor. A perceived lack of victim support discouraged police engagement and use of a DVPN-O, indicating reluctant or unsupportive victims (and those categorised as lower-risk) are less likely to be considered for a DVPN-O (Ewin et al., 2020). In Leicestershire, Jones's (2020) study illustrates just 26% (n=67) of DVPNs related to unsupportive victims who were less likely to be considered - cooperation is seen as key for policing the order. This sits in contrast to the Authorised Police Practice (APP) indicating the decision to arrest (or not) should not rest upon a victims [un]willingness to support a prosecution (CoP, 2015). The extant literature is largely silent in terms of victims' voluntariness to engage and comply with the DVPN-O process.

A further practitioner issue relates to 'information sharing' in the protection order system. A lack of understanding around these orders can lead to unintended consequences resulting in tragic circumstances. A number of IOPC<sup>68</sup> investigations and Domestic Homicide Reviews (DHRs) have cited [mis]communication issues in the issuing (or not) of a DVPN-O as subsequent missed opportunities to safeguard and intervene prior to the death of victims, recommending further training around their use (IOPC, 2019; IOPC, 2022; IOPC, 2024b; Snowball, 2021; Powell, 2018; HMICFRS, IOPC and CoP, 2021). Recent work by Bates & Hester (2020) highlights over half of victim-survivors refused to take part in the DASH risk assessment process which leaves the level of risk unknown as well as demonstrating a lack of victim involvement with the process. Additionally, the DASH risk assessment is one of the documents expected to form part of the documentation the authorising Superintendent has when making their decision on whether to issue a DVPN.

Frontline practices, risk assessments and information sharing with victims, within and across police forces, and between agencies remains a key issue when responding to DVA especially interventions based on multi-agency partnerships (Home Office, 2016b; ANROWS, 2017; Chantler et al., 2024; Davies and Barlow, 2024). Indeed, in the Home Office DVPN-O evaluation the two most cited areas of process to improve were: to ensure all relevant agencies were included in the planning and delivery process; and to ensure good inter-

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<sup>68</sup> Independent Office for Police Conduct (IOPC)

agency communication and referral procedures (Kelly, 2013: 28). Both speak to the value of effective multi-agency working seen as the key driver to the success of DVPN-Os (Home Office, 2016).

However, Jones (2020) observes a disconnect between police officers and support services in the DVPN-O process, signalling disjointed multi-agency working practices. This is potentially problematic given early engagement with a victim-survivor is considered crucial in the protection order system (Kelly et al. 2013: 38; WiBig, 2004) specifically timely referrals for support (Haller, 2005) and effective communication and feedback loops between agencies to assist in monitoring and engagement.

### Enforcement Challenges and Realities

Whilst robust enforcement of orders is recognised in the Home Office Guidance (2016; 2020), it is silent on what form and function that should take. How to police 'live' orders, or what enforcement should look like, has been left to individual forces to interpret. This has created challenges for forces once a DVPN-O has been put in place and attracted critique around their enforcement and monitoring (HMICFRS, 2017; CWJ, 2019; Bates and Hester, 2020; HMICFRS, IOPC and CoP, 2021; Clark, 2023) .

Concomitantly, there are no reliable details available on recidivism rates of DVPN-Os, partly because whilst many forces may log a breach it is not a criminal offence and therefore not collated (JUSTICE, 2023). One study found breach rates to be the same regardless of whether a DVPN-O had been put in place or not, along with ambiguities around the enforcement and monitoring of orders (Senior, 2018). Jones (2021) illuminates that the policing of 'live' DVPN-Os in North Wales (NWP) is a 'grey area' and varies depending on geographical location and resources, echoed by Harrison (2021). Some orders saw victims regularly contacted for 'welfare checks' - even daily, whilst others often got displaced due to 'more urgent calls' and were more 'ad hoc' (Jones, 2021:65).

In addition, responsibility for pro-actively policing the live orders was also divided, some believed it should fall to PCSOs, or to specialist domestic abuse officers, others felt it should

fall to PCs, whilst others felt partner agencies should have a greater involvement (Jones, 2021). Whereas in Leicestershire, orders had specific compliance tasking protocols, although these only relate to high-risk cases (Jones, 2020).

A common theme in NWP arising from the interviews with practitioners and victims was that the monitoring of the perpetrator should be more involved, especially when there has been no response from a victim's address; one victim stated the police 'need to check where he is and if he's where he's supposed to be' not just check the victim is ok (Jones, 2021:66). This speaks to keeping the perpetrator front and centre in terms of holding them accountable for their offending behaviours (Walklate, 2025).

The policing Inspectorate have identified missed opportunities by police forces to utilise DVPN-Os: "breaches are not always reaching court, and these measures are at risk of becoming a 'toothless instrument'" (HMIC, 2015: 59; HMICFRS, 2017). This echoes earlier observations around civil protection orders being viewed as 'paper tigers' (Barron, 1990) and concerns from the original DVPN-O pilot around the [lack of] pro-active monitoring of 'live' orders (Kelly et. al., 2013: 35-36).

Of note, Bates & Hester, (2018) highlight complexity around enforcing DVPN-O prohibitions for couples who reconcile or wish to remain together with victim-survivors being blamed or held responsible by the police for 'allowing' their abuser back, which can lead to victim disengagement increasing their risk of danger. It is largely held that if victims are unsupportive of the instrument or do not wish their partner to be removed, they will be unlikely to report any breaches (Burton, 2015; Blackburn and Graça, 2020). This reinforces the need for robust enforcement practices.

### Data Limitations and Implications

Current data is unable to distinguish between cases which are [not] suitable for a DVPN application in the first instance. In the year ending March 2018, no arrest was made in 62% of domestic abuse cases therefore no bail could be imposed, concomitantly, DVPOs were obtained in less than 1% of all domestic abuse incidents or crimes (ONS, 2018). Overall, the

evidence suggests DVPN-Os are not being used as an effective tool to fill the gap in protection they were designed to fill (CJW, 2019: 42; HMIC, 2015:59; HMIC, 2017).

Data from HMICFRS (2019) indicate that overall, there has been a 16% increase in the use of DVPOs nationally. However, this may misleadingly suggest that all forces have increased their usage. In fact, many forces (quantified as over a third), are using DVPOs less than in previous years; the policing inspectorate comment DVPN-Os continue to have ‘extremely varied use’ (HMICFRS, 2019: 42). Appropriate use of DVPN-Os is still ranked within the top five policing competencies for frontline and specialist police officers (HMICFRS, 2017; HMICFRS, 2019: 23). In London one frontline domestic abuse service stated they had never come across a DVPN-O in their casework but when requesting one at a MARAC meeting, were informed by the police ‘it is preferable to just investigate and prosecute offenders’ (CWJ, 2019: 39).

Recent ONS figures show there were 11,886 DVPNs authorised and 10,534 DVPO applications granted by the Magistrates year ending March 2023 (Jones, 2023). This equates to a 92.3% national ‘success’ rate<sup>69</sup> in acquiring an order once initiated. The latest figures ending March 2024 illustrate an 88.6% success rate (ONS, 2024b)<sup>70 71</sup>. Over the last six years the number of DVA arrests and the volume of DVPOs applied for and granted, has increased year on year. However, levels of attrition<sup>72</sup> and the low percentage of DVPOs used following arrest and NFA<sup>73</sup> have remained static. This presents a striking paradox which suggest that while the criminal justice system continues to prioritise prosecution, it has yet to meaningfully embed DVPN-Os as a routine safeguarding measure in the context of attrition.

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<sup>69</sup> ‘Success’ is defined here in terms of ‘attrition’, namely the number of cases which make it from police authorisation to the granting of an order in the magistrates’ court.

<sup>70</sup> There were 12, 670 DVPOs applied for and 11, 401 DVPOs granted by the court. This equates to 88.6% of successful DVPN conversions to DVPOs.

<sup>71</sup> ONS DVPN-O data is not considered robust. The latest data ending March 2024 illustrates Northamptonshire and Hampshire provided only partial data. Additionally, any submissions received after the collection cut-off are not included. (ONS, 2024).

<sup>72</sup> Using Outcome 14, 15, 16, & 22 **the average six-year DVA attrition rate is 76.4%**: [2019-76%;2020-78%; 2021-78.3%; 2022-72.5%; 2023-76.1%; 2024-77.8%]. Data taken from the DVA Data Tool Tables 1, 2 & 3: Jones, 2023; ONS, 2024.

<sup>73</sup> Using the number of DVA arrests and the number of DVPOs granted provides a crude estimate of the percentage of DVPOs issued following arrest and no further action in DVA cases [i.e. the core context in which DVPN-Os operate]. **The average six-year DVPO usage rate is 3.9%**. [Data taken from the DVA domestic abuse data tool – Tables 1, 2, & 3]: 2019-3.6%; 2020-3.4%; 2021-4.10%; 2022-5.20% and 2023-4.32%.]

Overall, rich data on DVPN-Os is lacking - alongside quantitative police data, further qualitative interpretation on police use of DVPN-Os is required (Edwards, Malone and Jones, 2023). A lack of accurate data undermines perceived legitimacy of the notices and orders as it is unclear what the demographics are of the recipients, and those protected by the instrument; why some DVPNs do not convert to DVPO applications; why courts chose to grant some DVPOs and refuse others; what local and national breach rates look like (given protection orders often have high recidivism rates) and what their deterrent effect is (if any). The neutrality and fairness of the DVPN-O process needs to be established through audit trails and a robust evidence base (Rodgers, 2023; Clark, 2023; JUSTICE, 2023). Additionally, governments have a commitment to provide disaggregated accurate data to comply with Article 11 of the Istanbul Convention as a pre-requisite for assessing effective policy on VAWG, specifically DVA, and ensuring information is available to the public (CoE, 2007; CoE, 2011b; Walby, 2016; Goodey, 2017; Bacchi, 2017).

## DVPN-Os: Remaining Challenges

### A Duty to Protect

In a recent Super-Complaint the Centre for Women's Justice (CWJ) highlight the 'chronic underuse' of DVPN-Os (CWJ, 2019). In response, the Policing Inspectorate acknowledged the substantial variations between forces and low numbers of DVPN-O usage. Some reasons identified for this included attitudes orders were 'time-consuming, complicated, bureaucratic and difficult', such views were often expressed in forces where DVPN-O numbers were already in decline (HMICFRS, IOPC and CoP, 2021). Similar attitudes were of concern during the initial pilot (Kelly, 2013) and not long following roll-out (Burton, 2015), and have also featured in other jurisdictions (Haller, 2005; Romkens and Lunnerman, 2008).

HMICFRS subsequently gathered evidence which supported the CWJs view that underuse of DVPN-Os has the potential to cause harm, identified instances of misunderstandings around the use of the instrument, and made recommendations for improvement across all forces:

Chief constables should, until DAPOs replace DVPNs and DVPOs in their force:

Review, and if necessary, refresh their policy on DVPNs and DVPOs, and in line with the overarching recommendation:

- a. ensure that there is clear governance and communication to prioritise the effective use of DVPNs and DVPOs, when these are the most appropriate tools to use;
- b. monitor their use to ensure they are being used effectively; and
- c. ensure experience and lessons learned on using DVPN/DVPOs informs the use of DAPOs.

(HMICFRS, IOPC and CoP, 2021:61)

## ‘Freyburn Metropolitan Police’: Situating the Force Under Study

Obtained under the Freedom of Information (FOI) Act, the data in the table below, indicates the number of DVPOs granted by the Magistrates in the police force under study (Freyburn)<sup>74</sup> for 2019 at the start of the research period. Furthermore, the number of non-molestation (NMOs) and occupation orders (OOs) granted for the same period are also mapped. It is not possible to ascertain if any of the NMOs or OOs below result from a DVPN-O and therefore DVPN-O ‘effectiveness’ in connection to longer-term safety planning cannot be measured.

Table 2: Civil DVA protection orders compared by research site and national data (2019)

2019	Freyburn Metropolitan Police			England and Wales		
	DVPOs	Non-Molestation Orders	Occupation Orders	DVPOs	Non-Molestation Orders	Occupation Orders
TOTAL	476	1,402	62	7,193	31,263	2,500

## Chapter Summary

Overall, DVPN-O effectiveness and whether they are enabling more women and children to remain safely in the home is unclear (Bates & Hester, 2020). Data on DVPN-O’s remains poor (HMICFRS, 2017) and assessing the usage, frequency and effectiveness of the instrument is difficult given the Home Office (2013) evaluation remains the key empirical literature, now

<sup>74</sup> Freyburn Metropolitan Police force (FMP) is a fictitious name used to refer to the research site and police force where the study was conducted. For ease it is often referred to simply as Freyburn or FMP.

over a decade old. Aside from the under-evaluation of the instrument, national data reveals a striking paradox. On the one hand, police arrest rates for domestic abuse have risen consistently over recent years, as has the use of DVPN-Os compared to the early years post-implementation (ONS, 2024b). On the other hand, the overall attrition rate has remained stubbornly static with around three-quarters of recorded offences ending in no further action (Barrow-Grint, 2016; Bates et al., 2025; ONS, 2024b; McPhee et al., 2022; Gurney-Read et al., 2025). This suggests that whilst the criminal justice system continues to prioritise prosecution, outcomes have not improved, and DVPN-Os - as a novel safeguarding tool - whilst more established, remain peripheral in the context of the sheer volume of DVA cases not proceeded with.

This paradox of uptake, without transformation, highlights a critical gap between policy ambition (Sections 24-33 CSA, 2010) and its operationalisation in everyday practice. It is within this gap that this thesis is located.

## CHAPTER THREE: METHODOLOGY

The previous chapter reviewed the literature in relation to civil protection orders used to safeguard victims of domestic violence and abuse (DVA) identifying developments and limitations of previous research in this area and establishing the need for the present study. Government data consistently highlights the varied use of DVPN-Os and a lack of joined-up working practices (Jacobs, 2025). This national inconsistency leaves police forces with a lack of understanding of what 'good' practice looks like. Additionally, DVPNs are initiated and authorised 'behind closed doors', subsequently, victims are left with unequal access to, and experiences of, UK emergency barring orders (DVPN-Os). There is no robust accurate data in the public domain.

Such data may open a window into the agentic processes in operation to help understand who gets protected, what that looks like for different actors and whether 'consent' matters for a 'successful' outcome. This type of information can assist in making initial assessments as to whether Section 24-33 of the CSA (2010) have been embedded, consistently applied, and whether DVPN-Os fill the protective gap the legislators intended. It is argued quantitative data alone will not tell us the whole picture and therefore more than one data source is required to answer the research questions and provide a more contextual-driven understanding. This chapter presents the methodological framework, research design, data collection, analysis methods and the ethical considerations in this thesis, starting with the research aims below.

### Research Aims:

This research sets out to understand the attitudes, opinions and decision-making of specific criminal justice actors involved in the DVPN-O process to gain insight into how Sections 24-33 of the Crime and Security Act (2010) have been embedded into working practices. This research considers whether a 'protective gap' (ACPO, 2009) has been filled by exploring professional perspectives, enforcement practices and police data in a local policing context. The research aligns with a feminist commitment to improve outcomes for victim-survivors of domestic violence and abuse, particularly women who remain disproportionately affected

by violence and institutional responses by seeking to inform and [re]shape policy and practice.

## Research Questions

The research question and sub-questions below are focused on examining who gets protected under the instruments and what happens during the 14–28-day window they are in place:

1. How are DVPN-Os operationalised in practice?
  - a. What are the characteristics of DVPN-O cases?
  - b. What does DVPO enforcement look like?
  - c. How do practitioners perceive DVPN-Os a decade post implementation?

## Philosophical Underpinnings, Ontology and Epistemology: Critical Realism and Feminist Epistemology

This research is grounded in a philosophical framework that draws on both critical realism and feminist epistemology, offering a nuanced and layered approach to understanding how Domestic Violence Protection Notices and Orders (DVPN-Os) operate within the context of policing and the wider criminal justice system.

Ontologically, critical realism (CR) posits that a reality exists independently of our perceptions, but that our understanding of it is always mediated through human experience, language, and social context (Bhaskar, 2008). This makes CR particularly useful for studying complex social phenomena like DVPN-Os, which operate within the layered, open system of policing in England and Wales. Though DVPN-Os exist as legal instruments created by statute (CSA 2010), how they are operationalised in practice is shaped by a host of contextual factors: institutional norms, police cultures, available resources, and the interpretive work of individual officers and gatekeepers.

The national framework for DVPN-Os is underpinned by Home Office guidance, but the decision-making, monitoring, and enforcement of these tools varies significantly between police forces. CR helps us make sense of this variation. The orders are "real" in the sense that they have material consequences, but the meanings ascribed to them and their

effectiveness as protective tools are subject to localised practices, hidden institutional processes, and interpersonal dynamics (Byrne, 2018). Through a CR lens, these structures and mechanisms can be examined critically to uncover both enabling and constraining factors. This aligns with the study's goal of generating knowledge that is explanatory, not merely descriptive, that can inform policy and practice reforms.

Epistemologically, CR supports a mixed methods approach that values both quantitative and qualitative data as different but complementary ways of accessing reality using different forms of evidence (Pawson, 2006; Emmel et al., 2018). This study analyses administrative police data (capturing patterns and usage trends of DVPN-Os), alongside narrative data drawn from practitioner interviews and documented victim views (as recorded by officers). These different data sources reflect multiple layers of reality from individual to societal, from empirical observations to deeper causal structures accepting that knowledge is only ever partially known, socially constructed and given meaning through interaction and interpretation (Lewis, 2014). This epistemological flexibility (Walklate, 2000) allows for a more holistic understanding of how DVPN-Os function within (and external to) policing, while remaining sensitive to the lived realities and organisational contexts in which decisions are made.

Complementing this, feminist epistemology brings an explicitly reflexive and socially located perspective to the research. Drawing on situated knowledge (Haraway, 1988) and feminist standpoint theory (Harding, 1991), this approach recognises that all knowledge is produced from specific social locations, and that power structures shape what is seen as valid or credible. Feminist theory not only validates the knowledge produced from marginalised positions but also critiques systems that silence or dismiss those perspectives. This is particularly relevant to my own research position, which I reflect on in more detail in the following section.

Feminist ontology further informs this study by interrogating how power operates in the naming and framing of reality - particularly how legal instruments like DVPN-Os may reinforce or challenge gendered assumptions about risk, responsibility, and authority. The inconsistent use of these orders, and the institutional silences, for example surrounding coercive and controlling behaviours, illustrate how systemic biases shape responses to

domestic abuse. Moreover, the study engages with the concept of epistemic [in]justice (Fricker, 2007; McKinnon, 2016; Pemberton and Mulder, 2023), exploring how victims' voices can be disregarded or overridden within policing frameworks, and how that knowledge can be institutionally underdeveloped, ignored or silenced (Mathiesen, 2005).

Together, critical realism and feminist epistemology offer a cohesive philosophical foundation for the study. They support its aim of exploring not just what DVPN-Os are and how they are used, but why their implementation is uneven, how institutional and interpersonal dynamics affect their deployment, and who ultimately benefits - or is silenced -by their use in policing domestic abuse.

## Reflexivity

My research journey into DVPN-Os began when, after completing my Criminology undergraduate degree, I volunteered with a local policing research hub and was tasked with conducting a literature review on the 'Effectiveness of Domestic Violence Protection Orders'. Despite their introduction several years earlier, I had not heard of these orders - a realisation that shocked and intrigued me. This exposed a knowledge and policy gap around a tool meant to protect victims of domestic abuse. This formative experience sparked a sustained interest in how such instruments operate in practice and how state responses to domestic abuse can be both enabling and limiting.

As a researcher, I am positioned through multiple intersecting identities: a woman, a former criminal justice practitioner, a widow, a mother, a survivor of domestic abuse, and someone with lived experience of navigating institutional structures from a non-elite social position. These experiences do not impair my objectivity, they enhance my critical insight. They shape how I engage with the topic, interpret data, and recognise both overt and subtle dynamics of power and exclusion within the DVPN-O process. This positioning also enables a unique lens into the operations of criminal justice institutions, which I once participated in and have since critically re-evaluated through academic study.

These experiences are not incidental, they are epistemologically and ethically relevant. My journey from institutional insider to critical researcher reflects a growing awareness of

systemic limitations, especially regarding how domestic abuse is conceptualised and responded to in practice. Whilst I have no personal experience of a DVPO, I do possess a priori knowledge of the orders, the CJS 'community,' and its members more broadly (Merton, 1972). Additionally, my status as a widow, lone parent, and working-class academic brings both challenges and insights to the research process. It has cultivated a sensitivity to the power differentials between researchers and participants, between victims and state actors, and between policy and practice. By embracing reflexivity, I remain attentive to how my assumptions, emotions, and personal history shape the research process, not to erase bias, but to engage with it transparently and analytically (Hesse-Biber, 2015).

### Mixed Methods Research Design (MMR)

Mixed methods research (MMR) focuses on collecting, analysing and mixing different forms and sources of data (often quantitative and qualitative) in the same study, or series of studies, on the assumption that combining more than one approach can provide a better understanding of a research problem over one alone (Creswell and Plano Clark, 2018; Bazeley, 2018a). The mixed-methods literature has been fraught with debates around the philosophical, ontological and epistemological nature of mixing methods, due largely to the quantitative and qualitative paradigms being viewed as homogenous and distinct (Tashakkori and Teddlie, 1998; Guba and Lincoln, 2005; Morgan, 2006; Bazeley, 2018b). However, recent thinking situates the paradigms more inclusively on a continuum rather than as dichotomies (Tracy, 2010) overcoming the quantitative-qualitative divide through multi-dimensional approaches (Mason, 2009; Bazeley, 2018b).

The original research design was a three-phase sequential study i.e. quantitative data collection, one-to-one interviews followed by the creation of case studies. The design was subsequently adapted due to time pressures resulting from the COVID-19 pandemic, challenges accessing police data, and difficulties encountered recruiting victim-survivor participants (discussed in the study limitations). Essentially, one of the benefits of a MMR approach means 'multiple sources of evidence provide multiple measures of the same phenomenon' (Yin, 2018:128) aiding a more comprehensive understanding of the topic to try and see the phenomena in context. Often with an emphasis on the convergence or

confirmation (triangulation) of those results across the different methods (Campbell and Fiske, 1959; Denzin, 1970).

Conversely, one of the challenges is the need to merge numeric and text data in a meaningful way (Creswell and Plano Clark, 2018). A criticism of MMR is the risk of confusion when combining different paradigmatic and methodological approaches and a lack of integrated findings (Bryman, 2007). Pragmatism is often suggested as a preferred worldview for convergent mixed methods designs (Creswell and Plano Clark, 2018). However, critical realism offers a robust alternative enabling diverse methods to be used to explore different layers of reality (Danermark, Ekström and Karlsson, 2019). This methodological pluralism investigates the same phenomena – operationalisation of DVPN-Os – whilst different methods address different dimensions of the research question(s) to uncover and critique dominant knowledge structures (Walklate, 2000). This aligns with feminist aims of amplifying marginalised voices (Harding, 2004) and challenging institutional silences (Mathiesen, 2005).

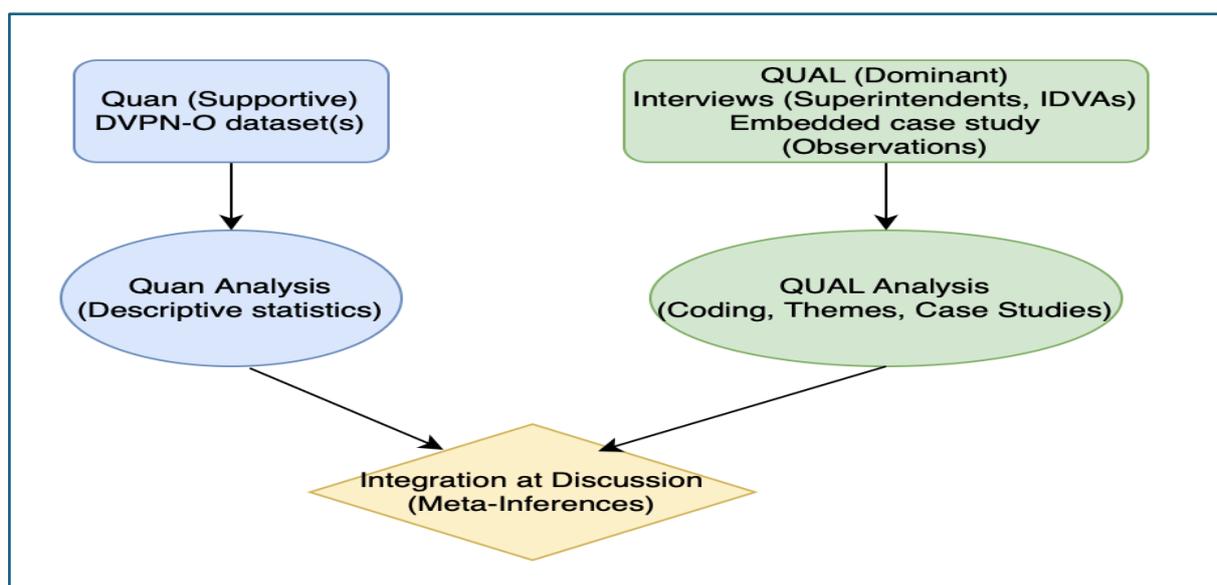
A mixed methods single case-study design is adopted - namely a single force - rather than case study as the [single] mode of inquiry (Yin, 2018). Multiple methods are utilised, sharing the same central research questions to collect complementary data, of which case-studies are one. This research design employs the use of five strands of empirical knowledge creation and knowledge exchange using a multi-dimensional approach (Bazeley, 2018b). These consist of interviews with professionals (police and third-sector practitioners); case studies; observations; case analysis of existing police data, and the creation of unique DVPN-O datasets. The case studies are embedded within observations and some of the semi-structured interviews, acting as a secondary supportive method within the primary qualitative strand. Whilst data collection was predominantly concurrent, the quantitative data does not depend on the results of the qualitative data and vice-versa.

Ultimately, a convergent, embedded and transformative research design was chosen (Jick, 1979; Bryman, 2016; Creswell and Plano Clark, 2018) underpinned by critical realism and feminist epistemology. Some of the research questions relating to the 'how' and 'what' are the same across the different components of data, for example, concepts of victim

‘willingness to support’ (or otherwise) a DVPN-O, multiple use of DVPOs, the policing of live orders and breaches. This facilitates direct comparison between participants perspectives (during interviews) and interpretations from the researcher’s standpoint to be able to give voice to the participants, as well as reporting on any statistical trends, convergence, divergence, contradictions or relationship between the components (Walklate, 2000). Whilst some of the data (components) were collected at a similar point in time, each component was analysed separately using independent techniques traditionally associated with it, before being merged (Bazeley, 2018a).

Although many convergent (as opposed to sequential) designs prioritise components equally (QUANT/QUAL), this study is qualitative-dominant in terms of volume of methods and is ‘qualitatively driven’ (Morse and Niehaus, 2009; Mason, 2006; Hesse-Biber, 2015). Case-studies and semi-structured interviews form the primary analytical core. This is reflected in the ethos behind the research questions which seek to learn more about social experience and lived realities around the DVPN-O phenomenon. Quantitative data provides complementary breadth to contextualise the qualitative findings. The data collection and sampling/selection processes are outlined further below. The convergent embedded research design and implementation sequence is illustrated in Figure 2. below [quan+(QUAL)+QUAL]:

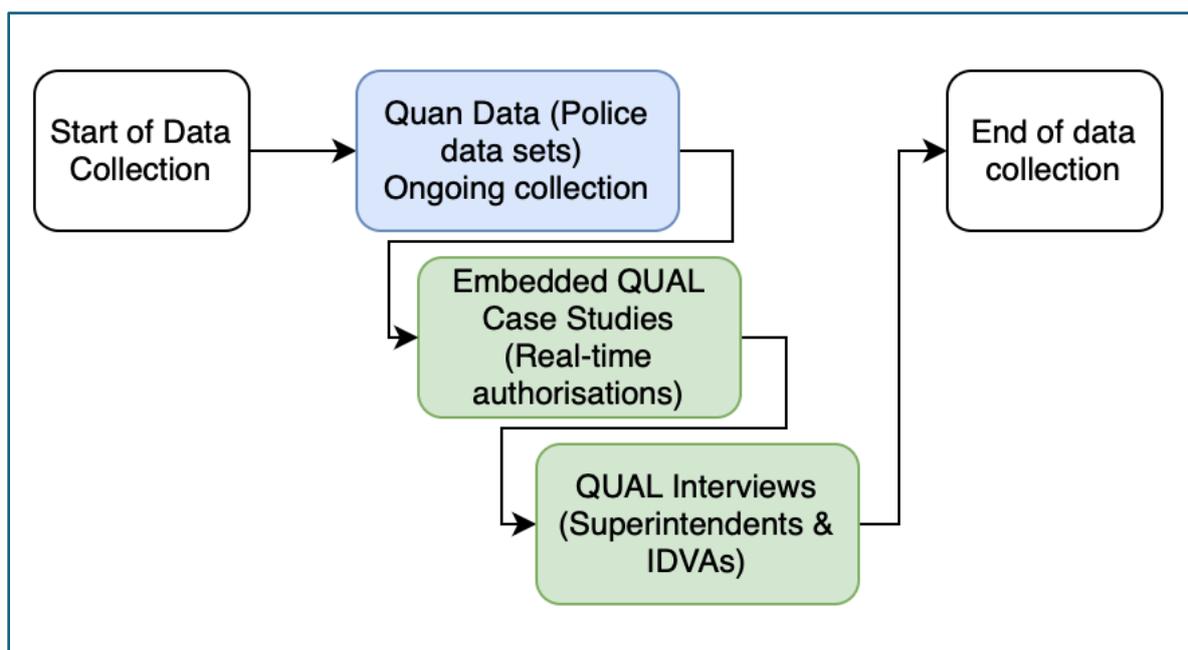
Figure 2: MMR design and implementation sequence. Adapted from Creswell Plano Clark (2011; 2018)



The above approach is chosen firstly because empirical data provided by the Home Office and HMICFRS does not present a complete picture of the DVPN-O phenomena and is often inaccurate, limited in scope and inconsistent. Official data sources show the variation in volumes of DVPN-Os issued throughout England and Wales and how some forces do not, or cannot, return basic information. In short, the data is unreliable. Although some basic regularities or patterns may be evident from available empirical data, there is a lacuna in its scope and utility. This illustrates the need for more expansive data to be in the public domain to gain an understanding of the extent of usage and whether the instrument is used appropriately.

Empirical data, interviews, and ‘real-time’ case studies were generated in this thesis. The qualitative case studies (appendices 10-19) operate as an embedded method within the MMR design and were developed during the observations of real-time DVPN authorisations, court observations and ‘live’ monitoring of the DVPOs through the police records management system (Niche). These findings are presented in Chapter Seven. Figure 3 below illustrates the data collection sequencing.

Figure 3: Data collection timeline showing sequence and overlaps.



## Data Collection Matrix

This research adopts a pragmatic approach of using different methods to address different elements of the central research question and sub-questions and will outline what was done when and why (Maxwell, 2013). The data collection matrix below provides an overview of which dataset speaks to which questions:

Table 3: Data Collection Matrix

Data Collection	Sample Size	Quantitative	Qualitative	Research Question
Original Police dataset (2019)	n=535	Yes		1, 1a
Additional variables [for unique Police dataset (2019)]	n=15	Yes	Yes	1, 1a, 1b
2020 Police dataset	n=440	Yes		1, 1a
2021 Police dataset	n=544	Yes		1, 1a
2022 Police dataset	n=205	Yes		1, 1a
Case Studies	n=16	Yes	Yes	1, 1a, 1b, 1c
Semi-Structured Interviews	n=17		Yes	1, 1a, 1b, 1c

One of the benefits of a MMR approach means the results are supported by multiple sources of evidence, aiding a more comprehensive understanding of the topic to try and see the phenomena in context.

## Research Setting and Context

Initially, the researcher was fortunate to have access granted to research in two police forces. However, upon development of the study's research questions, a decision was taken to narrow down the field of study to one force (Freyburn). It was felt little would be gained from comparing the data from two 'similar' yet unique autonomous institutions. Freyburn

was purposefully selected. The researcher considered it to be one of a handful of forces in England and Wales which can be described as a vanguard in DVPN usage<sup>75</sup> allowing for the examination of as many DVPN-O cases as possible to yield the highest success given the relatively small numbers of DVPN-Os issued nationally (Jorgensen, 1989; Patton, 2015). Furthermore, focussing on one site was more feasible in regard to the management of time and resources (Hedrick, Bickman and Rog, 1993; Maxwell, 2012). An additional contributing factor was an established and active 'evidenced based policing' (EBP) hub to facilitate knowledge and research exchange.

Freyburn serves approximately 1.5 million citizens and employs between five and ten thousand police staff across five geographical policing areas aligned with their respective local authorities. Census data reveals these five local authorities are in one of the highest population growth and density areas<sup>76</sup> in England and Wales (ONS 2022). The demographic breakdown consists of a majority white population (95%) with an average life expectancy of 79 years and average age of 40 years (Roskams, 2022). Employment statistics for the region indicate that 74% of the population aged between 16-64 are in employment, 4% are unemployed and 22% are classed as economically inactive<sup>77</sup> (Mayhew, 2022). In the year ending March 2022 there were just over 39,000 domestic abuse related incidents and crimes recorded in the Freyburn area. It has a significantly lower than national average arrest rate and a significantly high volume of DVA crimes resulting in evidential difficulties. Less than 10% of cases result in a charge or summons which is slightly above the national average; Freyburn is also responsible for approximately 6% of the national figure of DVPN-Os (Elkin, 2022; Jacobs, 2025). This force has made consistent use of DVPN-Os since the national roll out in March 2014.

During the research period the force dealt with some exceptional challenges including, but by no means limited to, the COVID-19 pandemic, several changes in senior leadership, continued modernisation of force estates and workforce, several very high-profile sporting

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<sup>75</sup> Identified from freedom of information requests to all 43 forces during unrelated research in 2017 and subsequent monitoring of HMICFRS Inspectorate reports thereafter

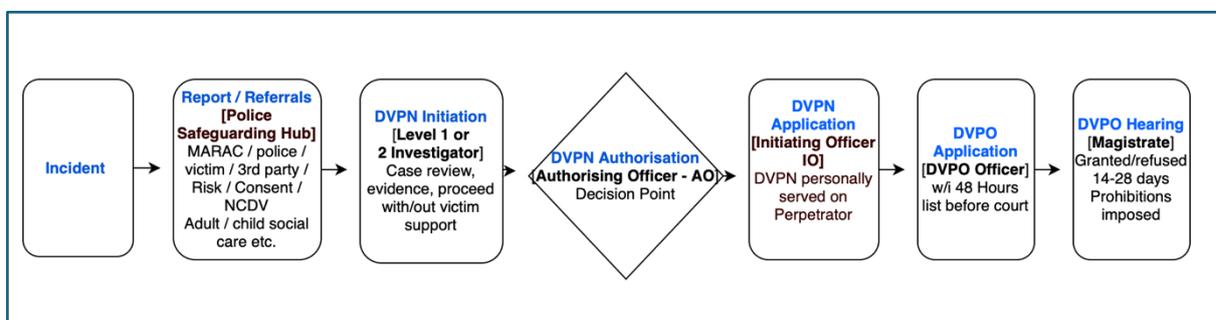
<sup>76</sup> The number of people who live within an area per square kilometre.

<sup>77</sup> People not in employment who have not been seeking work within the last 4 weeks and/or are unable to start work within the next 2 weeks (ONS, 2022). This includes people who are: students, retired, temporary and long-term sick, looking after family/home.

events requiring police presence and several extremely high-profile and tragic incidents of national newsworthiness. As is the case across many forces during such events, officers' rest-days were suspended, cancelled or re-instated where possible. Force resources were temporarily redeployed to provide visible reassurances to, and greater engagement with the public during these times. Operation Uplift, a national police officer recruitment scheme benefitted the force which received over 500 new recruits within the last two years.

Unfortunately, during the pandemic funding for the EBP Chief Inspector, Sergeant, Co-ordinator and Researcher roles was withdrawn and staff were re-deployed. Momentum around EBP waned prior to the commencement of the bulk of fieldwork, directly impacting the project through long delays and multiple changes in gatekeeper personnel. Violence against Women and Girls is a strategic priority for Freyburn aligning with the current Police and Crime Plan (2021-2025) set out by the local Police and Crime Commissioner (PCC). Figure 4 below provides an overview of the DVPN-O process in Freyburn presented stage by stage and by criminal justice actor involvement.

Figure 4: Overview of DVPN-O Process including actors involved in Freyburn.



## Data Collection Methods

### Quantitative Police Data

Obtaining the DVPN-O data was a protracted process. A data sharing agreement (DSA) was drafted and kept under review during the research period. The police capture, collate and store operational DVPN-O data in a standalone dataset operated by the DVPO officers. This impacted on the design and approach of the study. Once the DSA was in place, the original police DVPN-O data (2019-2022) was requested. Each year was individually cleaned and

exported from police systems. This involved over 1700 records. A unique dataset was then compiled with the first year's fieldwork data (2019; n=535). Additional quantitative and qualitative variables were manually mined, cleaned and exported from Niche. This was completed for one annual (2019) dataset given the labour intensity required for the manual harvest. The data from 2020-2022 was used to develop an understanding of the DVPN-O process as it evolved over a three-and-half-year period. In addition, multiple DVPN-Os were manually identified, linked then tracked over time (2019-2022). Each dataset was cleaned and analysed separately then combined to identify common themes and differences relevant to the research questions.

## Qualitative Case Study and Observation

Qualitative case-studies are often used to help evaluate programmes, develop theory and interventions. (Yin, 2018). This method is chosen to help develop insight into the DVPO intervention. Data produced can be investigated in the context in which it has arisen. An instrumental case study approach was adopted playing a secondary interest and supportive role to the other methods being deployed in the research, hence its embedded nature within the research design (Luck, Jackson and Usher, 2007; Stake, 1995). The purpose of the case studies is to observe everyday activities. Cases were followed through the whole system to gain insight into, and an understanding of a complex social process; how DVPN-Os are implemented in Freyburn. Data collection for the case studies involved [ongoing] preparation prior to entering the field which included the following (non-exhaustive) documentary evidence:

- Government DVPO Guidance 2016 & 2020
- Freyburn's DVPO Guidance and Process Map
- Freyburn's DA Policy
- Local policing protocol re DVPN-Os
- CPD PowerPoint – training materials
- Monthly audit: Dip Sample example [Excel]
- 'Bobby Proof' instructions for the DVPO officer role
- Superintendent aide memoirs 'stated case' and DVPN criteria
- Bank Holiday DVPN-O rotas
- SafeLives MARAC Repeat Criteria
- MARAC process [in research force] PowerPoint

Each observation became a case or unit of analysis (Patton, 2015). Each case study may or may not be typical of each other, however, the contexts, the process, and ordinary activities detailed within them are captured using a standardized proforma constructed prior to entering the research field (Appendix 10). The proforma was designed so data would be captured in a consistent manner, to act as a prompt in order to catch all necessary data and to try to eliminate the need to recontact individuals unnecessarily after the observations (Hedrick, Bickman and Rog, 1993). Any hunches or follow-up questions were noted (Luck, Jackson and Usher, 2007) to help the researcher in the next phases of the research.

The case studies add an additional layer of nuance to the quantitative data in relation to who is protected under the instrument and whether victims are supportive or not, in order to answer research questions on the 'how', 'what', and 'characteristics' of DVPN-Os by observing primary and secondary data sources over time, rather than focussing on prevalence data (Hedrick, Bickman and Rog, 1993). This enables the DVPN process to be examined through organisational data and through real-world research observation to gain a holistic perspective<sup>78</sup> (Yin, 2018) whilst complementing the semi-structured interviews on DVPN decision-making in Freyburn.

The majority of DVPN applications in Freyburn emerge following police arrest. Therefore, the initial research design considered observation of custody suites across Freyburn. However, given the unpredictability and uncertainty surrounding when a DVPN would arise the researcher considered it more realistic to try and shadow initiating officers when they were ready to apply for the DVPN. These officers largely consist of police support investigators (PSIs), specialist detectives with responsibility for vulnerability and/or domestic abuse<sup>79</sup> and custody detention officers (CDOs). However, additional scoping interviews revealed real-time shadowing of the DVPN application process from the initiating officers' perspective would be exceptionally challenging due to timing, capacity, and geographical reasons.

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<sup>78</sup> Whilst observing DVPN authorisations and court hearings, knowledge of 'multiple DVPO' usage became known. This prompted further investigation to see if the same phenomena could be observed in the headline quantitative police dataset between 2019-2022.

<sup>79</sup> Specialist-trained officers generally conduct better investigations of domestic abuse cases. There are currently national shortages of specialist detectives and demand is increasing rapidly in every area [HMICFRS, 2019. 'Police Response to Domestic Abuse: An update report'].

Following discussions with a Superintendent responsible for managing vulnerability across the force it was suggested observation of the authorising officer rather than the initiating officer could be more fruitful. Superintendents are purposefully selected to observe because they are a more 'fixed' entity (geographically) within the DVPN process and are deemed an information-rich source to illuminate the inquiry under investigation (Patton, 2015; Burton, 2017). Phase one of the DVPN-O involves the initial 'barring' by the police via the DVPN. Additional observations were organised to capture the court process. Phase two involves applying for a DVPO at the magistrate's court and policing the order thereafter, if granted. A DVPN may arise from any of the five geographical catchment areas however, all DVPO applications are heard centrally in the [Specialist Domestic Violence Court (SDVC)] magistrate court. The DVPO officer(s) were shadowed at court, and each case study was 'tracked' through the police IT system until the DVPO expired 14-28 days later.

As previously mentioned, a purposive sampling strategy was adopted for the case studies. This allowed for a sequential emergent-driven approach to unfold during the observation phase of fieldwork (Patton, 2015). Case selection consisted of any successful real-time observation within the catchment period<sup>80</sup> - this resulted in 13 DVPO observations at court. Additionally, three further cases were captured. Two resulted from Superintendent refusal of the DVPN authorisation - both incidents were referred to the CPS for a charging decision and followed through Niche to observe their outcomes. Finally, following a successful Superintendent authorisation the remaining DVPN had no DVPO application made to the magistrate's court due to internal administrative errors. In total, 16 case studies were captured. This data is presented in Chapter Seven.

Given the dynamic and agile nature of policing it was impossible to know when a DVPN authorisation would arise. Furthermore, given the seniority level and workload of each Superintendent it was not feasible to shadow a superintendent every day or during typical 'core' hours when meetings and operational issues needed to be prioritised between '9am-5pm'. To observe, liaise and interview the Superintendents their schedules were catered for.

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<sup>80</sup> Five-months.

As an 'intruder' into their world, the researcher made special arrangements to fit in with the field participants (Hedrick, Bickman and Rog, 1993). This included weekend and late evening contacts. On some occasions this involved observing a live DVPN in the police station late in the evening, returning home in the early hours of the morning, only to travel back into the field again a few hours later the same morning to observe the same case in court.

Observation of the DVPN authorisations required a lot of flexibility, however, the court observations were straightforward. DVPO applications are heard at 10am before the rest of the court list commences at 10:30am. Given the scheduled dates and times of the hearings, coupled with the opportunities to liaise with the DVPO officer the day before any hearing, these observations were unproblematic.

Niche entries in relation to the case studies and the policing of the DVPOs whilst 'live' were observed and mapped to generate a history of the journey each case took through the criminal justice system. Many of these case studies flow from the decision-making of a specific Superintendent participant. These observations provided a cornerstone for later discussions (interviews) with Superintendents around their authorisation decision-making. The case studies acted as a springboard for wider DVPN-O discussions and allowed participants space for post-authorisation reflection. The case studies were also useful in the semi-structured interviews with the specialist IDVA/Caseworker practitioners to see whether [dis]similar perspectives were shared. Analysis involved direct interpretation and cross-case comparison (Stake, 1995; Creswell and Plano Clark, 2018). The results are incorporated using thematic narrative (Braun and Clarke, 2006) in the qualitative findings chapters including the use of case study exemplars in Chapter Seven.

## Qualitative Interviews

Semi-structured interviews were chosen to enable some flexibility for the conversations to flow naturally around the topic discussions which included open ended questions. This approach helped build rapport and allowed for additional follow-up questions to unfold, to probe participants further when necessary. This format worked well with all the participants but especially well with the police Superintendents. The interview questions were not disclosed in advance. However, in the Superintendent interviews they were aware

questions would be asked about their decision-making on one or more of the DVPNs they had previously authorised.

Semi-structured interviews were conducted with 17 participants: six superintendents, eight specialist women's support practitioners, and three specialist domestic abuse police practitioners including DVPO officers. Interviews lasted between 37m –1hour 46 minutes. The average length of the interviews was 1h 16 minutes. Superintendents were questioned mainly around their attitudes towards authorisation, strategic use of the instrument, including whether DVPN-Os are considered an early intervention or a 'last resort', thoughts regarding victims being supportive/unsupportive and multiple DVPO usage. Third sector practitioners were questioned around their perceptions of the way DVPN-Os are used, what benefits and disadvantages they have encountered and how they have experienced the DVPN-O process. Additionally, any feedback from victim-survivors and specific experiences of DVPOs they had encountered was also shared. The DVPO officers and specialist police practitioner interviews were mainly focussed on policy, process, and procedure.

Most interviews were conducted using Microsoft Teams. On one occasion it was necessary to revert to a 'traditional' telephone method part way through the interview when internet connections became unstable. Potter (2017) and Lupton (2020) advocate the online space as a valid site to conduct research whilst cautioning there is no hierarchy in either space or approach. However, online methods can offer a potential solution when dealing with hard-to-reach and seldom heard participants whilst providing a mechanism to surmount face-to-face research through re-inventing 'traditional' methods. This approach was adopted to facilitate and continue fieldwork whilst restrictive lockdown measures impacted data collection (Lupton, 2020). Example interview schedules are detailed in Appendix 6, 7, and 8. All interviews were transcribed verbatim by the researcher and anonymised before data was analysed using reflexive thematic analysis (Braun and Clarke, 2021).

## Gatekeepers and Access

Gatekeepers are often necessary to help bridge the insider-outsider divide between participant and researcher. To gain access to the field in this research it has been necessary

to negotiate with multiple stakeholders. Inherent difficulties exist gaining and maintaining access to seldom-heard or difficult-to-reach participants (Sixsmith, Boneham and Goldring, 2003; Emmel et al., 2007; Bejinariu, Troshynski and Miethe, 2018; Reeves, 2010), and with gatekeepers in general (Clark, 2010). Additionally, gaining police access without prior established connections is also challenging (Fitz-Gibbon, 2014; Burton, 2017; De Camargo, 2022). Clark (2010), identifies challenges with gatekeeper engagement such as intrusion, risk and disruption, all experienced within this study.

Unforeseen access issues arose due to the COVID-19 pandemic which placed additional burdens upon policing and specialist domestic abuse women's sectors. The third sector experienced increased calls for service and increased demands on helplines and services resulting in a rapid transition to online operations (Pfitzner, 2020; Williamson, 2020; Davidge, 2020). Taking part in research was not a priority for either sector at this time given the stresses and burdens just outlined. Therefore, careful negotiations and crafting of mutually respectful access agreements to protect participants and the organisations required attentive rapport building to understand the needs and vulnerabilities of all parties involved (Wassenaar and Singh, 2016). In the third sector, one of the ways this was achieved was by speaking to strategic leads within the local councils responsible for DVA services such as Domestic Homicide Reviews (DHR's) and IDVAs. This allowed access to internal networks and specified contacts to be approached. Further discussion with these contacts led to the development of consent agreements to facilitate research and access to the field.

Gatekeepers can be internal-external or formal-informal (Reeves, 2010). In this research gatekeepers included Corporate Services Departments (CSD) and Evidence Based Policing Teams (EBP) to gain police access and vetting, third-sector specialist women's services, and community volunteer groups to enable the widest spectrum of opportunities to capture the required voices and data. Emmel et al. (2007) developed a gatekeeper typology consisting of formal, comprehensive and informal gatekeepers. Utilising Emmel et al's (2007) framework the matrix below provides an overview of the gatekeepers involved, mapped to the mechanism and data that access achieved. In summary, getting institutional access with the force was relatively straight forward however, maintaining access and managing

gatekeepers required navigating a long and winding path (Fitz-Gibbon, 2017). Gatekeeper discussions remained ongoing throughout the research (Maxwell, 2013).

Table 4: Gatekeeper and access to data matrix. Adapted from Emmel et al. (2007).

Gatekeeper (and data type requiring access)	Informal	Formal	Comprehensive
Corporate Services / Evidence based policing (EBP) <ul style="list-style-type: none"> <li>• Police Empirical Data</li> <li>• Force IT systems</li> <li>• Police Officers i.e. DVPO Officers/AOs</li> </ul>			X
Police Superintendents [AOs] <ul style="list-style-type: none"> <li>• Interview data</li> <li>• Other AO colleagues</li> <li>• Other specialist officers</li> </ul>	X	X	X
DVPO Officers <ul style="list-style-type: none"> <li>• Empirical Data</li> <li>• Interview data</li> <li>• Other DVPO Officers</li> <li>• Access to shadowing at court</li> </ul>	X	X	
Regional IDVA Managers <ul style="list-style-type: none"> <li>• IDVA Teams</li> <li>• Sharing participant 'Recruitment' posters</li> </ul>			X
IDVAs <ul style="list-style-type: none"> <li>• Interview data</li> <li>• Potential victim-survivor participants</li> <li>• Other IDVA colleagues</li> </ul>	X	X	X

## Participant Recruitment: IDVA/Caseworkers

Victim advocacy and support is credited with improved outcomes in the criminal justice system for survivors (Bates et al., 2018; Robinson, 2009) especially those seeking protection orders (Bejinariu, Troshynski and Miethe, 2018). High-risk DVPOs are automatically referred into the MARAC process, therefore specialist support service practitioners such as Independent Domestic Abuse Advocates (IDVAs) and specialist caseworkers were contacted. Scoping interviews with three strategic operational managers across two boroughs led to the recruitment of eight IDVAs across four local authorities. The fifth local authority were on-board with the research at the senior strategic level; however, this did not translate into any interviews at the operational level. All the IDVAs/Caseworkers were self-selecting, having been furnished with the study details and asked to contact the researcher directly if interested in taking part.

Table 5: Participant demographics - Third Sector

IDVA (n=8)	AREA	SEX	ROLE*	RISK LEVEL AND YEARS EXPERIENCE
IDVA1	2	Female	IDVA	HIGH 7 Years
IDVA2	2	Female	IDVA	REFUGE 2 Years / HIGH 16 Years
IDVA3	5	Female	IDVA	HIGH 8 Years
IDVA4	5	Female	IDVA	HIGH 8 Years
IDVA5	3	Female	IDVA / Outreach	HIGH 12 Years / MEDIUM-LOW 1 Year
IDVA6	4	Female	Outreach/IDVA	MEDIUM-LOW 3 years / HIGH 3 Years
IDVA7	4	Female	Outreach / IDVA	MEDIUM-LOW 2 Years / HIGH 1 Year
IDVA8	4	Female	Outreach	MEDIUM-LOW 6 months

\* [only] IDVAs attend at MARAC

## Participant Recruitment: Superintendents

Superintendents provide specialist functions on various operational rotas such as hostage negotiation, firearms command, public order command and senior investigators.

Additionally, Superintendents may be rostered to provide general 'authorisation' cover by virtue of their rank which grants them certain legal powers. The Police and Criminal Evidence Act (PACE:1984) contains the codes of practice of the core framework of police powers and safeguards around stop and search, arrest and detention, investigation, identification and interviewing of detainees. Within this framework some procedures are

rank specific, for example, an officer of at least the rank of Inspector can authorise intimate searches. Whereas an officer with the rank of Superintendent or above can authorise the continued detention without charge of a person for up to 36 hours in police custody. Following the introduction of the CSA 2010 DVPN authorisations were incorporated into existing PACE practices. A DVPN can only be authorised by an officer of rank of Superintendent or above (Home Office, 2016b).

The way DVPN authorisations operate in Freyburn, and other forces, is at any given time, one Superintendent has responsibility for authorisations on what is known as 'duty PACE cover' which is force wide and operates 24 hours a day. These shifts are split into 'days' (07:00-15:00) and 'lates' (15:00-23:00) which also includes being 'on call' (23:00-07:00) overnight. The policy in Freyburn is that once an officer is contemplating a DVPN application, early contact with the duty PACE Superintendent to inform them of a possible DVPN authorisation is required. Superintendents in Freyburn were recruited through a mixture of purposeful selection due to operational position in the organisation and availability (Maxwell, 2012). This occurred either via a direct approach from the researcher whilst conducting their duty PACE cover (Burton, 2017), or through 'snowballing' via introductions orchestrated by Superintendents with other Authorising Officers.

The demographics of the AO participants are illustrated below. Many of the Superintendents had decades of service within policing. The number of years at the rank of Superintendent is illustrated. Some Superintendents were situated in specific operational areas; others had central portfolios of business. Backgrounds included: local policing, professional standards, investigations, public protection, violence reduction, training, and crime intelligence. In total, six Superintendents were interviewed from Freyburn. According to the organisational chart on Freyburn's intranet outlining the number of permanent, temporary and acting Superintendents, this research captured approximately 20% of Superintendents in force.

Table 6: Participant demographics - Police Superintendents.

Superintendents (n=6)	AREA	SEX	Experience at level of Superintendent
A02	5	Female	<1 Year
A03	1	Male	<5 Years
A04	5	Male	<8 Years
A05	2	Male	<4 Years
A06	5	Male	<1 Year
A07	5	Female	<1 Year

## Participant Recruitment: Specialist Police Officers

Directly engaging with practitioner’s individual decision making, post-reform, can reveal legislative impact and any gaps in practice (Fitz-Gibbon, 2017). During the research period several scoping interviews were conducted with domestic abuse officers in specialist roles directly related to DVPOs from various police forces across England and Wales. In Freyburn, the domestic violence protection order (DVPO) officers were spoken to at length and shadowed on numerous occasions with formal and informal interviews conducted with them at various stages of the research. These officers were directly approached given their unique and specialist position within the organisation and in the DVPO process.

A mini group interview with two DVPO officers was conducted remotely to reduce abstraction time and conserve resources for the officers’ and the force. The role of the two DVPO officers has recently<sup>81</sup> been expanded with the advent of Stalking Protection Orders (SPOs) following the introduction of the Stalking Protection Act (2019). The DVPO officers also act as a single point of contact (SPOC) and triage SPO applications before they go to the force solicitors. Of interest, limited numbers of SPOs had been applied for in Freyburn;<sup>82</sup> of the few that have, the DVPO officers noted many had also been perpetrators in receipt of a DVPO(s). Reinforcing justification for the need to carefully analyse serial/repeat offending and the issue of multiple DVPO usage. Additionally, DVA detectives, specialist safeguarding officers and the force solicitor were also engaged in the informal/formal research process. Table 7. below illustrates the demographics of these officers in Freyburn.

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<sup>81</sup> Since January 2020

<sup>82</sup> As of June 2021

Table 7: Participant demographics - Specialist DVA Officers (including DVPO Officers).

Specialist Police Officers' / Staff (n=3) *	FORMAL INTERVIEW *	SEX	Experience in Specialised role
DVPO 0	NO	Male	>7 Years
DVPO 1	YES	Female	>7 Years
DVPO 2	YES	Female	<2 Years
DVPO 4	NO	Female	<1 Year
DVPO 5	NO	Male	<1 Year
SDAO3	YES	Male	>20+ Years
Force Solicitor	NO	Male	n/k

\* DVPO officers represent the role over the research period, including officers who provide cover when the main DVPO officer/s is/are absent (those who provide cover were not formally interviewed). DVPO officers operate force wide.

## Quantitative Data Analysis

Working with police data is messy (Brimicombe, 2016; HMIC, 2017; HMICFRS, 2020). This study involved empirical data made available to, and curated by, the researcher during fieldwork (see Table 8 below). The acquired normalised data tables contained numerical and textual data, both were examined, cleaned and transformed where necessary (Kirk, 2019). The force case management system (Niche) was used to cross-reference and fill in some of the missing or partial data from the standalone Excel spreadsheets. On occasions data was held in tension within the different recorded elements of the niche system. For example, entries on the occurrence enquiry logs (OELs), DVPN-O proformas, 'gatekeeper' paperwork, and outcome finalisations conflicted within the same records.

Sensitive details such as perpetrator and victim names, dates of birth and addresses, authorising and initiating officers' names, and other sensitive details in free-text fields were identified and removed. A codebook was kept logging the data decisions taken whilst cleaning and analysing the data. Fieldnotes were taken and systematically catalogued to add supplementary information to enrich the data sources and further understand processes, protocols and behaviours (Schwandt, 2015; Lareau, 2021).

Table 8: Schedule of quantitative datasets captured during the research in Freyburn

ID	Dataset Description	Origin	Source
1	2019 Police DVPN-O Excel Dataset (12 months)	Extracted from the force DVPN-O dataset [2014-present]	Secondary
2	2020 Police DVPN-O Excel Dataset (12 months)	Extracted from the force DVPN-O dataset [2014-present]	Secondary
3	2021 Police DVPN-O Excel Dataset (12 months)	Extracted from the force DVPN-O dataset [2014-present]	Secondary
4	2022 Police DVPN-O Excel Dataset (6 months)	Extracted from the force DVPN-O dataset [2014-present]	Secondary
5	2019 Additional [un]structured variables Excel Dataset	Manually extracted from Niche by researcher	Secondary
6	2019 Original DVPO Excel Dataset	Curated by researcher	Secondary
7	2019 Case analysis	Researcher fieldnotes	Primary
8	2019-2022 Multiple DVPO usage Excel Dataset	Curated by researcher	Secondary

Computer software, ‘Statistical Programme for the Social Sciences (SPSS)’ version 25 was used to provide descriptive statistics to determine the general trends in the data and make comparisons within and across datasets. Integration of the quantitative data is presented throughout the finding’s chapters, primarily in Chapter Four.

## Qualitative Data Analysis

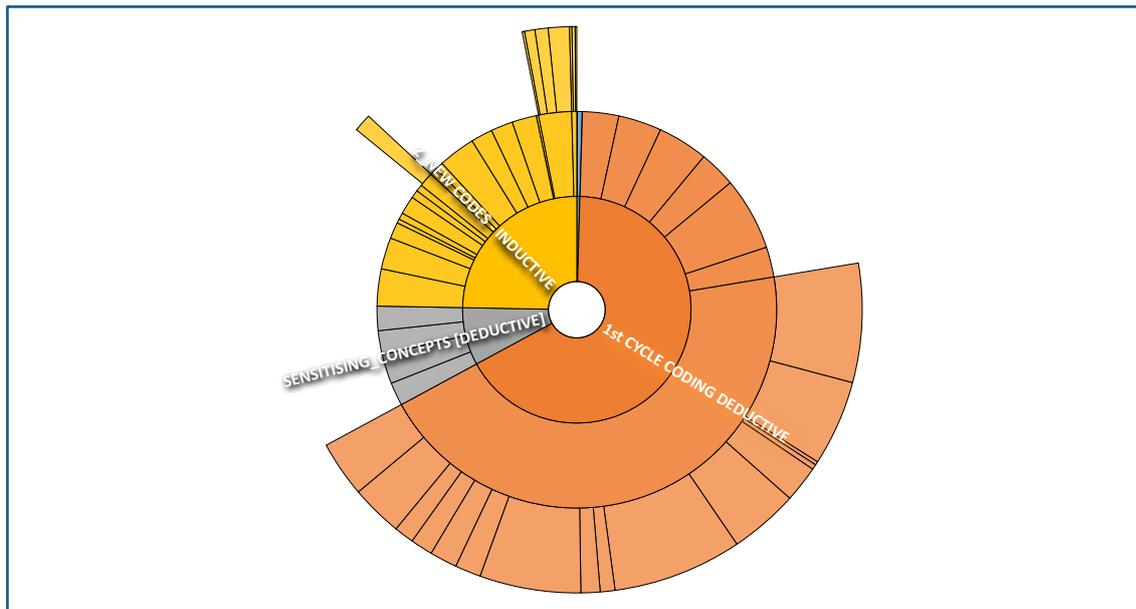
Reflexive thematic analysis [RTA] (Braun and Clarke, 2006; 2019; 2022b) is chosen for its alignment with qualitative analysis (Tracy, 2010; Byrne, 2021) and its theoretical flexibility (Finlay, 2021; Braun and Clarke, 2022a). RTA aligns with a feminist framework which is seeking to understand and make sense of the structural, symbolic and power relations across different criminal justice actor’s experiences of the DVPN-O process, whilst trying to

make sense of the variation in usage (Collins and Bilge, 2016; Phoenix, 2006). RTA also acknowledges subjectivity and situatedness of the researcher within the research process consistent with transformative feminist praxis (Berger, 2015; Finlay, 2021).

Braun and Clarke (2006; 2013; 2021) have developed a six-phase approach to doing thematic analysis: familiarisation with the data; generating initial codes; generating themes; reviewing potential themes; defining and naming themes and producing the report. Braun and Clarke's approach is used to inform and shape the qualitative analysis undertaken here. First, the semi-structured interviews were transcribed verbatim by the researcher to aid familiarisation with the data. Secondly, initial coding consisted of both inductive and deductive approaches. During the first-cycle two elemental methods (In-Vivo and Process coding) and two affective methods (Emotion and Versus coding) were adopted (Saldana, 2016). The rationale for choosing these initial coding procedures, and the analytical method, centred around the relative inexperience of the researcher, the project being conducted solo and a desire to get closer to the data within the timeframe allowed, with the resources to hand, whilst working in an organised and recordable way (Hedrick, Bickman and Rog, 1993; Bazeley, 2013).

The initial first-cycle codes were used inductively in an open-coding manner to see what arose from the data. Simultaneously, structure was added to the beginning of the coding process through deductive codes which took the form of three sensitising concepts arising from engagement with the literature: positive action; space for action and participant experiences, a further sensitising concept: access to justice developed following numerous scoping interviews. These deductive codes acted as an interpretative lens to begin to make sense of the data (Braun and Clarke, 2022b). The main interview questions were also used deductively to provide a scaffold to aid development in shaping initial consensus or divergence within the data. Further inductive codes were developed during the subsequent coding cycles as coding moved from surface level semantic codes to more latent codes capturing less description and more implicit meaning not explicitly stated (Terry et al., 2017).

Figure 5: Initial First Cycle Coding Sunburst Map produced in NVivo 12.



First cycle coding was conducted using NVivo12 (for Mac). During first cycle coding a focused reflexive thematic analysis (RTA) approach was adopted to explore the data for patterned meaning (Braun and Clarke, 2006; 2019; 2022b; Miles, Huberman and Saldaña, 2020). Each participant’s transcript was coded individually and systematically giving full and equal attention to each data item whilst identify elements of interest which could form the basis of themes across the datum (Braun and Clarke, 2006; Nowell et al., 2017). Second and third-cycle coding commenced focussing on parsing out from the initial coding more fine-grained codes. These were then reduced into fewer more meaningful codes representing the essence of the data more closely, in alignment with the analytical interest of the research questions (Braun and Clarke, 2013). This involved a subjective, ongoing iterative approach of revisiting the first and second-cycle coding numerous times to gain a detailed emersion with the data.

Second and third cycle coding moved away from using NVivo12 to a hybrid approach involving printed and digital transcript data, highlighters, and ‘post-its’ whilst also adding the codes as ‘comments’ in Microsoft Word versions of the transcripts. This move was transformatory to the analytical process. Returning to more ‘traditional’ or ‘low-tech’ methods of coding enabled a shift from codes lumped into broad semantic digital containers (nodes in NVivo 12) to be explored at a more visceral, creative and organic level – capturing

what Finlay (2021) reports as ‘systematically and intuitively involving both ‘craft’ and ‘graft’ (Finlay, 2021:106). This switch allowed for an initial sweep of coding, primarily by interview questions, using NVivo, followed by a second and third (manual) sweep of the data by participant and sensitising concepts, to allow for a deeper engagement with the datum.

Annotated sections of transcripts were visualised on paper to help cluster codes with similar patterned meanings to generate initial candidate themes looking for commonality, difference and relationships within and across the datum (Gibson and Brown, 2009; Braun and Clarke, 2022b). Illustrated below in Figure 6. Following initial candidate theme mapping, the relevant data segments were catalogued in Microsoft Excel. The candidate themes were actively worked and woven together, and overarching themes were developed and refined to contain distinct central organising concepts (Clarke, Braun and Gray, 2017; Braun and Clarke, 2019). Appendix 1 illustrates the reflexive thematic analysis framework mapping.

Figure 6: Photographic image of second and third-cycle [manual] coding approach.



## Data Integration: Complementarity

The point at which the quantitative and qualitative data are 'mixed' (Creswell and Plano Clark, 2018), 'integrated' (Tashakkori and Teddlie, 2003) or 'combined' (Bryman, 2016) is often referred to differently in the literature. A straightforward framework for combining data is helpfully laid out by Greene et al. (1989), who highlight five principal techniques: triangulation; complementarity; development; initiation and expansion. [See Creswell and Plano Clark (2018:54-57) for a more in-depth framework]. Triangulation is often the most cited integration process, followed by complementarity. However, both are contested for being confused in practice, namely whether used for validity or knowledge generation purposes, or confused in motivation for adopting in the research design initially (Morgan, 2006). This study uses 'complementarity' given the priority and sequence decisions chosen. Qualitative methods are the principal data gathering tool contrasting with the strengths of quantitative methods to complement each other [quan+(QUAL)+QUAL].

Elements of integration occurred during data analysis but mainly throughout the interpretation stages (see Figure 2 above). Integration involved merging the results from the quantitative and qualitative data so that a comparison can be made and a more complete understanding emerges than that provided by the quantitative or qualitative results alone before drawing inferences (Teddlie and Tashakkori, 2009; Creswell and Plano Clark, 2018). The analysis of each dataset involves looking for common concepts across the results and determining in what ways the results confirmed, disconfirmed or expanded each other in a simultaneous integration (Morse and Niehaus, 2009). The analysis' are represented through the presentation of quantitative data and narrative data in the findings chapters, before being interpreted further in light of the research questions in the discussion chapter (Creswell and Plano Clark, 2018; Terry et al., 2017; Braun and Clarke, 2013).

## Ethics & Data Management

Approval for the research was granted by Lancaster University's Faculty of Social Science (FASS) Ethics Committee. Participant information sheets, interview guides, and participant consent forms (Appendices 2-8) were agreed prior to commencement of the research and

ethics remained an ongoing concern throughout. Vetting and data sharing protocols between Freyburn and the researcher were established prior to the start of fieldwork. The researcher was granted Level 3 vetting which allowed access to the police case management information system and access to the dataset originally requested. An encrypted police force laptop later allowed remote access to force systems using secure passwords.

Several ethical dilemmas arose during data collection. For example, Niche is a 'live' system. Whilst matching DVPN occurrence numbers to their index offences, and having several tabs open on screen at once, the inevitable wrong press of a button whilst working quickly between screens occurred. On three occasions this left my digital fingerprint upon the system which included my name and user ID on an occurrence entry log (OEL). There is no way for the end-user to delete the entry created. I contacted the force IT helpdesk each time to inform them of the issue. Interestingly, there were varied responses: 'no problem, we have deleted the record' and 'no problem, we have logged the error it cannot be deleted due to national recording practices.' The latter record serving as a permanent reminder of my presence in the field.

Additionally, there were a couple of instances when I had to think about whether to ethically, as a non-participant observer, raise something with the police. For example, in Case Study One when no DVPN task had been sent to the DVPO officers and no DVPO was subsequently issued. Or when I had spotted an error on some paperwork just before a court hearing and was considering whether to let 'nature take its course' and remain detached and outside the everyday process as it unfolded. This highlights how the researcher's position can shift during the research process, and the fine line between ethics and bureaucracy (Berger, 2015).

Multiple methods generated multiple forms of primary and secondary data which required cataloguing, managing and storing. The police raw quantitative data was anonymised 'in-house' on force systems before being authorised and cleared, in accordance with the data sharing agreement, to be transferred securely to the researcher where it was stored in the university's 'OneDrive' secure cloud storage. A separate codebook was generated to manage the cleaning and analysis of each year of quantitative data. A schedule of the

agreed original and additional variables contained within the unique 2019 dataset can be viewed at Appendix 9. In relation to the observations a case study protocol was drafted by the researcher to manage and structure the data collection process and aid consistency during fieldwork. This includes ensuring the necessary collection and storage of data, paperwork, managing issues such as participant safety (i.e. consent protocols) and researcher safety to and from the fieldwork sites.

Interviews were largely audio-visually recorded through Microsoft Teams. All were transcribed verbatim, and a unique identifier assigned to each participant. Once transcribed the audio-visual data was deleted. All transcripts were added into NVivo 12 for data management and analysis. Weekly backups were made of NVivo whilst coding or prior to any major anticipated changes of coding structures. These were copied and stored in the university cloud storage. The master quantitative dataset, individual case studies, participant transcripts and any outputs are stored in the university's secure cloud storage to enable longevity in their use in accordance with the specified retention period detailed in the informed consent signed by each research participant.

## Chapter Summary

This chapter outlines the methodological foundations of the study, detailing the aims, research questions, philosophical framework and the rationale for the adoption of a qualitatively driven mixed-methods design. Anchored in a critical realist ontology informed by feminist epistemologies, the chapter demonstrates how the research facilitates an exploration of both the structural and experiential operationalisation of domestic violence protection notices and orders (DVPN-Os) in Freyburn. This chapter addresses issues of positionality, gatekeeping, ethical integrity and data management shaped by methodological choices with the intention of interrogating institutional power and improving policy and practice for those whose voices are often seldom heard. The following four chapters present the thesis findings, starting with the quantitative police data next.

# CHAPTER FOUR: EMPIRICAL DATA - DVPN-O CHARACTERISTICS

## Introduction

There is currently no robust data on Domestic Violence Protection Notices and Orders (DVPN-Os) in England and Wales (Elkin, 2022; Jacobs, 2025). Existing evaluations, such as the Home Office pilot (Kelly et al., 2013) are limited in scope and now a decade old. To date, little is known about how DVPN-Os operate in practice across different victim–perpetrator dynamics, the extent to which they are supported by victims, or how multiple orders are used. This chapter addresses that gap by presenting detailed analysis of DVPN-Os within a metropolitan police force (Greater Freyburn Police; Freyburn hereafter).

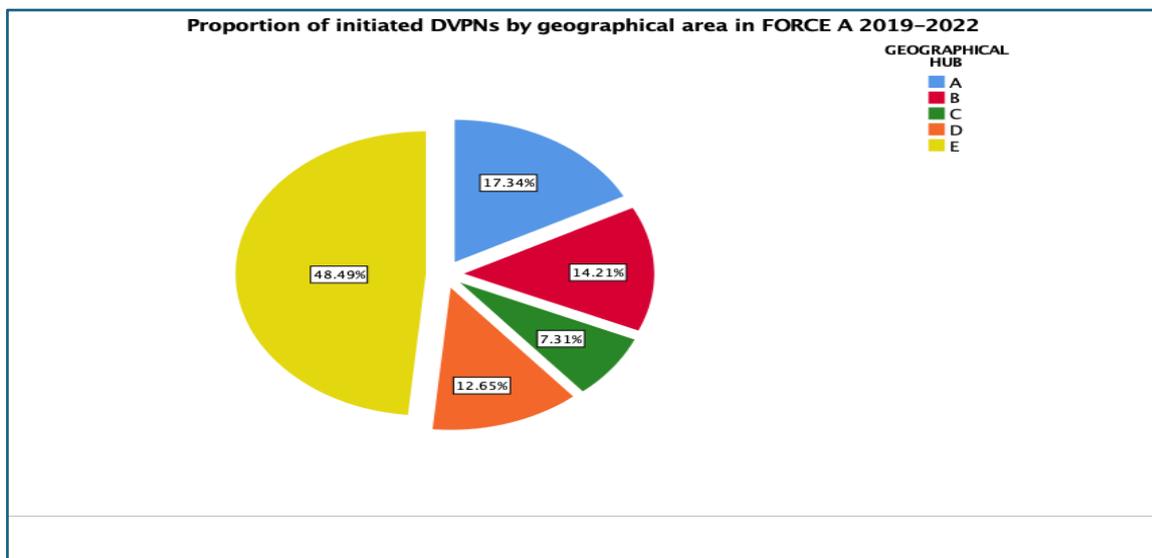
The chapter draws on two datasets. First, headline data collected by the force between 2019 and 2022, which provides top-level broad trends on age, order duration, breaches, and sanctions. This data also allows for novel analysis of multiple DVPO usage to be conducted. Second, a curated dataset for 2019, manually linked from non-extractable sources within the police case management system to existing standalone data. This ‘deep dive’ allows for richer insight into gendered dynamics, familial versus intimate partner use, offence types, risk profiles, and attrition. It also captures, for the first time, data on victims’ willingness to support an order (and the differences between intimate and familial samples), and novel findings on orders used in familial abuse (such as identifying child-to-parent violence and older abuse). Together, these analyses provide what is believed to be the most detailed picture to date of how DVPN-Os are operationalised in practice.

In doing so, the chapter makes three key contributions. First, it extends and updates earlier studies by offering a larger, more diverse dataset that includes same-sex couples, multiple DVPO usage, and intra-familial cases. Second, it demonstrates the importance of recording victim willingness to support, revealing significant differences between intimate partner and familial cases. Third, it questions existing assumptions about effectiveness - showing that orders are often used in specific [narrow] ways. Furthermore, when used multiple times, i.e. with ‘chronic offenders’, DVPN-Os often have higher breach rates. This chapter empirically addresses research questions 1 and 1a.

## Headline data: 2019 - 2022 (N=1724)

Descriptive statistics are presented from the DVPN-O data captured by the police between January 2019-June 2022. Freyburn is a metropolitan force comprising of several different geographical hubs of varying sizes. Figure 7 below illustrates the volume of DVPNs initiated across each area. Area E obtains nearly half of all initiated DVPNs and, whilst not the largest geographical policing area, it is the busiest in terms of volume of crimes dealt with across the force<sup>83</sup>. However, there is still variation in DVPN-O usage across the rest of the areas.

Figure 7: Proportion of initiated DVPNs by geographical area in Freyburn 2019-2022



Headline data is presented below in Table 10, which illustrates the number of DVPNs initiated - where it has been recorded an officer has approached a Superintendent for a DVPN consideration; the number of DVPOs granted by the court (and the percentage of 'successful' DVPN applications which are ratified). By default, this data reveals the rate of attrition<sup>84</sup> during the process. In addition, the table also illustrates the volume of DVPOs which have recorded breaches and finally, the distribution of risk profiles assigned to the DVPN-Os over the three and a half-year period.

<sup>83</sup> Area E was densely populated and covered a city centre.

<sup>84</sup> Attrition in the context of DVPN-Os is the number of cases falling out of the process between DVPN consideration and court ratification of a DVPO.

Table 9: DVPNs initiated; DVPOs granted and breached, and risk profiles between 2019 and 2022

YEAR	DVPN INITIATED*	DVPOS GRANTED (% ratified)	NO. OF DVPOS BREACHED (% Breach rate)	RISK GRADINGS
2019	535	480 (89%)	103 (22%)	Standard 21% Medium 37% High 42%
2020	440	403 (92%)	103 (26%)	Standard 13% Medium 53% High 34%
2021	544	511 (94%)	104 (20%)	Standard 12% Medium 53% High 35%
2022 **	205	192 (94%)	35 (18%)	Standard 15% Medium 51% High 34%
TOTAL	1724	1586 (92%)	345 (22%)	Standard 15% Medium 48% High 37%

\* Data includes intimate and familial DVPN-Os

\*\*Jan to June 2022

The data above illustrates the majority (42%) of cases were risk assessed as ‘high’ in 2019. Whereas in subsequent years, most DVPN-O cases have a ‘medium’ risk profile assigned – a trend that appears to be consistent over time thereafter. This is interesting given the level of risk assigned a case has serious resource implications for a victim, the police, and policing partners (Myhill, Hohl and Johnson, 2023; Turner, Medina and Brown, 2019).

### 2019-2022: Age

The perpetrator and victim age ranges are illustrated in Figures 8 and 9 below. The bulk of the data sits within the age span between 26-50 for perpetrators and victims. Whilst both are similar in terms of distribution there are more elderly/older<sup>85</sup> victims (n=274) than elderly perpetrators (n=253) – explored further shortly. Another interesting feature shows some children were named as a protected person in their own order rather than considered within a parent/caregiver’s application. The criteria for a DVPO to be issued is a perpetrator must be aged 18 or older (Home Office, 2016b). However, there is no stipulation on the age

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<sup>85</sup> ‘Elderly’ is a contested term - for these purposes it is delineated at 50 years or older see Bows, (2018).

of the 'protected person'.<sup>86</sup> In Freyburn some DVPN-Os were issued when young children and teenagers were named as the primary protected person in an order.

Figure 8: DVPN-O Perpetrator age groupings January 2019-June 2022.

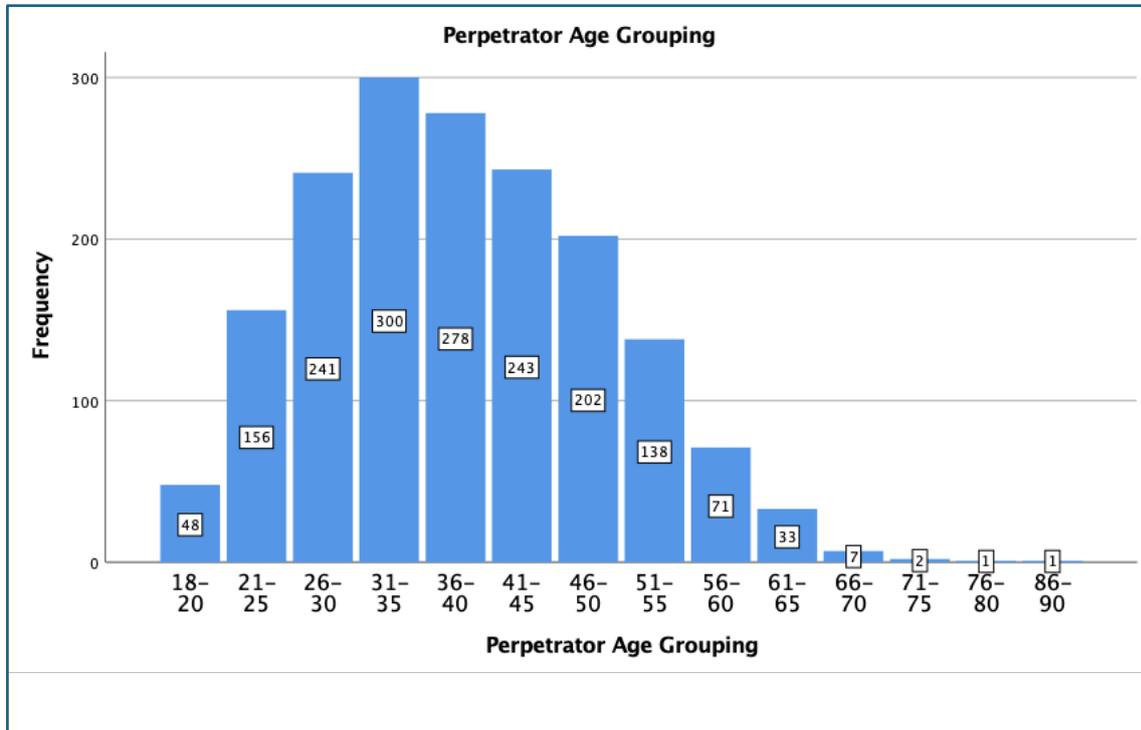
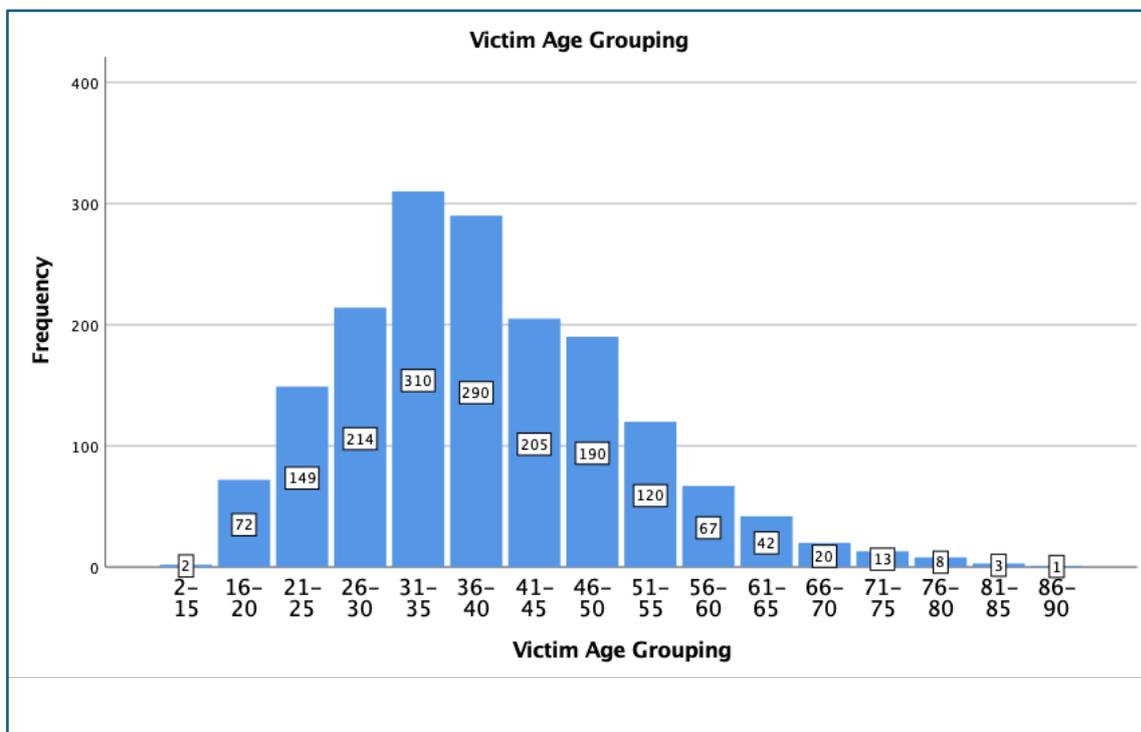


Figure 9: DVPN-O Victim age groupings January 2019-June 2022

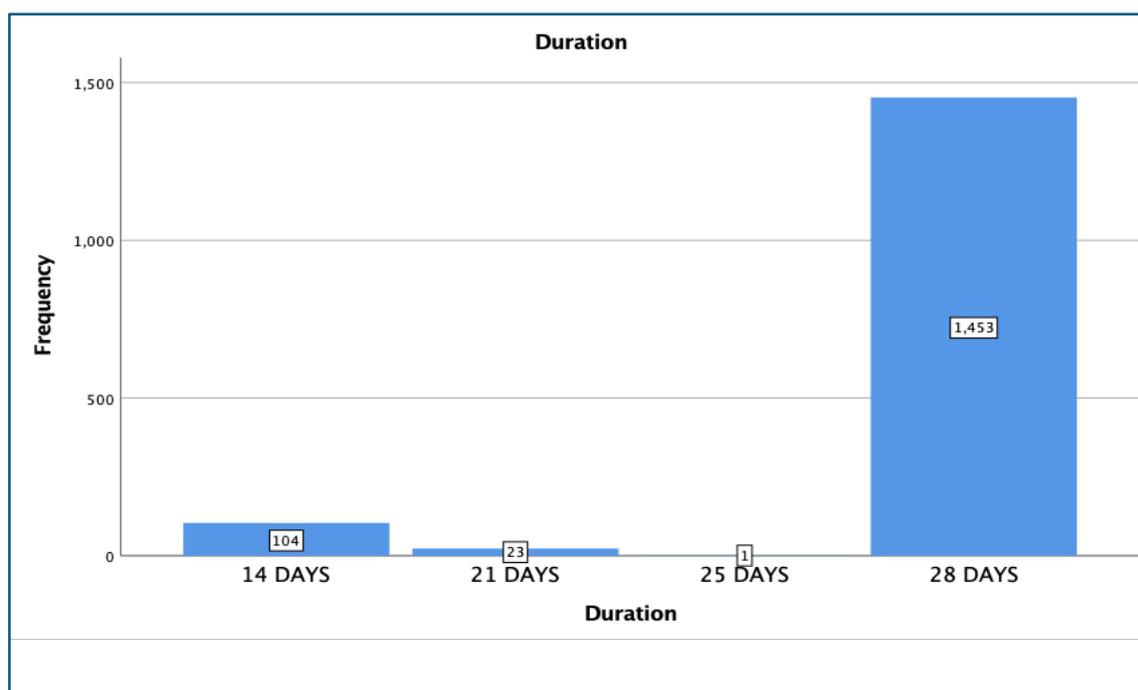


<sup>86</sup> This is set to change under the new DAPO regime, whereby a victim of DVA will be aged 16 or above.

## 2019-2022: Order Duration

Figure 10. below illustrates DVPOs in Freyburn are mainly granted for the full 28 days (91.9%; n=1453).

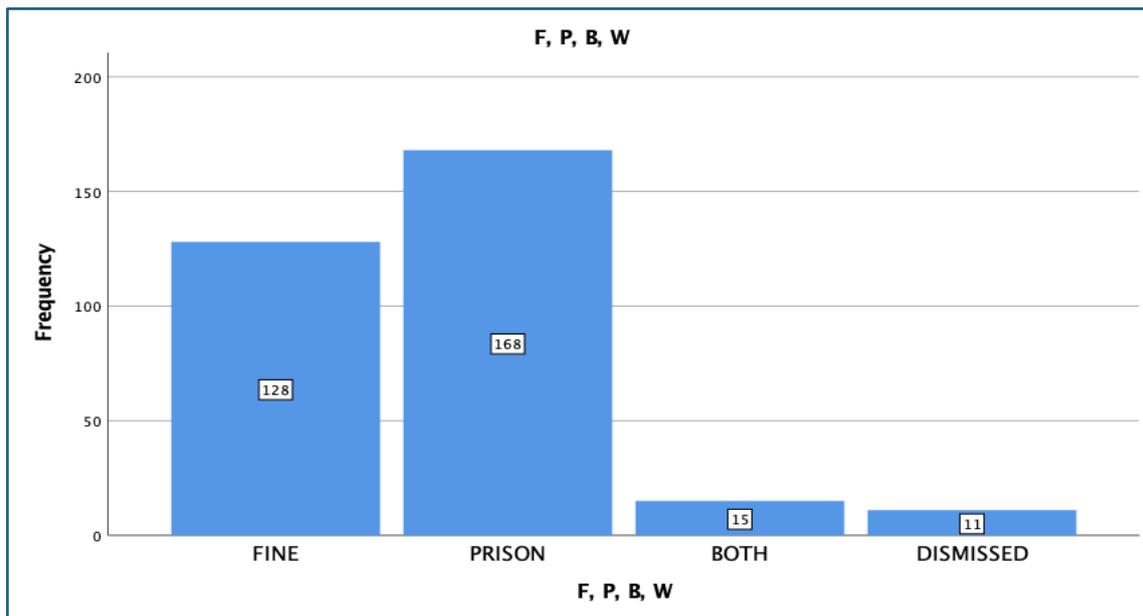
Figure 10: Duration of DVPOs between 14-28 days between January 2019-June 2022



## 2019-2022: Breaches and Outcomes

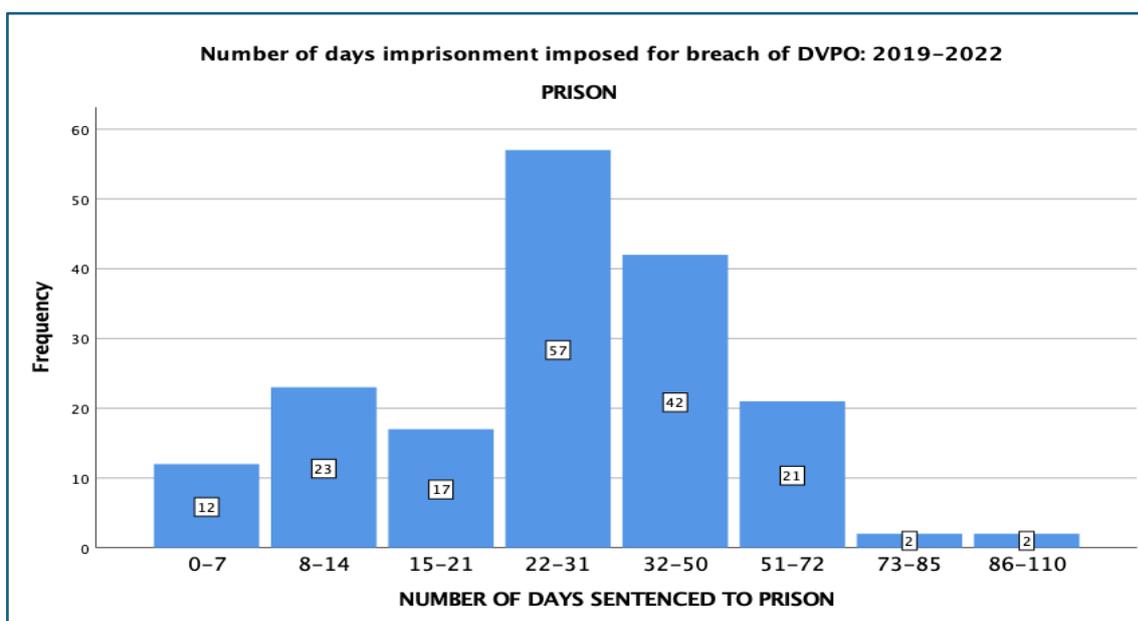
In Freyburn, between January 2019-June 2022 less than 3% (n=40) of DVPOs were identified as breached compared to 22% (n=345) of DVPOs. This equates to 1 in five DVPOs being breached. Figure 11 below illustrates how those breaches were dealt with: fine, imprisonment, both or withdrawn/dismitted. Most breaches (52.2%; n=168) received a custodial sentence. Standalone fines were issued in 39.8% (n=128) of cases.

Figure 11: How breaches were dealt with in Freyburn between January 2019 – June 2022.



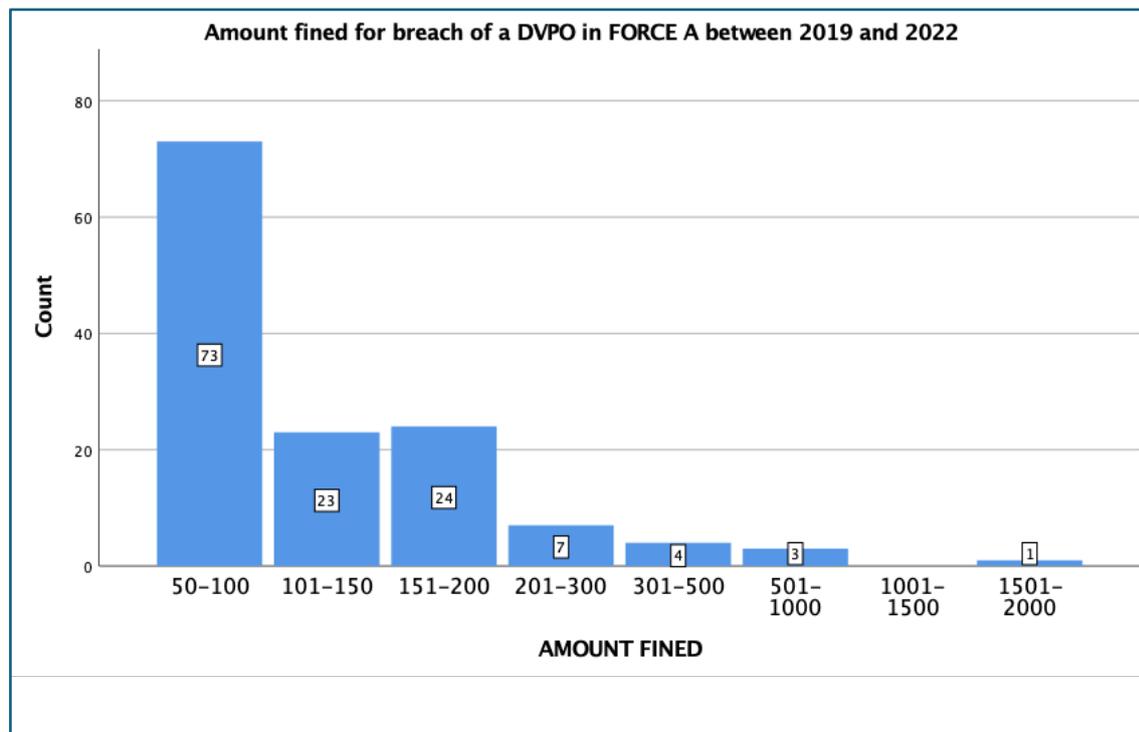
The prison sentences imposed illustrated below in Figure 12 ranged between 0-7 days and 86-110 days. Breach of a DVPO is a civil contempt of court punishable by up to two months imprisonment, a maximum fine of £5,000, or both. Some of the perpetrators breached their DVPO more than once and were sentenced to the maximum imprisonment term for each breach. The majority (32.4%; n=57) of perpetrators getting a custodial sentence for their breach received between 22-31 days imprisonment closely followed by those who received 32-50 days imprisonment (23.9%; n=42).

Figure 12: Details of DVPO breaches resulting in imprisonment between January 2019 – June 2022



Perpetrators who received fines were ordered to pay between £50-100 and £1501-2000 illustrated below in Figure 13. The majority (54%; n=73) of perpetrators were fined between £50-100. Overall, 88.9% of perpetrators were fined £200 or less.

Figure 13: Details of DVPO breaches resulting in fines between January 2019 – June 2022



### 2019-2022: Multiple DVPOs

Novel data analysis on multiple DVPO use during 2019-2022 is presented below. Two of the perpetrators in the 16 case studies observed by the researcher (presented in Chapter Seven) involve perpetrators who had received significant numbers of prior DVPOs. This emergent phenomenon prompted further investigation of the police quantitative data and strengthens the rationale for adopting a mixed methods research (MMR) design. In Freyburn, the majority of DVPO recipients receive one DVPO (85%). However, a small but significant number of DVPOs were issued multiple times to the same couples, often to protect the same individual within each couple. The Home Office pilot (2013) makes no mention of whether a DVPO had been issued more than once to the same couple. Similarly, the extant literature indicates multiple DVPO issuance is a ‘tool used sparingly’ (Jones, 2020; Blackburn

and Graça, 2020). However, in Freyburn, on average<sup>87</sup> 15% of all DVPN occurrences between January 2019 and June 2022 involved couples who had at least one previous DVPN authorisation considered.

This subset of data captures dyads<sup>88</sup> appearing more than once across the whole of the data between January 2019 and June 2022 (Piquero et al., 2006; Bland and Ariel, 2015). The ‘multiple DVPO subset’ sits in isolation to the wider context of any other (reported) [re]victimisation which may have resulted in charges, or no further action (NFA) when a DVPN-O was not put in place, which was outside the remit of this research. Nevertheless, the multiple DVPO subset can provide important insight into the issuance and practice of multiple DVPN-O usage in Freyburn over time. Multiple DVPOs consistently make up approximately 15% of annual data implying they are a small but significant feature of the landscape in Freyburn.

Below, Table 10. assists in situating multiple DVPOs into the wider DVPO landscape in Freyburn. Overall, 91 couples/dyads appeared in the multiple DVPO data between 2019-2022, attributed to 257 incidents. The ‘multiple DVPO’ data indicates on average 2.8 DVPOs are issued per dyad. Whilst Freyburn has a 92% DVPO ‘ratification rate’ this was slightly lower (90%) in the multiple DVPO sub-set. Furthermore, the overall breach rate in the multiple DVPO sub-set is higher (32%) than in the general overall DVPO population (22%). A further interesting issue is the risk profiles of the multiple DVPOs appear different to the general DVPO sample. In 2019 multiple DVPO issuance is more evenly distributed across all risk profiles, however, in 2020<sup>89</sup> many more cases were classified as high risk. Since 2021, the majority of multiple DVPOs are classified as ‘medium’ risk which aligns with the general trend within the wider data across Freyburn. However, there has been a general decline in the volume of multiple DVPO risk profiles in standard risk cases.

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<sup>87</sup> 2019: 15%, 2020: 17%, 2021: 15% and 2022: 9% (Jan 2019 - Jun 2022  $n=257/1724$ )

<sup>88</sup> ‘Dyad’ relates to combined victim-offender DVA abuse patterns (Piquero et al., 2006) within distinct victim-offender units regardless of the nature of the relationship (Bland and Ariel, 2015). For example, the ‘primary aggressor’ is identifiable in Case Study 14 (see Chapter Seven) through analysis of the pattern of violence used across multiple DVPN-O issuances between this couple over time.

<sup>89</sup> One possible explanation for the presence of higher risk profiles may have been due to national lockdowns during the Covid-19 pandemic.

Table 10 Multiple DVPN-Os in Freyburn 2019-2022 [n=257]. Includes average multiple DVPN-O use [2.8].

Year	Multiple DVPN Incidents N=257*	Dyads**	Number of Successful DVPO in multiple dyads	Average No. of DVPOs per multiple dyad	No of Breaches in Multiple DVPO Subset	Risk Gradings across Multiple DVPOs
2019	(82) 15%	36	(71/82) 87%	2.3	(25/82) 30%	Standard 23% Medium 39% High 38%
2020	(76) 17%	30	(69/76) 91%	2.5	(26/76) 34%	Standard 12% Medium 24% High 64%
2021	(81) 15%	33	(75/81) 93%	2.5	(26/81) 32%	Standard 10% Medium 63% High 27%
2022 ***	(18) 9%	9	(16/18) 89%	2	(4/18) 22%	Standard 0% Medium 67% High 33%
TOTAL	(257) 15%	91	(231/257) 90%	2.8	(81/257) 32%	Standard 14% Medium 56% High 30%

\* Data includes intimate and familial DVPN-Os

\*\*Some dyads appear across multiple years

\*\*\* January-June 2022

Above, Table 10. shows the average number of DVPOs per [multiple] dyad was 2.8, however, a clearer picture is obtained regarding how many multiples have been issued and to who when the data is further disaggregated. In Table 11. below each annual dataset was analysed separately and individuals tracked across the three and a half years of available data then aggregated into the number of DVPOs issued per dyad between January 2019- June 2022.

Table 11: Multiple DVPN-Os disaggregated by incidents, dyads and breaches between 2019-2022

NUMBER OF MULTIPLE DVPN-Os	HOW MANY DYADS	INCIDENTS	SUCCESSFUL DVPOS	[RECORDED] DVPO BREACHES
2	60	120 (47%)	(110/120) 92%	(27/120) 23%
3	17	51 (20%)	(44/51) 86%	(18/51) 35%
4	4	16 (6%)	(13/16) 81%	(4/16) 25%
5	2	10 (4%)	(10/10) 100%	(2/10) 20%
6	4	24 (9%)	(20/24) 83%	(10/24) 42%
7	2	14 (5%)	(13/14) 93%	(7/14) 50%
8	1	8 (3%)	(8/8) 100%	(6/8) 75%
14	1	14 (5%)	(13/14) 93%	(6/14) 43%
TOTAL	91	257	(231/257) 90%	(81/257) 32%

The majority of multiple DVPOs were used twice in just under half of all multiple incidents (47%) and that two thirds of the data (67%) is represented by couples who have received two or three DVPN-Os. However, we can also see some perpetrators have been issued with a considerably higher number of DVPOs, with one couple receiving 14 DVPOs within the catchment period. Therefore, the average of 2.8 DVPOs per couple is much more nuanced.

A further significant finding is that overall, the breach rate increases when more DVPN-Os are issued, ranging from 20%-75%. This data suggest DVPOs are less likely to hold a deterrent effect when issued more than once, with the likelihood of compliance diminishing as the number of orders issued increases. This sits in direct contrast to the Home Office evaluation which concluded: 'DVPOs may be more effective when used with the more chronic cases<sup>90</sup> - potentially those taking up the most police resources and causing more harm to victim-survivors and children<sup>91</sup>' (Kelly et al., 2013:66).

Each multiple DVPN-O is an instance of additional police call out. The data in this thesis indicates a significant increase in the volume of orders breached when six or more are issued. Although the extant literature does not address multiple issuances of DVPOs or their subsequent breaches explicitly, this research echoes other studies which illustrate arrest<sup>92</sup> does not deter chronic offenders (Hester, 2006a) and [general] protection orders have little deterrent effect with persistent offenders (Spitzberg, 2002; Nichols, 2013; Smith, 2017; Douglas, 2018; Costello and Durfee, 2020; Kethineni and Beichner, 2009; Ko, 2002).

Smith's (2017) research on DVPOs in the UK context is particularly relevant here. Her research shows when DVPOs are issued to perpetrators with significant previous histories, a DVPO was not more effective at preventing re-victimisation or recidivism. Those issued with a DVPO had higher post-DVPO arrest rates and were arrested more frequently. Therefore, Smith's (2017) work also sits in contrast to the Home Office DVPN-O evaluation (Kelly, 2013) which posits DVPOs are more effective when used with chronic offenders. Smith's (2017) research also looked at the 'power few' principle (Sherman, 2007) - those prominent

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<sup>90</sup> Defined as three or more prior police call outs.

<sup>91</sup> The authors did state their findings should be interpreted with caution (Kelly, 2013:66).

<sup>92</sup> Most DVPN-Os were issued following an arrest in Freyburn

individuals classified as few in number but generating the most demand and ‘harm’ . This feature could arguably be analogous to the 15% of multiple DVPOs in Freyburn, the 91 ‘dyads’ who appeared more than once across the data, particularly those with four or more prior DVPN-Os in their histories who make up a third of the multiple DVPO subset of data (32%; n=86; 14 dyads). They are highlighted in Table 11 above, delineated by grey shading. Two of these ‘power few’ offenders were present in the live DVPN-O observations in 2022, discussed in more detailed in Chapter Seven; one received their 8<sup>th</sup> DVPO, the other their 12<sup>th</sup> at that time.

In contrast, Hwang et al. (2021) found protection orders could be an effective deterrent, aligning with Erez and Ibarra’s findings (2007), but not for all [serial] perpetrators. However, increased compliance in both studies is attributed to the use of electronic monitoring, not currently available in the UK for DVA orders. Kelly et al.’s (2013) research may be suggestive that DVPOs are more effective when first used in ‘chronic cases’. However, this research, indicates multiple usage of DVPN-Os may not be effective given the increased breach rates illustrated above. Of note, breach rates (alone) may not be the strongest ‘measure’ of ‘effectiveness’ (Cordier et al., 2021), gauging impact is difficult, especially in the absence of a central reporting database (Kelly et al., 2013; Bates and Hester, 2020). Enforcement is discussed in more detail in Chapters Five and Seven. The disaggregated 2019 DVPN-O data in Freyburn will now be presented.

## Headline data: 2019 Dataset (N=535)

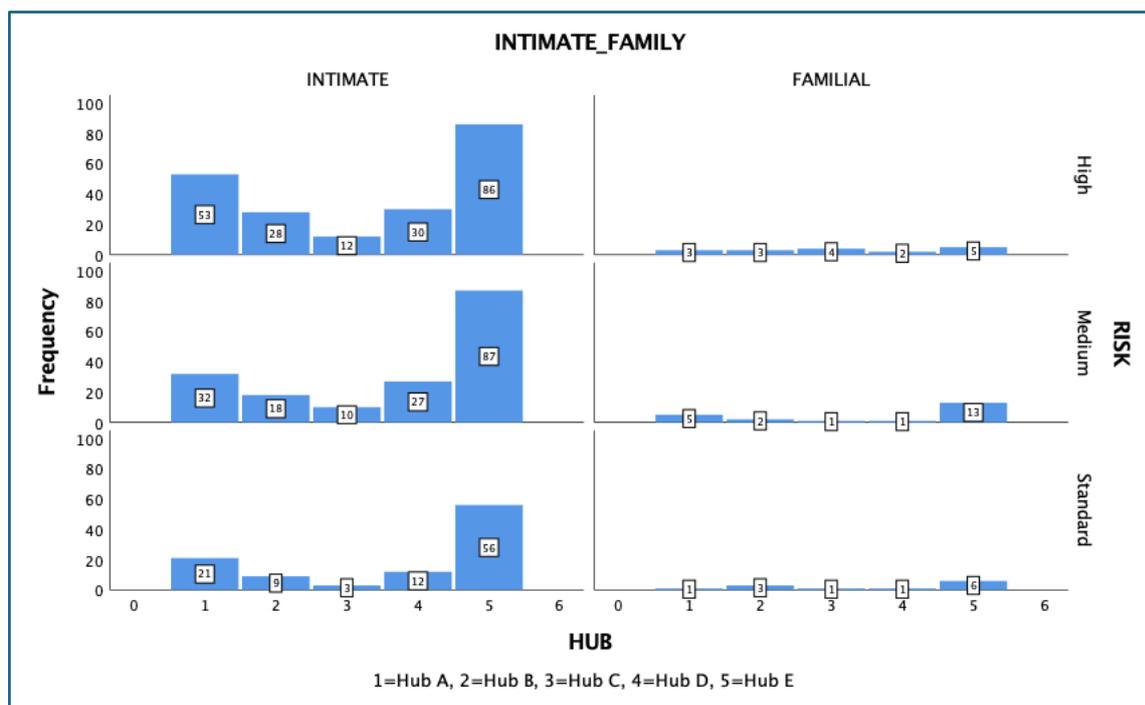
Following on from the headline DVPO data from 2019-2022, a deep dive was conducted on one calendar year’s data (2019)<sup>93</sup> in Freyburn. This involved creating an original dataset acquiring variables which were not automatically extractable from current force systems and linking stand-alone data to the mainframe data to cross-reference records for cohesion. The complications of this have been discussed previously in the methodology chapter. This curated dataset allows a more nuanced picture of DVPN-O practice from Freyburn to emerge. These details will now be presented and explored.

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<sup>93</sup> Subsequent years (2020, 2021 and 2022) would also have been collected had the harvesting of the data for 2019 been less time intensive.

An overview of how DVPN-Os operate in Freyburn is presented in Figure 14. below. The majority are issued in cases of intimate violence (90%) compared to familial violence (10%). Fewer are issued in standard risk cases, compared to medium and high-risk cases, across each geographical hub within the force. Hub E is the busiest area.

Figure 14: Freyburn DVPN-Os by geographical hub, risk profile and relationship type (2019).



### 2019 Gendered Dynamics

Most (87%; n=465) perpetrators are male and most (86%; n=463) victims are female. This gendered phenomenon is not unexpected given the wider DVA data already available across England and Wales through the Office of National Statistics (ONS) and the Crime Survey of England and Wales (CSEW), alongside previous research which reveals gendered trends in English police force records (Hester, 2013). The gendered finding is also consistent in the extant protection order literature (Cordier et al., 2021; Meyer and Stambe, 2021; Herrera and Amor, 2023), aligns with Dutch, German and Austrian barring order data (Römkens and Lünemann, 2008) and previous studies on DVPN-Os in England and Wales (Kelly et al., 2013; Blackburn and Graça, 2020; Ewin, Bates and Taylor, 2020). However, this study extends the protection order literature through disaggregation by relationship type. Table

12. below, confirms a consistent gendered perpetrator-victim nexus in non-intimate DVPO as well as intimate partner violence (IPV) dyads.

Table 12: Gendered dynamics disaggregated by intimate and familial relationships 2019 (n=535)

<b>PERPETRATOR and VICTIM SEX</b>	<b>IPV</b>	<b>FAMILIAL</b>	<b>COMBINED</b>
Perpetrator Female	13.4 % (n=65)	11.8% (n=6)	13.4% (n=71)
Perpetrator Male	86.6% (n=419)	88.2% (n=45)	86.6% (n=464)
Victim Female	87.8% (n=425)	70.6% (n=36)	86.2% (n=461)
Victim Male	12.2% (n=59)	29.4% (n=15)	13.8% (n=74)

This is important because recent helpful systematic reviews and meta-analysis on the effectiveness of protection orders have excluded non-intimate samples of violence (Meyer and Stambe, 2021; Cordier et al., 2021) or do not distinguished between them (Dowling et al., 2018). Having such data helps to broaden our understanding of violence in different contexts, along with current and future developments in responding to it. A consistent feature of DVA data is ‘attrition’ – cases which fall out of the criminal justice system, discussed next.

## 2019 Attrition

It is common for a certain volume of cases to exit the criminal justice system at various stages (i.e. pre/post-charge and following a jury being unable to reach a verdict). However, cases involving domestic violence and abuse (DVA) often have a higher-than-average attrition rate. Many DVA cases ‘drop-out’ prior to court (Barrow-Grint, 2016) or within the first 24-hours following initial police contact (Bates et al., 2025). DVPN-Os were introduced to bridge a protective gap of very early victim attrition when no other enforceable mechanism can safeguard victims. An officer of rank no less than Superintendent is required to authorise a DVPN application.<sup>94</sup> In Freyburn, DVPNs are refused by a Superintendent in less than 1% of cases<sup>95</sup> and DVPOs are applied for and granted by the courts on average in

<sup>94</sup> 21% of the forces temporary and permanent AOs in post, as of August 2022, were interviewed for this research. Superintendent decision making is explored further in Chapter Five.

<sup>95</sup> Based on a three-and-half-year average from January 2019-June 2022. [2019-2.2%; 2020-0.2%; 2021-0.4% and 2022-0%]

92% of cases.<sup>96</sup> This overall 8% attrition figure may speak to a robust and embedded system. During the Home Office DVPO pilot 15% of authorised DVPNs did not make it through to a DVPO issuance at court.<sup>97</sup>

Turning specifically to Freyburn's 2019 data, they successfully obtained DVPOs in 89% of cases, concomitantly, 11% of DVPNs (n=57) were either refused by a superintendent; not processed properly by the police; withdrawn by the police or were refused or not granted by the magistrate court. Freyburn's attrition figure is small (11%) but significant. Ewin et al (2020)<sup>98</sup> note 19% of DVPNs are not ratified (converted to a DVPO) by the courts. Those authors speculated this is possibly due to poor training, case file preparation or evidential quality. Official national DVPN-O data paints a similar attrition picture (Elkin, 2022). Currently, there remains a large variation of DVPN-O attrition rates between forces (Jacobs, 2025). There is little knowledge about the causes of this attrition and what that looks like. This thesis is one of the first studies to make visible attrition rationales in emergency barring orders.

When fieldwork began, the first DVPN authorisation observed resulted in a process error. No DVPO was applied for following DVPN authorisation; subsequently no protection was put in place for the victim (see Chapter Seven - Case Study 1). This raises questions: are victim-survivors subject to possible administrative gaps in protection; do DVPN-Os create an additional attrition point, and are there areas for process improvement which can be identified? This thesis illustrates where the points of attrition lie in Freyburn. Table 13. below shows the breakdown of DVPN occurrences which did not convert to a DVPO in 2019 disaggregated between police and court attrition rationales.

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<sup>96</sup> Based on a three-and-half-year average from January 2019-June 2022. [2019-89%; 2020-92%; 2021-94% and 2022-94%]

<sup>97</sup> The 'attrition rate' varied between the three pilot sites (Kelly et al.,2013:16).

<sup>98</sup> Ewin et al (2020) compared DVPO data from 2016 and 2018 obtained through FOI requests – capturing 27 forces in their study.

Table 13: Attrition Data 2019:11% (n=57) attrition rate disaggregated by police and court rationales.

Reason	Police	Court	Total
Refused by an AO	12 (21%)	-	12
Withdrawn	8 (14%)	-	8
Other	27 (47%)	-	27
Refused at court	6 (22%) Suspect charged	10 (18%)	10
	11 (41%) Tasking errors	3 (5.5%) - Refused by DJ	
	5 (19%) Incorrect data on NIH*	4 (7%) - Refused by Magistrates	
	2 (7%) Released from custody no DVPN	3 (5.5%) - Unknown	
	3 (11%) Unknown		
<b>Total</b>	<b>47 (82%)</b>	<b>10 (18%)</b>	<b>57 (100%)</b>

\*NIH – Notice of Hearing served on the perpetrator in person (DVPN paperwork).

Most attrition (82% n=47) lies in the initial barring phase conducted by the police, compared to when the matter is heard at court (18%; n=10) illustrated above. Twelve DVPNs (21%) were applied for and refused authorisation by a superintendent (blue). This could indicate that overall, officers know when to apply for a DVPN, namely the circumstances in which an authorisation can and will occur. Of note, a refusal theme of: ‘little, or no previous DVA history’ was present regarding non-authorisation grounds. Although a history of DVA should not be a pre-requisite for a DVPN, particularly as many DVA incidents go unreported (CoE, 2011a; Logar and Niemi, 2017).

Eight DVPNs (14%) were withdrawn by the police (pink). Withdrawal reasons included: the suspect was subsequently remanded into custody - the necessity for a DVPN being removed; the passage of time between the trigger offence and the DVPO hearing (3-weeks); however, most were due to incorrect details entered on the suspect’s notice of hearing (NIH; DVPN paperwork). Such errors increase the likelihood a magistrate may refuse a DVPO at court.

Within the ten DVPOs not granted by the court (grey), three cases were contested. Eight of the ten cases were refused because the application was not considered ‘necessary’ or ‘proportionate’: two specifically due to length of time since incident; three under the Mental Health Act as the perpetrator was awaiting a hospital bed, and one because the court could not be satisfied the perpetrator was aware of the court hearing.

Additionally, there are 27 DVPNs (47%) in the police 'Other' grouping (green). These include when the suspect was subsequently bailed or charged (n=6), however most are classified as 'not processed properly'. Rationales here include incorrect court information such as address or date on the notice of hearing (n=5); suspect released from custody before DVPN served (n=2) and internal tasking errors such as, failing to generate 'new DVPO occurrence' on NICHE, update PNC or update DVPO officers (n=11). Several of the rationales record: 'only became aware of this when suspect turned up at court'; 'no task sent to PPU<sup>99</sup> or PNC<sup>100</sup>'; 'unable to deal with/list matter for hearing as no file prepared'. One error highlights an officer rang to report a suspect being in breach of a DVPO. However, when checks were made, no tasks post-DVPN issuance had been generated, therefore no DVPO had been applied for. In the remaining cases no rationales were recorded.

Administrative tasking errors can have significant consequences. If PNC is not updated, officers do not know if a live DVPN-O is in place, and therefore whether a perpetrator is in breach of any notice/order. Furthermore, no 'active' policing may take place, and as highlighted by Case Study 1 (see Chapter Seven), and some of the incidents above, it demonstrates a lack of accountability for perpetrators which can weaken any potential deterrent effect of the DVPN-O instrument. Whilst ultimately signalling to a victim, a perpetrator can get away with their abusive behaviours.

To amplify the importance of accurate data recording, specifically on PNC, force data illustrates several perpetrators are arrested at airports (either locally or through other forces) in company with their victims because of the PNC marker each year. Additionally, once a DVPN has been served it is imperative officers fully understand the steps in the process thereafter; failing to scan details onto NICHE, raise and allocate tasks to the relevant departments, alert DVPO officers to the existence of a DVPN and therefore the necessity to prepare DVPO papers for court, means opportunities to protect victim-survivors are missed through avoidable errors.

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<sup>99</sup> Public Protection Unit (PPU)

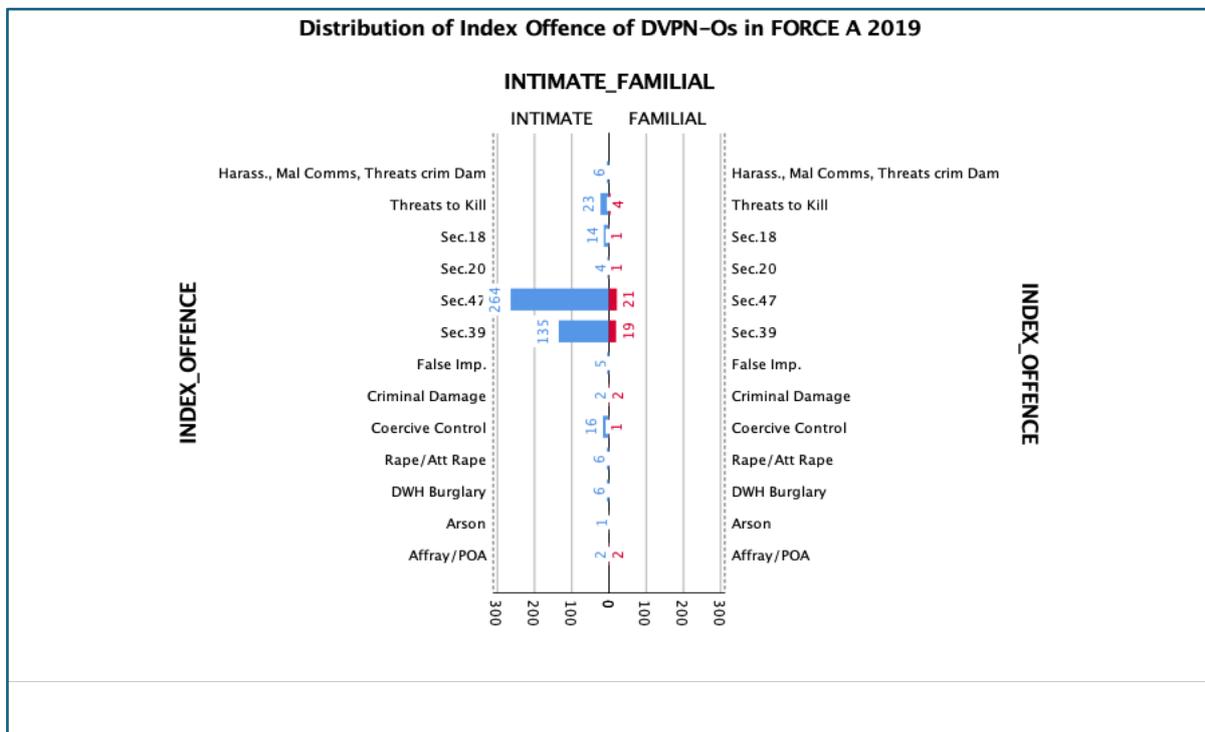
<sup>100</sup> Police National Computer (PNC)

As mentioned earlier, attrition in Freyburn accounted for 11% of initiated DVPNs in 2019, a small but not insignificant figure: one in every ten DVPNs. The bulk of the attrition in 2019<sup>101</sup> arises from the police in the majority (82%) of instances compared to the court (18%). Ironically, this lack of ratification, and administrative errors add an additional layer of attrition at the point of the original attrition from the criminal justice system (i.e., at the point of no further action (NFA)) creating a ‘double attrition’ point, explored further in the Discussion Chapter.

## 2019 Offence Types

Evidence in the data from 2019 below illustrates that whilst DVPN-Os are used across a wide spectrum of offences, the bulk of usage in Freyburn is for cases of actual [physical] violence rather than threatened violence or other types of offences which fall under the domestic violence and abuse umbrella. Figure 15. below illustrates DVPN-Os are predominantly used in just two types of offences: Section 39 and Section 47 assaults in both intimate and familial relationships.

Figure 15: DVPN-O Index offence by relationship type - intimate/familial



<sup>101</sup> During the research period the force have continued to reduce their attrition rate. However, the same themes and administrative errors are still present in the 2022 data, illustrated by Case study 1 (explored in Chapter Seven).

In the Home Office evaluation (2013) DVPOs were mostly used in cases when physical violence had been used (80%); only one of the 414 cases analysed by Kelly et al. (2013) used a DVPN-O for the offence of 'putting a person in fear of violence' and 4% (n=15) of cases for 'threats to kill'. Similarly, in Freyburn, there are few DVPN-Os issued for non-physical violence offences, even though the orders are not predicated on an act of physical violence having already occurred (Römkens and Lünemann, 2008). Additionally, the extant literature cautions lethal risk of violence is often underestimated, especially when men threaten to kill their partners and their children (Logar, 2014).

There are only four (0.7%) DVPN-O cases for 'threats to cause damage' and 27 (5%) for 'threats to kill' recorded in Freyburn, whilst nearly 90% of cases had some form of battery, common assault, actual bodily harm, or more serious physical harm recorded. Analysis from the 2019 data confirms a picture similar to the Home Office evaluation (Kelly et al., 2013). More recently, Blackburn and Graça (2020) similarly found DVPN-Os were primarily used in situations of physical harm. Additionally, in Freyburn, six cases (1%) were classified as attempted rape or rape, whilst 17 cases (3%) referred to coercive control offences. The behaviours of coercive control had not been criminalised at the time of the original pilot, and there is no pilot record of any DVPN-Os issued in sexual offences.

Freyburn's DVPN-O usage in 2019 illustrates the concept of 'violence' is narrowly ascribed to offences of Section 39 (common assault) or Section 47 (actual bodily harm) of the Offences Against the Person Act (OAPA; 1861). In 2015 HMIC stated "their [DVPN-O] applicability in all forms of domestic abuse (not just incidents involving physical abuse) should be emphasised during training" (HMIC, 2015: 58) which has remained a persistent critique since their implementation (HMICFRS, 2017: 39; CWJ, 2019; HMICFRS, IOPC and CoP, 2021). This links to the wider issue of police responses to domestic violence which narrowly focus on incidents of physical violence (Myhill, Hohl and Johnson, 2023).

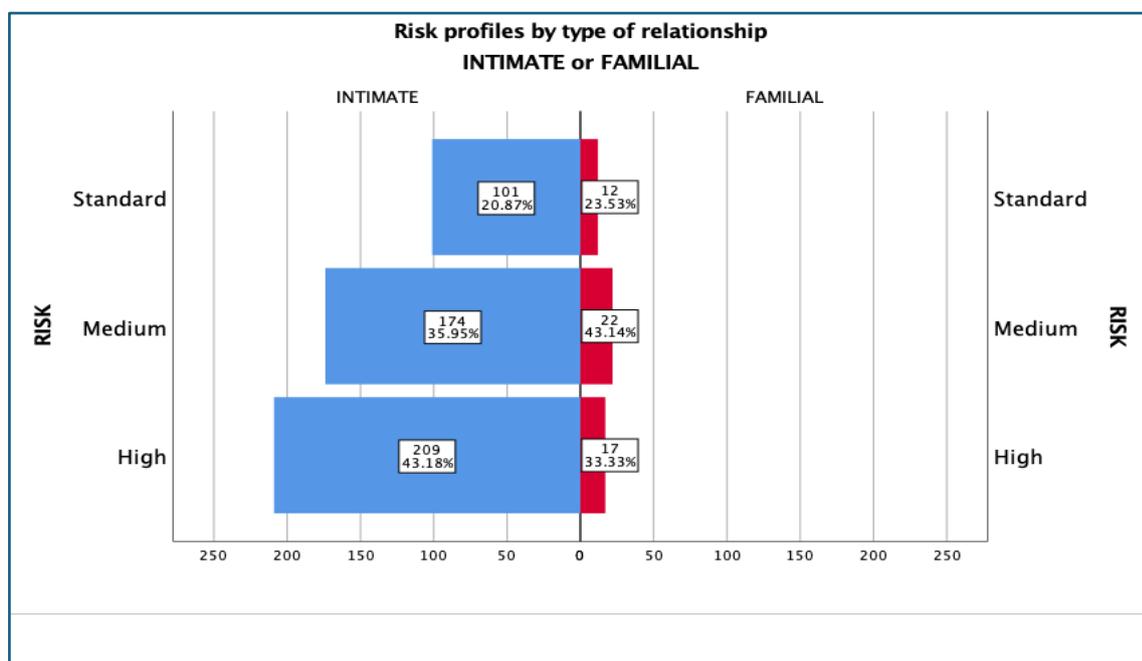
However, even with a physical violence focus, caution is required when issuing barring orders in high-risk and severe violence cases. The Home Office Guidance (2016) is clear DVPOs are not an alternative to charge (or a more lenient option). Furthermore, barring orders are designed as a preventative measure to avert an escalation in, or repeat of

violence occurring. Where previous incidents of domestic abuse are known by authorities, analysis of murder and severe violence repeatedly show violence does not occur out of the blue and protection orders may not be suitable measures in such cases (Logar, 2014). The data in Freyburn illustrates few cases are issued for Section 18 (wounding with intent) and Section 20 (wounding) of the OAPA (1861) – however significantly more were issued in the higher offence category of Section 18 (n=15) than Section 20 (n=5). The data on risk profiles is presented next.

## 2019 Risk Profiles

Figure 16. below indicates during 2019, regardless of whether the relationship was familial or intimate, fewer DVPN-Os are issued in standard risk cases. The majority (43%) are high-risk in intimate cases and medium risk in familial cases (43%).

Figure 16: DVPN-O risk profiles by type of relationship: intimate / familial.



Overall, when comparing the risk profiles in 2019 to the DVPN-O average trend data over time (2019-2022), we can see in Table 14 below a shift from a predominant use in high-risk cases in 2019, to medium risk profiles latterly. In addition, we can see even fewer (15%) DVPN-Os are being issued in standard risk cases more recently, compared to in 2019 (21%).

Over time there appears to have been a ‘concertina effect’, with the bulk of DVPN-O cases having medium-risk profiles. This is an interesting feature of DVPN-O usage in Freyburn given risk profiles influence and shape the types of responses and the direction of available resources from the CJS, as well as impacting the level of support a victim receives. Furthermore, DVPN-Os were envisaged to be used in lower-level, less serious offences (Ashley, 2013; Kelly et al., 2013; Smith, 2017; Ewin, Bates and Taylor, 2020).

Table 14: Risk Profiles in Freyburn overtime (2019-2022)

<b>RISK PROFILES *</b>	<b>2019 (n=535)</b>	<b>2019-2022 (n=1724)</b>
High	42%	37%
Medium	37%	48%
Standard	21%	15%

\*Includes Intimate and Familial incidents

Previous Inspectorate reports have criticised forces for using DVPN-Os in predominantly high-risk cases leaving victims in standard and medium risk cases potentially exposed to unnecessary harm (HMICFRS, 2017: 39). During the pilot (Kelly et al., 2013), DVPN-Os were used in the following risk profiles: standard 23%; medium 56% and high 19%. More recently Blackburn & Graça (2020) illustrate in their snapshot of the Metropolitan Police Force the majority (66%) of DVPN-Os were issued in standard risk cases, followed by 25% in medium and just 8% in high-risk cases. In contrast, Ewin et al., (2020) indicate officer perceptions of high-risk assessments were more likely to influence support for the use of a DVPN-O whilst low-risk assessments were more likely to negate use.

These studies illustrate the variation across forces around risk assessment and DVPO usage, but also illustrate the potential impact such responses have on cases in terms of thoroughness of investigation, which flows following risk assessment (Robinson, Pinchevsky and Guthrie, 2018), and ultimately how DVPN-Os are perceived by the workforce. Arguably, indicators such as [physical] violence and assigned risk profiles become proxies by which decision-making around DVPN initiation is framed. This can be problematic given the amount of autonomy police officers have in their daily working practices coupled with the often-limited amount of specialised domestic abuse training received. Additional factors, or

indeed proxies, feeding into DVPN-O decision-making may be whether a victim is willing to support the application and/or whether children are present in the household (Ewin, Bates and Taylor, 2020) discussed shortly. Next the data on breaches is presented.

## 2019 Breaches

Headline breach data in Freyburn for 2019 is presented showing intimate and familial data below. Both subsets are discussed in more detail separately, however, this thesis is the first to collect and disaggregate ‘willingness to support’ data for victims named as a protected person in an emergency barring order in a UK context. ‘Victim willingness to support’ is also explored in greater detail shortly. Table 15. below adds to the protection order debates through its empirical contribution and by providing more granular data to aid understanding breach patterns with the addition of victim [non]‘consent’ attitudes disaggregated by relationship type.

Table 15: Victim ‘willingness to support’ and recorded breaches by relationship type (2019).

2019 DVPNs n=535	IPV DVPOs	IPV DVPO Breaches	Familial DVPOs	Familial DVPO Breaches	Combined DVPOs	Combined DVPO Breaches	No reported Breaches
Supportive	194 (45%)	39 (20%)	32 (70%)	9 (26%)	226 (47%)	48 (21%)	179 (79%)
Unsupportive	168 (39%)	38 (23%)	9 (20%)	1 (9%)	177 (37%)	39 (22%)	140 (78%)
Unknown	70 (16%)	14 (20%)	5 (10%)	2 (40%)	75 (16%)	16 (21%)	59 (79%)
Total	432	91 (21%)	46	12 (26%)	478	103 (22%)	378 (79%)

The combined data above (before disaggregation) illustrates whether the victim was [un]supportive of the DVPN-O does not appear to impact the [recorded] breach rate (green) in Freyburn. Arguably this finding is surprising and runs counter to the extant literature whereby logic on overriding victims consent suggests breaches are likely to go unreported (Burton, 2015; Bates and Hester, 2020; Speed and Richardson, 2022). Importantly, this finding may be testament to the proactive policing of DVPN-Os in Freyburn, ‘discovering’ breaches through welfare checks, rather than victim reporting, coupled with the deterrent effect of an order. Breach of a DVPO can lead to more robust consequences for perpetrators than breach of police bail, or ‘no further action’ alone. In Freyburn, the courts sentence DVPO breaches to a period of custody in just over half of cases (see Figure 11. above).

Following the logic above, those cases where intervention is supported are more likely to report breaches. This appears to be borne out in the familial DVPO sample illustrated in Table 15. above. The disaggregated data shows that DVPN-Os are recorded as being supported significantly more in familial situations compared to the IPV sample (pink), with a higher-than-force-average rate of breach, 26% (blue) compared to 21% (green). Conversely, earlier logic (Burton, 2015; Bates and Hester, 2020; Speed and Richardson, 2022) is reinforced in the unsupported familial DVPN-Os which have a lower-than-force-average recorded breach 9% (red) compared to 22% (green).

Having more nuanced DVPO breach data is useful to advance discussions on the effectiveness of DVPN-Os, and police responses to DVA. This thesis adds two novel features into current understandings about DVPN-Os: differentiation in relationship dynamics and victim 'willingness to support' the DVPN-O instrument. The 2019 dataset comprises of intimate (90%) and familial (10%) violence. The data has been disaggregated along these contours and will now be presented starting with the familial violence sample, followed by intimate partner dynamics. Such delineation may offer promising insights if routinely captured and collated.

## 2019: Familial Violence DVPN-Os

### Age

Within the original data captured in Freyburn, victim and perpetrator dates of birth were present, but ages were not explicit. Through this research these details are made visible. These age variables were manually acquired, matched to existing standalone police data then further analysed to gain a wider understanding and add context to the DVPN-O data held by the police. By further delineating the original police data into familial and intimate DVPOs, sub-categories of abuse such as 'older abuse', 'child-to-parent' or 'parent-to child' abuse emerged discussed shortly. The average age of familial perpetrators was 33 years (range 18-58 years). In contrast, the average age of familial victims was 52 years (range 17-86). When familial victims were further analysed by sex, the average age of male victims was 28 years (n=15; range 20-84), however female victims were significantly older, averaging

54 years (n=36). The gendered nature of the familial offending revealed male victims were most likely to have been abused by a male perpetrator in 87% (n=13) of incidents. Female victims are also more likely to have been abused by a male perpetrator, which occurred in 89% (n=32) of incidents.

### ‘Older Abuse’ and DVPN-O Use

The DVPO data from 2019-2022 (Figures 8 & 9) illustrates there are twice as many victims (n=87) over the age of 60 years of age than there are perpetrators (n=44). This data makes the presence of ‘older abuse’, a hidden form of abuse (SafeLives, 2016:11)<sup>102</sup> visible which merited further investigation. The defining line of what constitutes ‘old’, or ‘elderly’ is contested<sup>103</sup> with definitions around older abuse and domestic abuse overlapping (Bows, 2018). Bows (2018) explains age is often used as a marker to shape responses; victims in their 30s experiencing family violence are often labelled as domestic abuse incidents, whilst victims in their 60s will more likely be labelled as ‘older abuse’. Using Bow’s (2018) [age] definition (50) we can see ‘older abuse’ is prevalent in both intimate and familial samples. However, in the familial DVPO group the average age of all victims was 52 years compared to intimate partner DVPN-Os where the average victim age is 38 years old. The intra-familial dynamics are presented in Figure 17. below.

### [Adult] Child-to-Parent Abuse and DVPN-O Use

Similar to ‘older abuse’, there can be blurred boundaries between parent-to-child and child-to-parent violence (Miles and Condry, 2015). The familial sample in Freyburn is presented in Figure 17. below. It reveals child-to-parent dyads account for 66.7% (n=34) of the familial sample (n=51). Again, this is often a ‘hidden’ form of violence residing in the margins of DVA policy agendas creating challenges for criminal justice agencies tasked with responding to, and supporting the needs of families (Miles and Condry, 2015). One recent response has been the introduction of Section 76 of the Crime and Security Act (CSA; 2015) which introduces the criminal offence of coercive and controlling behaviour in an intimate or

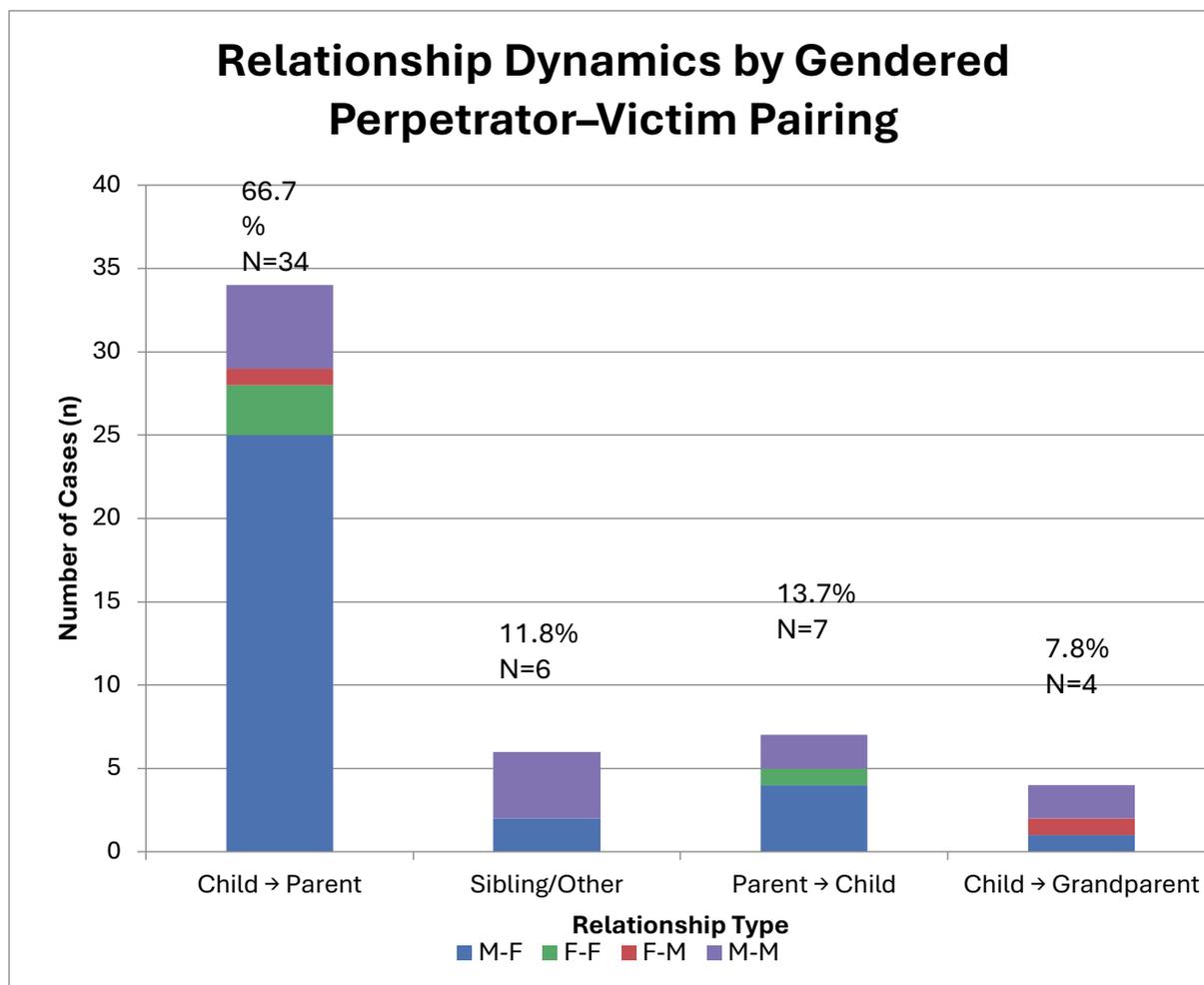
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<sup>102</sup> SafeLives (2016), “Safe later lives older people and domestic abuse”, available at: <https://safelives.org.uk/sites/default/files/resources/Safe%20Later%20Lives%20-%20Older%20people%20and%20domestic%20abuse.pdf> accessed 24 October 2024).

<sup>103</sup> The World Health Organisation’s (WHO’s) starting point is 60 years whilst other literatures take a lower starting point. Bow’s (2018) literature review uses 50 years as a starting point.

familial relationship. Additionally, the Domestic Abuse Act (DAA; 2021) defines domestic abuse as occurring between two ‘personally connected<sup>104</sup>’ people, including relatives.

Figure 17: Intra-familial and gendered dynamics of DVPNs during 2019 in Freyburn Police



Freyburn’s familial DVPN-O data above, contains mostly child-to-parent violence (66.7%; n=34), but also sibling-to-sibling/other<sup>105</sup> 11.8% (n=6), parent-to-child 13.7% (n=7) and child-to-grandparent 7.8% (n=4). This is the first known study to meaningfully analyse intra-familial dynamics of the victim-perpetrator relationship in cases where a DVPN-O has been applied. The data above indicates men are more violent whether that be with their grandparents, parents, siblings, or children. The gendered victim-perpetrator phenomenon is also

<sup>104</sup> The term ‘personally connected’ adopted in the DAA 2021 replaces the terminology widely used currently: ‘associated person’ found in Part IV, Family Law Act 1996.

<sup>105</sup> ‘Relative’ (under both conceptualisations ‘associated person’ [FLA, 1996] and ‘personally connected’ [DAA 2021]) includes: aunts/uncles, nephews/nieces, first cousins, grandparents, [step]parents and [step]children and grandchildren.

reflected in the child-to-parent (CTP) sub-sample where 74% of ‘child’ perpetrators were male, inflicting violence on their mothers, compared to 15% of male ‘children’ being violent towards their fathers.

Unlike Miles and Condry’s (2015) research which focussed on adolescent-to-parent abuse, the perpetrators in Freyburn’s CTP sample were ‘adults’; 85% of the ‘children’ were aged over 20. This presents difficulties in conceptualising and responding to the problem (Benbow, Bhattacharyya and Kingston, 2018; Bows, 2019). In seeking to raise the profile among policy makers and practitioners, Benbow et. al. (2023) use the term ‘adult family violence’ to differentiate between intimate and familial relationships and those involving families with adolescent children. This seems wholly appropriate for the familial cases where DVPOs have been used, not least because the perpetrator must be aged 18 to be issued with a DVPN-O.

### Familial: ‘Willingness to Support’

This is the first known comprehensive study to disaggregate out DVPN-O data and analyse the protected person’s ‘willingness to support’. Furthermore, the data has been analysed to illustrate victims who were involved in intimate relationships (presented later) and familial relationships (below). Table 16. below presents an overview of the protected person’s views regarding willingness to support a DVPN as recorded by the police in Freyburn in 2019 from the familial sample. The majority (69%) of familial victims were supportive of the DVPN.

Table 16 Distribution of familial DVPNs in 2019 across Freyburn: victim ‘willingness to support’

<b>2019 DVPNs n=51</b>	<b>FAMILIAL INCIDENTS</b>
SUPPORTIVE	35 (69%)
UNSUPPORTIVE	11 (21%)
UNKNOWN	5 (10%)
<b>TOTAL</b>	<b>51 (100%)</b>

Within the familial data a prominent subset emerged. As outlined in the previous section, child-to-parent (CTP) abuse made up the largest proportion of all familial incidents 66.7% (n=34). The CTP data was further analysed regarding the views of the protected person(s) which are illustrated below in Table 17.

Table 17: 'Willingness to support' in Child-to-Parent Familial DVPNs across 2019 in Freyburn

Child-to-Parent Rationales (n=34)	Count
<b>Support</b> Prosecution & DVPN	6 (18%)
CDTP* <b>support</b> a DVPN	19 (55%)
CDTP * unsupportive of DVPN	5 (15%)
CDTP* views re DVPN unknown	4 (12%)
Total	34 (100%)

\*CDTP-Complainant declined to prosecute.

The data above illustrates, where views were captured, 73% of victims of CTP abuse **supported** the use of a DVPN regardless of their views about a prosecution. This suggests parents of abusive children, who may struggle to support the criminal prosecution of a family member may perceive benefit from a civil preventative order which offers some protection without criminalisation. The data in this study adds to the wider literature on family violence and homicide which argues adult family violence may have features which distinguishes it from intimate partner violence (Bojanić et al., 2020; Bracewell et al., 2021; Miles, Condry and Windsor, 2023; Benbow, Bhattacharyya and Kingston, 2023) In this instance, the willingness of victims to support protection orders (DVPN-Os) may assist relational and contextual factors, via a welcomed separation of the parties and a short period of respite. These significant findings are developed further in the 'IPV: Willingness to Support' section later in the chapter.

## Familial Breaches

Closely linked with victim willingness to support a DVPN-O is the wider issue of order violation. This is important given breach rates are often used as a proxy for 'effectiveness'. Arguably, someone happy to have an order imposed is potentially more likely to report any breach of order compared to someone who is reluctant to engage with the order in place (Burton, 2015). For example, those who wish to continue their relationship with the perpetrator (whether in an intimate or familial setting) may not report any breach(es). The extant literature illustrates a wide variation in the rates of civil protection order breaches, ranging from 17-70%, this variance is often due to methodological complexities around the measurement of 'effectiveness' (Douglas, 2018; Logan, 2020; Cordier *et al.*, 2021) and what constitutes a breach (Hefner, Miller and Fleury-Steiner, 2022).

The current UK literature is absent empirical data showing breaches, relationship type (intimate/familial) and victim views regarding imposition of DVPN-Os. In Freyburn the overall DVPO breach rate in 2019 was 22%. When this data is aggregated into type of relationship (familial or intimate) a more nuanced violation picture emerges. Table 18. below illustrates the familial breach and consent data. The intimate relationship data is presented later (see Table 24).

Table 18: Breach and ‘willingness to support’ in familial dyads compared to general sample (2019).

2019 DVPNs n=535	Familial DVPNs n=51	Familial DVPOs	Familial DVPO Breaches	Overall DVPNs	Overall DVPOs	Overall DVPO Breaches
Supportive	35 (69%)	32 (70%)	9 (28%)	249 (47%)	226 (47%)	48 (21%)
Unsupportive	11 (21%)	9 (20%)	1 (11%)	205 (38%)	177 (37%)	39 (22%)
Unknown	5 (10%)	5 (10%)	2 (40%)	81 (15%)	75 (16%)	16 (21%)
Total	51 (100%)	46 (100%)	12 (26%)	535 (100%)	478 (100%)	103 (22%)

As identified in the previous section, familial victims appear more likely to support a DVPO (70%), compared to the overall DVPO sample (47%) in 2019. Unsurprisingly, familial victims appear less likely to report a breach when unsupportive of the DVPO. In Freyburn, just one (11%) of the nine unsupported DVPOs is recorded as breached. This is significantly lower than the overall breach rate for unsupported DVPOs in 2019 (22%). This could also indicate that unsupported familial DVPOs may be actively policed less, with less breaches being ‘discovered’ through police spot checks and welfare visits.

Alternatively, ongoing contact with family members may not be reported or viewed as a breach when violence does not occur; so called ‘technical’ breaches being less likely to be reported. Hefner et al. (2022) indicate in their research many victims did not perceive ‘low level’ contact as a breach or did not think it warranted reporting to the police. (A factor also relevant in intimate relationships.) A further explanation could be that any abuse experienced during the order may be deemed ‘less severe’ than prior abuse, which may shape a victim’s perception when deciding whether to report a breach or not. An alternative explanation may be that the victim fears reporting any breaches, reinforcing the need for the proactive policing of orders.

Conversely, in familial DVPOs where the victim is supportive of an order, a higher rate of breach (28%) was recorded compared to the general DVPO sample (21%). This would suggest that as well as victims being supportive of the DVPN, they were also potentially more willing to report a breach of the order. Alternatively, or in addition to this, police spot checks and welfare visits may have been more frequent in the consenting cohort. It is unclear from the data how breaches were detected (either victim or police reported). The data in this study indicates a larger (69%) than average (47%) proportion of protected persons supported the imposition of a DVPN-O in the familial DVPOs compared to the general sample. Simultaneously, a larger (26%) than average (22%) breach rate is also recorded in the familial data compared to the general sample. However, overall, whilst 26% of the familial DVPOs were recorded as breached, there were no known breaches in 74% of the remaining familial cases where a DVPO was issued. DVPN-Os may offer welcomed safeguarding in the absence of a conviction in contexts where relationships are likely to continue or wish to be maintained.

## 2019: Intimate Partner Violence DVPN-Os

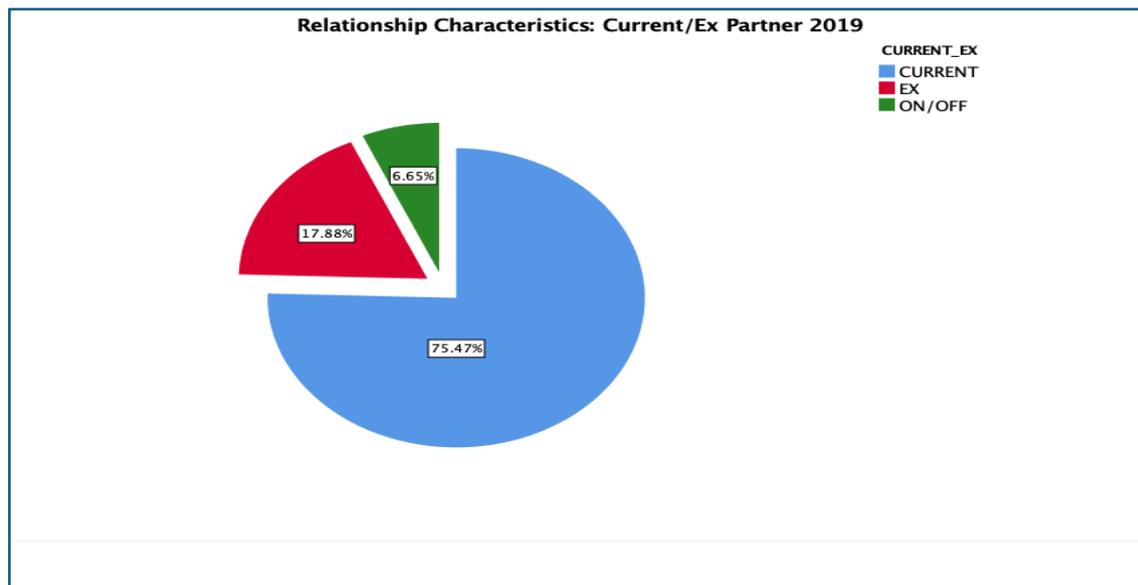
### Age

The average age of intimate perpetrators, whether male or female is 38 years old. Female perpetrator age ranges (18-65 years) were younger than male perpetrators (18-75 years). Female victims on average were younger (36 years) than male victims (43 years). However, female victim age ranges were broader (16-75 years) compared to male victims (21-65 years). This data is distinct from the familial samples where female victims were significantly older on average and male victims were younger.

### Relationship Status

In Freyburn the majority (75% n=363) of intimate relationships involve current partners compared to separated or 'ex' partnerships (18% n=86). A smaller cohort were categorised as 'On/Off' comprising 7% (n=32) of incidents. In practice, DVPN-Os appear to be used most often with couples who remain together. DVPN-Os may provide the police the tools to 'manage' abuse between couples who remain in their relationships (Bates and Hester, 2020). Relationship characteristics in DVPN-O cases are illustrated in Figure 18. below.

Figure 18: DVPN-O relationship characteristics 2019: current / ex partners.



### Same-Sex Relationships

The researcher was not granted access to specific data regarding sexuality characteristics of victims and perpetrators. However, a brief analysis was conducted on the intimate DVPN-O data which indicated same-sex dyads. Only 3.5% (n=19) of incidents in 2019 appeared to involve same-sex couples. Most of the same-sex DVPNs are initiated in cases where victims are in current relationships 74% (n=14) compared to ex-partners 26% (n=5). A feature replicated in heterosexual relationships discussed shortly. Interestingly, more DVPN-Os were applied for in female same-sex couples 63% (n=12) than in male same-sex couples 37% (n=7) painting an inverse gendered picture to the familial and heterosexual data.

However, the overall gendered nature of DVA offending presented raises important issues given the recent introduction of gender-neutral legislation in the form of the DA Act 2021 (Aldridge, 2020; Bishop, 2021). Much of the 'willingness to support' data could not be ascertained in this demographic largely because the data was not captured or was unknown. In the male same-sex couples 43% (n=3) supported the DVPN the views of the remaining 57% (N=4) were unknown. Similarly, in the female same-sex couples 25% (n=3) supported the DVPN, 33% (n=4) were unsupportive and the views of the remaining 42% (n=5) were unknown.

## Children in the Household

In Freyburn during 2019, the majority (67%; n=359) of DVPN-Os did not involve children being present in the household. Children were present in 33% (n=176) of incidents, including 9% (n=15) where the victim was pregnant. Most incidents (70%; n=124) involving children occurred in current relationships. The extant literature indicates that situational factors such as the presence of children often influence whether victims seek protection orders (Jordan et al., 2008; Fleury-Steiner, Fleury-Steiner and Miller, 2011). Freyburn's data illustrates victim support for a DVPN-O varied by circumstance. Where children were present, victims supported the order in just over half of cases (51%; n=90), compared with 36% (n=64) who did not, while in 13% (n=22) views were unrecorded. Pregnant victims, however, were less likely to support the order (33%; n=5) and more likely to contest (53%; n=8).

The presence of children can also shape police decision-making. Previous studies show that officers perceive children and/or a history of abuse as indicators of increased risk (Löbmann, 2006; Ewin, Bates and Taylor, 2020; Messing and Thaller, 2015) influenced in part by the DASH risk assessment tool (Ewin, Bates and Taylor, 2020; Turner, Medina and Brown, 2019). Freyburn's data supports this: 52% of cases with children were assessed as high risk, compared to 38% without children (Table 19. below), aligning with Ewin et al.'s (2020) findings.

Table 19: Risk profiles of DVPN-Os with children, compared to general DVPN-O sample (2019-2022).

<b>RISK PROFILE</b>	<b>2019 children present (n=176)</b>	<b>2019 no children (n= 359)</b>	<b>2019 combined (n=535)</b>	<b>2019-2022 (n=1724)</b>
High	52%	38%	42%	37%
Medium	32%	38%	37%	48%
Standard	16%	24%	21%	15%

However, breach patterns suggest a more complex picture. In 2019, DVPOs with children present were breached in 14% (n=25) of cases compared to 22% (n=78) without children – see Table 20. below. Within the child-present group, pregnancy emerges as a marker of vulnerability: one-third (33%; n=5) of pregnant victims experienced a breach, more than

double the cohort average. Taken together, these findings complicate assumptions that the presence of children automatically increases risk. While police officer perceptions may elevate risk where children are involved, breach data in Freyburn indicates that vulnerability may be more concentrated in cases of pregnancy, rather than in child presence per se (Turner, Medina and Brown, 2019).

Table 20: Presence of Children in Intimate Relationships and Breach Rates in Freyburn 2019.

Children Present n=535	Count	DVPO Breach Rate
Yes	176 (33%)	25 (14%)
Pregnant ['Yes' subset]	15 (9%)	5 (33%)
No	359 (67%)	78 (22%)

The 2013 DVPO Pilot noted that child contact was sometimes permitted within DVPOs without constituting a breach, illustrating the flexibility of short-term orders (Kelly et al., 2013). DVPN-Os may provide victims who wish to remain in their relationship protection, and some flexibility to navigate childcare and child contact, where wanted. In Freyburn, most DVPN-Os were issued in cases without children present, though this does not mean the parties were not parents. Some dyads had children removed from their care, while others experienced abuse in relationships where children were not a current feature.

Taken together, this nuance highlights that while the presence of children is an important contextual factor, the evidence remains inconsistent. Some studies have included child variables such as the presence or number of minor children, pregnancy or child contact disputes when modelling protection order outcomes for violations (Logan and Walker, 2009) or further violence/re-victimisation (Benitez, McNiel and Binder, 2010; Dowling et al., 2018; Cordier et al., 2021), but these factors have not emerged as strong or consistent predictors.

### IPV: 'Willingness to Support'

As previously stated in the 'Familial: Willingness to support' section earlier, this is the first empirical dataset to illuminate victim 'willingness to support' for DVPN-Os. Strikingly, while

fewer than half of intimate partner victims supported an order (see Table 21. below), almost 70% of familial victims did. Equally important, nearly a third of victims declined to prosecute but still welcomed the protection of a DVPN. This demonstrates that safeguarding in the absence of prosecution is actively desired by some victims.

In many European jurisdictions where emergency barring orders are used, victim consent is not required and there is no option to appeal (Römkens and Lünemann, 2008). In contrast, most civil protection orders in the UK are victim-led (e.g. NMOs) and, by default, requested. Understanding how DVPN-Os operate when imposed without victim consent is therefore critical for assessing their legitimacy, effectiveness, and implications for victim safety.

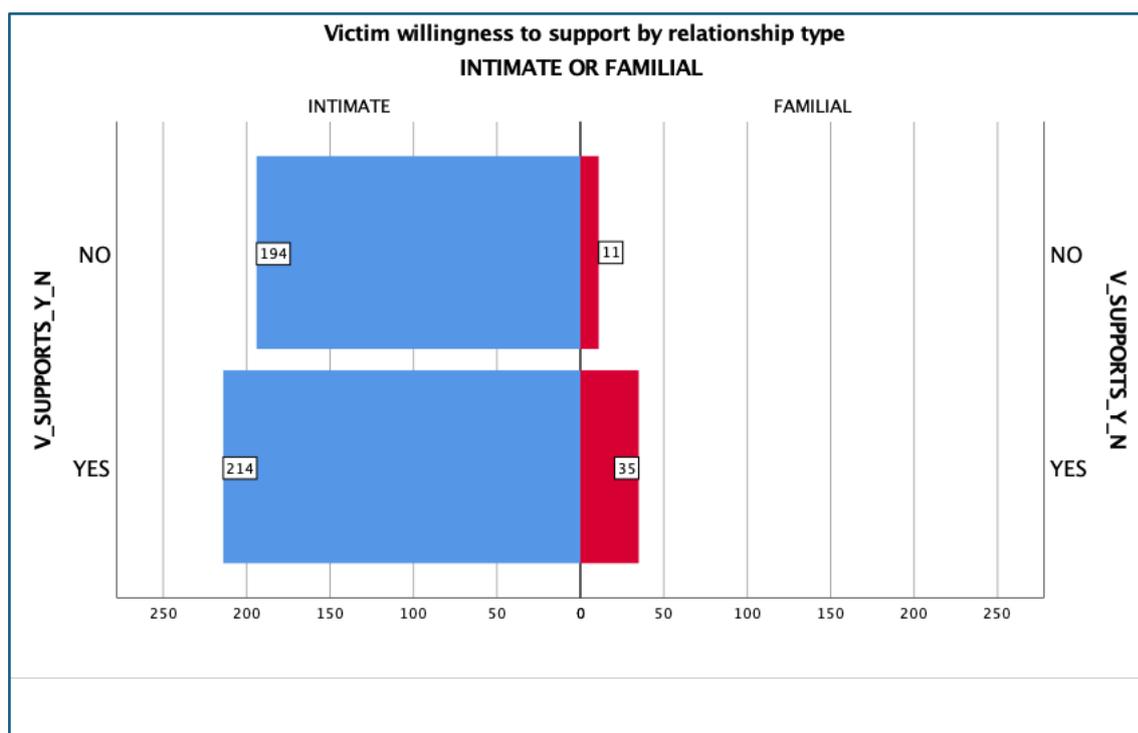
The 2019 Freyburn combined dataset shows a ‘mixed’ picture overall: 47% (n=249) of victims supported orders, 38% (n=205) were unsupportive, and in 15% (n=81) victims views were unrecorded (Table 21). When disaggregated, key distinctions emerge between intimate and familial relationships.

Table 21: Distribution of DVPNs issued in Freyburn regarding victim ‘willingness to support’ (2019)

2019 DVPNs	IPV	FAMILIAL	COMBINED
SUPPORTIVE	214 (44%)	35 (69%)	249 (47%)
UNSUPPORTIVE	194 (40 %)	11 (21%)	205 (38%)
UNKNOWN	76 (16%)	5 (10%)	81 (15%)
TOTAL	484 (90%)	51 (10%)	535 (100%)

Familial victims are far more likely to support an order (69%) than IPV victims (44%), with significantly fewer unsupportive responses in the familial data. Illustrated more clearly below in Figure 19.

Figure 19: Victim willingness to support a DVPN-O by relationship type – 2019



These findings make a significant contribution to the protection order literature. To date, no empirical DVPO data in England and Wales distinguishes between familial and intimate samples or explores whether victims willingly support the intervention. This matters for three reasons.

First, DVPN-Os can be imposed without consent. Although deliberately designed this way, removing autonomy may discourage reporting of breaches or future engagement if the order is perceived negatively. Second, previous research suggests that lack of victim support may influence officer decision-making around initiating an order (Ewin, Bates and Taylor, 2020; Dowling et al., 2018). Third, there has been a steady increase in the volume of Outcome 16s - victims withdrawing support for police action - in recent years (HMICFRS, 2021b). Given the persistently high attrition in domestic abuse cases, willingness to support DVPN-Os provides a novel lens to examine the complex space between NFA outcomes [Outcome 15s and 16s] and safeguarding practice.

Table 22. below sets out the IPV data in more detail, showing how DVPN-Os operate precisely in this attrition space.

Table 22: 'Willingness to support' DVPN-Os in Freyburn issued in *intimate relationships* in 2019.

VICTIM RATIONALE n=484	COUNT	OUTCOME <sup>106</sup>
<b>Supports</b> Prosecution & DVPN	71 (15%)	Outcome 15
<b>CDTP* supports</b> a DVPN	143 (29%)	Outcome 16
<b>CDTP*</b> unsupportive of DVPN	194 (40%)	Outcome 16
<b>CDTP*</b> views re DVPN unknown	76 (16%)	Outcome 16
TOTAL	484 (100%)	

\*CDTP-Complainant declined to prosecute.

Table 22. above illustrates the volume of intimate relationships in Freyburn resulting in no further action (NFA) where the police still had safeguarding concerns for the victim and a DVPN was initiated. Most cases (85%; n=413) involved victims who declined to prosecute (red); within that group, 29% (n=143) nevertheless supported a DVPN. This is a critical finding: it evidences that DVPN-Os fill a protective gap by offering safeguarding when criminal prosecution is not possible or not wanted, whilst still allowing for victim agency and self-determination to be exercised. This is especially evidence in the child-to-parent sample, indicating different groups may have different needs requiring more tailored responses.

Traditionally, attrition in DVA cases has been cast as a negative space of victim disengagement. This thesis identifies a more complex picture. Alongside the 'double attrition' dynamic discussed earlier, the additional concept of 'positive attrition' is proposed. Victim withdrawal from prosecution does not always signal rejection of state involvement. Instead, it can represent a different form of engagement, where victims decline criminal proceedings but welcome protective civil intervention. DVPN-Os thus allow safeguarding in the absence of a conviction, and recognising this dimension helps to shift attrition from being seen solely as 'failure' to also include productive outcomes.

At present, this nuanced victim self-determination remains largely invisible in police data. The proposed new methodology in the Discussion Chapter seeks to make it visible ensuring that victims views are captured and civil protection order work is recognised, recorded, and resourced as part of the broader policing of domestic abuse.

<sup>106</sup> The 'outcome' here is not what the police officially recorded as this was often incorrect, rather what 'should' traditionally be recorded.

## Risk Assessment

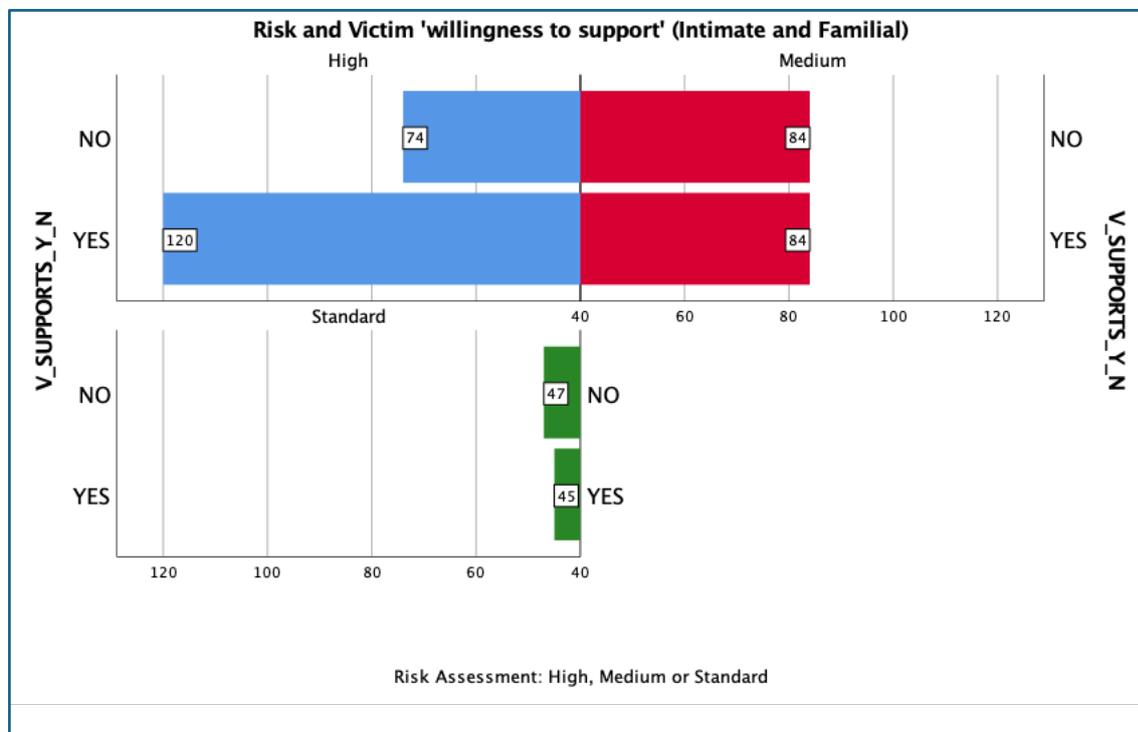
Below In Table 23. cases risk assessed as high-risk (n=120; 53%) were supported by victims with greater frequency. This may add weight to suggestions victims are often the best judge of their safety (Cattaneo et al., 2016; Nichols, 2013; Cattaneo and Goodman, 2015).

Table 23: Comparison of Risk Profiles by willingness to support across Freyburn in 2019.

Risk Profile	Victim Supportive	Victim Unsupportive
High	120 (53%)	74 (33%)
Medium	84 (43%)	84 (43%)
Standard	45 (40%)	47 (41%)

The data in Freyburn may indicate DVPN issuance and victim willingness to support may be 'unproblematic' in terms of DVPN-O police practice. In Freyburn officers appear to consistently apply for DVPN-Os whether or not a victim is willing to support the instrument, particularly in standard and medium risk cases where a mixed 'consent' picture is presented in Figure 20 below.

Figure 20: Victim willingness to support, relationship type and risk profiles – 2019



The risk grading and whether the victim supports the application or not, were some of the main risk factors influencing officer decision-making around DVPN-O issuance in the research conducted by Ewin et al. (2020). They found that high-risk gradings increased likelihood of DVPN-O usage, and a perceived lack of support from the victim discouraged police engagement with using DVPNs. Officers believing a DVPN-O would not be effective if victims 'played down' the severity of their abuse. This has serious consequences for victim safeguarding, as many victims may attempt to minimise their abuse and or decline to pursue a prosecution or engage with the police. These views reflect the broader problem of attrition in rape cases where research highlights officers prioritise cases they feel are most likely to reach a conviction (Sinclair, 2022). Concomitantly, problems with risk assessment tools also impact victim safety – those risk assessed as 'standard' do not necessarily equate materially to being at low risk of serious harm or domestic homicide (Thornton, 2017; Chalkley and Strang, 2017; Bland and Ariel, 2015).

Utilising the variable of victim willingness to support (in conjunction with risk assessment) we can see a new 'outcome classification' for victims emerging, one who is not supportive of criminal prosecution but is subject to ([un]supportive) police civil action. Previously only a binary existed: support for a criminal prosecution or no further action. Additionally, we can see safeguarding can be extended to those previously hard to reach victims who often will not engage with the police [voluntarily] or who minimise the violence they are experiencing and are unsupportive of any police interaction in their relationships.

However, two notes of caution are worthy. Firstly, a reliance on flawed risk assessment tools and processes (Barlow and Walklate, 2021; Turner, Medina and Brown, 2019; Myhill, Hohl and Johnson, 2023) may be problematic in compounding actual risk to victims when barring orders are being considered, in light of existing risk factors which show victims are at increased risk at the point of separation (Goodmark, 2012). Secondly, a paradox is created between the narratives around victim's knowing best about their safety as they are the ones living with the violence and who know their perpetrator best, and with state imposition of orders against the explicit wishes of a victim. Therefore, more needs to be understood about the cohort of victims who have orders imposed upon them against their 'consent' and whether their safety increases or decreases as a result.

## IPV Breaches

Surprisingly, unlike in the familial breaches, the data below in Table 24 reveals in intimate relationships, similar breach rates between supported (20%) and unsupported (23%) DVPN-Os, although unsupported DVPN-Os have a slightly higher recorded breach rate.

Table 24: DVPO breaches and ‘willingness to support’ in IPV and combined population (2019)

Intimate DVPNs 2019 n=484	IPV DVPNs	IPV DVPOs	IPV Breaches	Combined DVPNs	Combined DVPOs	Combined DVPO Breaches
Supportive	214 (44%)	194 (45%)	39 (20%)	249 (47%)	226 (47%)	48 (21%)
Unsupportive	194 (40 %)	168 (39%)	38 (23%)	205 (38%)	177 (37%)	39 (22%)
Unknown	76 (16%)	70 (16%)	14 (20%)	81 (15%)	75 (16%)	16 (21%)
<b>TOTAL</b>	<b>484</b>	<b>432</b>	<b>91 (21%)</b>	<b>535</b>	<b>478</b>	<b>103 (22%)</b>

This appears at odds with the literature which hypothesises where victims are not ‘on board’ with an order, few[er] are likely to report breaches (Burton, 2015; Bates and Hester, 2020). However, one possible explanation for this in Freyburn could be that the police are proactively policing the orders (certainly in intimate relationship incidents) and conducting welfare and spot checks identifying breaches in cases where there is no support for the order rather than having a reliance on the victim to report, which is likely to be higher in ‘consenting’ cases.

## Chapter Summary

This chapter presents the most detailed empirical analysis of DVPN-Os in the UK to date, based on both headline data (2019–2022) and a deeper dive into an original curated 2019 dataset. The findings confirm DVPN-Os appear to be embedded in practice within the Freyburn Metropolitan Police, with fewer than 1% of DVPNs refused by Superintendents and an average DVPO ratification rate over 90%. Yet this embeddedness is shaped by narrow operational boundaries: orders are overwhelmingly issued following arrest, in certain offence types (physical violence), and most often where cases are risk assessed as medium. This may mean many incidents presented to Superintendents represent ‘safe’ constructs of domestic abuse which fall within the normative boundaries of what the police view as ‘DVPN-able’ and likewise, what the courts will view as DVPO ‘worthy’. Alternatively, or more likely in addition to the above, the low DVPN refusal rate may also indicate that where all the criteria for issuance are met, Superintendents (AOs) may be risk-averse in

refusing DVPN applications. The complexities of Superintendent decision-making are discussed further in the next chapter (Chapter Five).

The analysis in this chapter reveals several important patterns. Familial cases, while a small proportion of the dataset (10%), showed striking differences: victims in familial incidents were considerably more likely to support a DVPN (69%) than those in intimate partner cases (44%). The average age of familial victims was also notably higher (52 years) than intimate violence victims (38 years), with significant numbers of child-to-parent and older abuse cases coming into view. This is the first study to meaningfully capture such intra-familial dynamics in the emergency barring order landscape in the UK context.

Patterns of breach further complicate the picture. Overall, 22% of orders were breached, with familial orders breached at slightly higher rates (26%) than intimate partner orders (21%). Breaches were more common where children were not present, despite those cases often being assessed as higher risk (Ewin, Bates and Taylor, 2020). Multiple orders were most common in intimate relationships, but the data suggests the deterrent effect diminishes the more orders issued: while one or two orders may disrupt and safeguard, effectiveness declined where three or more were imposed within the same dyad, and more sharply where six or more were issued.

Overall, the findings point to a mixed picture of how DVPN-Os are operationalised in practice. On the one hand, they may provide meaningful respite and an opportunity for safeguarding, particularly in familial contexts where they are more likely to be 'supported'. On the other, their use remains conceptually and operationally narrowed, with limited evidence of deployment in coercive control or non-physical abuse cases. Some persistent administrative issues remain around DVPN attrition which risks reducing overall effectiveness in the system, impacting victim confidence and ultimately safeguarding (ANROWS, 2017). Administrative errors risk producing 'double attrition'; a second layer of attrition through flawed DVPN-O implementation, compounding harm. Additionally, there remains limited meaningful data around enforcement practices – a gap reduced in Chapter Seven; however, this chapter has contributed to debates on order breaches through the introduction of novel analysis on victim 'willingness to support' orders.

This chapter has demonstrated the importance of recording victim willingness to support orders, a variable which is not routinely and systematically captured by police data but has been shown to be central to understanding how different groups of victims may experience abuse and respond to this intervention. The chapter also highlights that ‘effectiveness’ cannot be reduced to breach rates alone: each order represents an opportunity for police to [re]connect with victims, signal accountability to perpetrators, and create space for support and safety planning - opportunities that were unavailable prior to the introduction of DVPN-Os. Whilst the data illustrates 22% (1 in 5) orders were breached, nearly 80% have no recorded breaches, which may signal effectiveness.

Taken together the chapter findings extend earlier empirical studies (Bates, Hester and Justice Project Team, 2018; Moroz and Mayes, 2019; Blackburn and Graça, 2020; Ewin, Bates and Taylor, 2020; Bates and Hester, 2020) by providing a larger, richer dataset on same-sex couples, multiple DVPO usage, the inclusion of familial dynamics and introduces victims’ willingness to support for the intervention. This chapter also challenges the Home Office pilot’s (Kelly et al., 2013) suggestion that DVPOs are best reserved for chronic cases, as this study shows persistent offenders with multiple orders often breach at higher rates.

In sum, this chapter provides an original contribution to knowledge by making visible previously obscured aspects of DVPN-O practice whilst advancing protection order debates on ‘measurement’, ‘effectiveness’ and contextual safeguarding. Importantly, the data makes visible issues around child-to-parent and older abuse, timely given the latest Femicide census highlights women are more likely to be killed by their son than a stranger (O’Callaghan et al., 2025). This chapter also presents original findings on protection order breaches, and the importance of [accurate] data capture which has the capacity to assist forces with the identification and management of the most serious VAWG offenders (HMICFRS, 2021a). The following chapters turn to the qualitative interviews and end-to-end case studies, which contextualise these patterns and offer further insight into how DVPN-Os are understood and experienced by those tasked with safeguarding victims and operationalising the instrument.

## CHAPTER FIVE: OPERATIONALISING DVPN-OS IN EVERYDAY PRACTICE

One of the criticisms of DVPN-Os since implementation has been their varied usage nationally. Previous research indicates significant variation between forces (HMICFRS, 2017; CWJ, 2019) as well as within forces (Whittle, 2018; Jones, 2021). This chapter seeks to increase our understanding of the practical challenges and organisational dynamics which shape the use of DVPN-Os. It uses operational insights from police Superintendents who authorise DVPNs, alongside the voices of independent domestic violence advocates (IDVAs)<sup>107</sup> who support victim-survivors once a DVPO has been issued by the court.

Collectively, this chapter and the following chapter, spotlight practitioner voices and present an interpretative DVPN-O arc through reflexive thematic analysis of some of the key data (Braun and Clarke, 2006; Braun and Clarke, 2019). The data in this chapter relates to the semi-structured interviews of six Superintendents and eight IDVAs aligned across the same geographical metropolitan area. There are two over-arching themes presented:

- (1) Authorisation: Getting them is not a problem...or is it?
- (2) 'Protective Gap' or 'Enforcement Gap'?

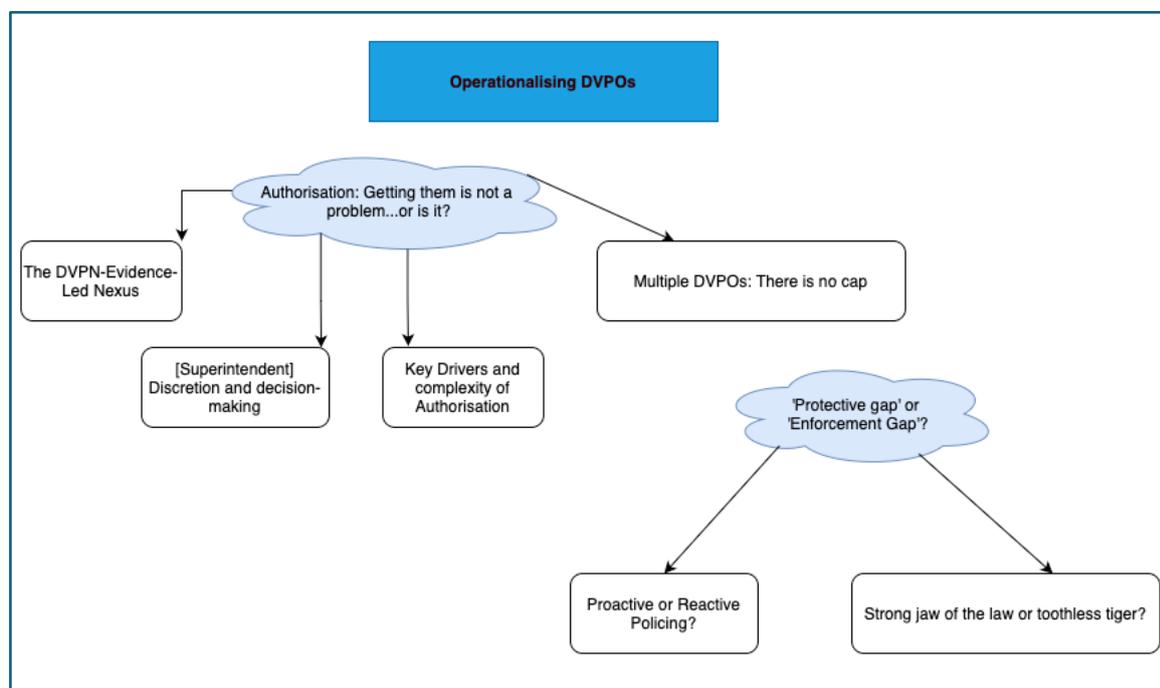
These themes act as central organising concepts, with several sub-themes illustrated in the Thematic Map below.

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<sup>107</sup> Independent Domestic Violence Advisors/Advocates (IDVAs) are independent professional advocates that work with victims from the point of crisis to assess the level of risk, discuss the range of suitable options and develop coordinated safety plans. Throughout the thesis where the term victim-advocate is used it is as an umbrella term when referring to IDVAs *and* Outreach workers. The participants in this research were mainly IDVAs working with high-risk clients, some had prior experience working with services supporting clients in low and medium risk cases. The main difference between the roles is IDVAs attend at multi-agency risk assessment conferences (MARACs).

## Thematic Map

Figure 21: Central Organising Concept - Operationalisation of DVPN-Os



### Authorisation: Getting Them Is Not a Problem...Or Is It?

Looking specifically at DVPN authorisation, Superintendent 3 below speaks to the uncertainties of when a DVPN authorisation will arise:

*“It's just so hit and miss, isn't it? As to whether you get them or not, I thought I was going to get absolutely battered erm, you know, nice weather, and all the football on and all sorts - thought I'm in for a long night, but I only got one.” [AO3]*

The view of ‘hit and miss’, certainly in this force, arguably points to an initiation issue rather than an authorisation issue.<sup>108</sup> The Home Office Evaluation (Kelly et al., 2013) raised concerns around frontline officers’ approaching Superintendents for authorisations. Post-evaluation concerns featured ongoing potential implementation barriers centred on capacity, availability of and approaching [waking] Superintendents in the early hours of the morning. Indeed, on the day of one of the Superintendent interviews in this research, the Superintendent had been on ‘late PACE duty’ [15:00-07:00] and was awoken to deal with a DVPN authorisation very early in the morning of our interview. However, case analysis of

<sup>108</sup> Chapter Four illustrates DVPNs are refused by a Superintendent in 1% of cases.

the 2019 DVPN-O data in this force indicates whilst many do fall during late PACE cover, few authorisations are signed off after midnight<sup>109</sup>.

As far as Superintendent authorisation is concerned, getting DVPN-Os does not appear to be a problem:

*"...for a Superintendent DVPNs, it's, they're quite easy to justify. I see them as a last resort but they're actually quite easy to justify, you don't have to have too much to evidence when you look at the criteria" [AO6]*

Freyburn have two dedicated DVPO officers who apply for and present DVPO applications in the Specialist Domestic Violence Court (SDVC) ensuring consistency. The DVPO officers are supported by in-house legal services, who prosecute any contested cases. A DVPN gatekeeping system operates in force. The [investigating] officer in the case or custody detention officer (as opposed to frontline officers) will compile the paperwork, speak with their supervisor and then an approach to a Superintendent is made. The calibre of DVPN applications from initiating officers was largely interpreted by Superintendents as positive.

*"...we have a standardised form now where every officer in the PVPU, or otherwise, have a good understanding of what's required. That's not to say everyone doesn't need a conversation. It might need a bit of a tweak, but, on the whole, the standard is fairly good." [AO2]*

Superintendent 2 explained the DVPN application was not a 'cut and paste exercise', the system had evolved and adapted over time, with several phases. This had included learning from failed cases and understanding the courts appetite for granting orders. Additionally, within the force there had been a recognition that 'vulnerability' was 'everyone's' business even if it was not your day-to-day world.' The standardised approach adopted assists DVPN-O involved staff with non-vulnerability experience/backgrounds. Authorisations can take place in-person, over email, or by audio call. Superintendent 4 stated they preferred a verbal briefing from an initiating officer. Superintendent 5 explained they had their own template they customised for each authorisation:

*"... I know for a fact there will be some superintendents who check and as long as it's broadly what they want, will sign it, and that's fine. But there's a couple of things I always want to make sure I've covered..." [AO5]*

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<sup>109</sup> According to Force data in 2019 less than 5% of DVPN authorisations occur after midnight and before 07:00. With 66% occurring between 07:00 and 19:00.

Whilst Superintendent 6 explained they forensically went through each application, “if I'm honest, is every Superintendent doing it to that level of detail I'm doing it? Probably not... I think they'd issue them and agree to them, but they probably wouldn't look at the positive outcome as much.” Superintendents may give a verbal authorisation pending receipt of paperwork or return the DVPN application via email with a covering rationale which is uploaded to the force IT system.

Aside from the paperwork, DVPN initiations are complex in terms of the timing of incidents and organisational priorities, such as evidence gathering, speaking with victims, and arresting, processing and interviewing perpetrators within a 24-hour custody window. Local force policy requires early consideration of the need to approach a Superintendent (who may not be readily available). Whilst Superintendents were largely positive about approaches, there were instances when this did not happen promptly, often due to inexperienced officers or drafting of notices by those outside of the ‘specialist DVA team’<sup>110</sup>:

*“There's nothing worse than when they ring, often late at night, ‘I'm asking for a DVPN authorizing’ and you say, ‘where’s the case up to?’ and they say ‘he’s just been released NFA’ – and you’re like ‘thanks for the heads up!’” [AO5]*

This illuminates an unnecessary time pressure on Superintendents to close a protection gap when ‘best practice’ has not been followed. Every Superintendent, without prompting, reinforced there are no police powers to hold a perpetrator (or extend their time) in custody for the issuance/service of a DVPN. A suspect must be released from police custody immediately once the decision to NFA has occurred. Timely service (whilst in custody) ensures resources are not re-directed tasking an officer to go and serve the notice of hearing (DVPN) on a perpetrator post-release<sup>111</sup>. Importantly, it also ensures the perpetrator does not leave the station with impunity and is clear about the restrictions on their behaviour. Hence why DVPNs should be considered early and prepared in tandem with the investigation ready to be issued if a case results in NFA. The vast majority of DVPNs in

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<sup>110</sup> Specialist DVA officers, namely minimum PIP2 accredited investigators, operate within the Protecting Vulnerable People Unit (PVPU). Most DVPN authorisations arise this way. However, ‘lower [risk] level’ domestic offences are dealt with by area investigation hubs. These hubs can include civilian officers and those without PIP2 accreditation and/or DVA specialisms.

<sup>111</sup> The Notice of Hearing (DVPN) must be personally served on a perpetrator.

Freyburn are served when a perpetrator is in police custody following an arrest and decision to NFA.

## The DVPN and Evidence-Led Nexus

Many of the Superintendents explained the force has recently been working on changing the culture around DVPN-Os, moving away from using DVPNs to increasing evidence-led prosecutions (ELP):

*“I suppose what we don't want to do is discourage officers from considering DVPN, what we want to do is make sure that they're considering ELP in its entirety first and that again, is a - I don't know. It's quite hard to articulate that. We don't want them to not be thinking of a DVPN because they are a good, useful tool.” [AO2]*

*“...I think potentially we are using it [DVPNs] too much sometimes, when people are in custody without considering evidence-led enough...It has drifted, I think, with some officers, you know, still, looking at DVPN erm, as an option out, rather than absolutely going for the positive outcome...” [AO6]*

Most Superintendents spoke about increasing and ‘pushing’ ELPs. In practice, this creates several tensions in the system. Tensions in how to articulate both ELP and DVPN to the workforce to ensure one approach is not favoured over another, both are clearly understood, and each option is used in the appropriate circumstance. Tension in terms of making sure there is a strong investigation process from the outset to ensure the best chance of an ELP, if subsequently victims are not onboard with prosecutions. As well as tensions between the police and the CPS, in terms of navigating thresholds to secure successful ELP cases. And crucially, ensuring gaps in protection are closed if cases go to CPS, but return sometime later without a charging decision, or with advice to caution. Therefore, the timing of the NFA decision is also a critical feature in whether a DVPN can or will be considered.

*“...they'll [victim] make the complaint and then they'll [police] go back a couple of hours later and they'll go, 'Don't want to know'. But you've got the original complaint on body cam though...we then have to look at DVPN-DVPO because the perpetrator will know it. They'll say 'no comment' and then you're left with. How, is it evidence-led? You might have evidence of some injuries, but CPS are reluctant to run them, and they'll point at the police and say 'evidential difficulties'. So, we are at a real impasse with CPS at the moment, it's not good, and we want to work with them.” [AO4]*

In Freyburn there is no formal process to capture [re]considering a DVPN once a charging decision comes back from CPS to NFA. Additionally, there is no formal process for DVPN

initiation outside the normal arrest/custody process. Importantly, these two avenues, as well as when perpetrators [repeatedly] breach police bail, present missed opportunities for safeguarding victims using DVPN-Os:

*“I think the general thing is, they are a fantastic tool, where I think we under use them, custody is a dead easy pinch point...you've got a prisoner and if it's NFA'd, it's almost like an automatic thing of - consider DVPN. Where I think we haven't got a tight enough process, is where there hasn't been an arrest. But there's still been an incident. And, do we miss opportunities to issue them where the criteria is met, but we haven't got the robust process that custody provides? And that's a more difficult one because, custody is an easier one to keep track of...none of the PVPU or other people will be aware that that's happened...so you wouldn't want it to be down to personal intervention as opposed to a process. So that's where I just think we're potentially a bit, under used, you know.” [AO5]*

*“...this is the ridiculous thing really, the original officer went off then, his colleague got hold of me and said ‘Boss, if CPS no further action it will you give a DVPN?’ Well! Yeah! All day long, all day long it will be a DVPN, and this is where it's farcical. We took it to the CPS because he's 17 stone and loads of form, he's on license from prison...CPS read it all and then said ‘This shouldn't have come to us. It's not an ‘in-custody case’. Doesn't meet the threshold. We're not giving you a decision. You'll have to do this ‘slow time’ in your local CPS’. So, they'd read it, all about domestic abuse victim and then refused to actually deal with it and give us, and you look at our commitments to the victims of domestic abuse!” [AO6]*

Overall, authorising a DVPN where a perpetrator has been arrested and brought into police custody is relatively unproblematic. However, there are blind spots in the system (such as when frontline officers attend DVA incidents, and no arrests are made and when cases go to CPS – discussed below) which could be tightened to improve victim safeguarding outside the arrest and 24-hour police custody ‘conveyor belt’.

Whilst an increased focus on evidence-led prosecutions is important, the reality is many ELPs are unsuccessful in reaching a charging threshold with CPS. The charge, ELP and DVPN nexus is complex to navigate, especially when DVA cases are submitted to CPS ‘slow time’.<sup>112</sup> In these [common] circumstances, arguably, the window of opportunity for obtaining a DVPN, and subsequent safeguarding, either becomes more challenging or disappears as

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<sup>112</sup> “Slow-time’ refers to when the remand in custody threshold has not been met and a CPS charging decision is sought, the case is then referred to the CPS ‘slow-time’ and can take several weeks for the decision. This is opposed to decisions taken on the day / ‘out of hours’ by CPS Direct (‘quick time’) where the threshold is met for a remand in custody. In practice (in Freyburn) many DVA cases warrant a ‘slow-time’ CPS submission.

'necessity' may become harder to justify and/or DVPNs are not revisited post charging-decision:

*"I've very rarely, if ever, seen the DVPN issued where there's a disposal decision because you typically wait so long for it, that even two weeks is a quick turnaround for the CPS these days, but if you've had an incident and then two weeks, and nothing's happened in the next two weeks, I don't think we'd have any appetite to be pushing that to a DVPO...I think it's that like, real immediate, I mean if it's two weeks has passed, you're halfway through the maximum the court could give..." [AO5]*

*"I find over time I authorise less [DVPNs] because I believe that we should be going for evidence led and 'squeezing the pips' evidentially. Now. This is where we're caught in a trap because if the CPS on the night, we could take it, made the decision and they said NFA, I could also, I could issue, you know, like last night they would come back to me. It's because were then releasing them and bailing them, and giving them conditions, that's where we lose the opportunity to some extent because then, we should always consider, but it's more difficult because they've gone from custody, it's weeks later and then applying for it [DVPN]." [AO6]*

Whilst the police seek the most robust cases to put forward to CPS evidentially, there are clear challenges in practice:

*"We think we should be getting more positive outcomes from evidence led than we are putting forward. So, we're currently considering, and being reflective, are we not picking the right ones to go forward or are CPS not-not 'getting it'...where we're at is, we don't want to put anything through that isn't really, really clear... the ones that we think are-are the strong cases, we are very conscious of what we're putting through. We don't want to flood, or give the perception that CPS are getting flooded with ELP all the time. Of course, we have the gatekeeper of PDM to start with. So, we want to make sure that the ones that we are, are really clear." [AO2]*

Superintendent 2 explained following an 18-month period of 'intensification' around evidence led prosecutions, the force put forward 211 cases to CPS; 30% were unsuccessful (NFA), a further 30% were still working through the system, and 40% resulted in charge:

*"...we think 40% should be higher, because if they're ones that we have really taken some time to go through, to be really meticulous about, uh, like I say, you need a lot to get an ELP... So, we can start to build on that...I think we've answered it, but I-I know it might not be, it might seem a bit wishy washy that, but I know what I mean by that. I'm not sure I have articulated it but that's, that's where I am." [AO2]*

Superintendent 2 above speaks to the nuance and complexity of verbally explaining the charge, ELP and DVPN nexus. Superintendent 2 continued:

*"There's a difference, isn't there, of what we're trying to achieve strategically and whether on the ground that's certainly in the minds of everybody else. I think we use them well, and use them appropriately. That is the plan strategically..."*

These comments also speak to the complexity of translating that nuance into operational strategy. Seeking to understand the operationalisation of the DVPN-O instrument conceptually and as practiced, police officer decision-making is explored in the following sub-theme.

### [Superintendent] Discretion and Decision-Making

In seeking to understand why some cases get a DVPN whilst others do not, police discretion features heavily:

*"I don't know the answer to that. I don't. Because it's down to the officer in the case's assessment...we know they [DVPN-Os] are being used well, but I'm not sure we could use them in every single case..."* [AO2]

The 'hit and miss' nature of DVPNs was portrayed at the outset of this theme by Superintendent 3, the indication being that understanding initiations (or lack of), rather than authorisations, appears more challenging. However, Superintendents are not a homogenous group:

*"... Almost every domestic meets the [DVPN] criteria. The point is whether the order is justified or not...if all it has to do is meet the criteria, there's no role for a Super, is there? ...I'm accountable for either authorizing it or not."* [AO5]

Officer discretion is the backbone of policing. Superintendents must decide upon the 'necessity' and 'proportionality' of the DVPN application over and above meeting the DVPN criteria<sup>113</sup> on a case-by-case basis. Superintendent 5 went on to articulate:

*"...I don't knock that many back. But I've knocked some back. Where I've looked at it and just think it's so low-level. There's so minimal previous, etcetera. I just don't think it's justifiable at the moment, but, I could probably count on, less than, maybe more than one hand, but no more than two, in three years...Generally, if you've got evidence of violence and it's not gonna be a prosecution..."* [AO5]

The excerpts below highlight additional layers of rank, role and process in discretionary interactions.

Superintendent 4 refused a DVPN [Case Study 9 - Chapter Seven] wanting further investigations to occur:

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<sup>113</sup> The qualifying criteria are the perpetrator is over 18; violence or the threat of violence has been used on this occasion, perpetrator to be released from custody without any conditions (i.e. NFA, caution, bail without conditions) and the notice is necessary to protect the victim from further violence.

*"... I probably didn't feed that back to you. I had a phone call from the duty DI to say 'Ohh, Hello, Boss. Is this right now?' "ERM yeah!" I want you to look at it because you potentially got rape allegations, sexual assault, you know, it's, you don't know what's there, but the victim needs some special support - the DVPNs just not suitable in that case. Really isn't!" [AO4]*

Likewise, Superintendent 6 [Case Study 16 - Chapter Seven] recounts asking an initiating officer to justify their decision to seek a DVPN - a view running counter to the authorising officers:

*"OK, so what are you thinking?" And last night it was right, OK, could we consider the DVPN? At which point I can feel the blood boiling, but I'm very calm and say "Right! Why would we do that?" and then go through it [DVPN]. And I think sometimes I know the case better than them! So, in that case, last night I said "Take it to the PDM. If the PDM says it's no further action, I want the PDM to phone me." In a way, that's superseding our system." [AO6]*

This speaks to the earlier mindset of Superintendent 6 of 'squeezing the pips' and going for an ELP when victims are not supportive of prosecution. *"...It's in a way [DVPN] a last resort when we can't do anything more. That's strategically certainly how I see it" [AO6].*

These examples highlight some of the internal forces at play during the authorisation process. In addition, they speak to the positionality, certainly in mindset, of the DVPN [strategically] more recently within the force. Superintendent 6 sees them as a 'last resort' echoed by other Authorising Officers:

*"I want to make sure that we are exploring all of the elements of the ELP before we move to DVPN - DVPN should then be the absolute kind of last resort to make sure people are protected." [AO2]*

Some superintendents alluded to how historically the force had not got the DVPN 'balance right'. Superintendent 6 mentioned earlier how DVPNs had been viewed by officers as an "option out, rather than absolutely going for the positive outcome." Superintendent 7 recalled how initially DVPN-Os were offered as an option to victims rather than discussed:

*"We did a lot of kind of 'Comms' and training around making sure that it wasn't offered as an option...it shouldn't be like, 'oh, don't worry, you don't have to make a complaint. Would you like one of these instead?' I think strategically it's used as an opportunity to safeguard when all other opportunities have been exhausted. It's not something that should be from the very off, when we go to a 999 call for a domestic thinking 'Oh well this is going nowhere. Let's just DVPN it', there should be all those investigations, those 'golden hour' principles, house-to-house enquiries, they should be taking place regardless of whether the victims standing there saying: 'Yeah, I'll tell*

*you what happened' or 'No, I'm not'. It shouldn't be a cut and shut, well, this is a DVPN. And I do think we're in a better position now where we are at that point where the DVPN decision will be made further down the line - so almost don't think about that - do everything you can first, and if it needs one, you go and ask the Super for it and it's up to him or her as to whether they will authorize it or not."* [AO7]

Both Superintendents allude to previous potential 'cuffing'<sup>114</sup> practices, 'settling' for a DVPN instead of focussing on 'golden hour' principles in the immediate aftermath of a domestic incident resulting in valuable evidence not being captured. This ultimately is counter-productive to organisational goals of 'positive action' through successful prosecutions.

Despite high DVA attrition rates and a lack of prosecutions ('positive' police outcomes), victim safety should not be incompatible. The extant literature clearly indicates victims often do not seek a prosecution (Hoyle and Sanders, 2000). Indeed, the quantitative data in Chapter Four highlights a large proportion of victims did not support prosecution (Outcome 16s). Interestingly a significant sub-set of these victims (Outcome 16s) were in fact supportive of a DVPN – discussed further in Chapter Six. The commentary above may point to a police culture which is prosecution focussed with safeguarding as secondary, compared to victim perspectives where safety is primary over prosecution (Hester, 2006). DVPN-Os have the potential to bridge this gap not just as a 'last resort', but as an 'early intervention', particularly earlier in perpetrators offending cycles (Ashley, 2013; Moroz and Mayes, 2019).

*"Erm, they are an early intervention as well. Yeah. Yeah. I think you're right. I think they are. They are a last resort, but, if you've got minor injuries; don't wanna engage; you've no, no evidence for evidence led prosecution, then yes."* [AO4]

*"I hope the message across the force is that we use them whenever we can...strategically that is what we want."* [AO2]

The latest PEEL Inspection Report for the force states DVPN-Os 'are used well.' Freyburn is one of the top ten forces within the country in terms of highest applications as a proportion of DVA crimes. Whilst Superintendents receive regular training around DVPN-Os provided by the specialist DVPO Officers, arguably there is room to improve the strategic 'messaging' across the workforce around using them 'whenever we can'.

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<sup>114</sup> *Cuffing*: non-recording or downgrading of offences. Young, M. (1991) *An inside Job: Policing and Police Culture in Britain*. Clarendon Press: Oxford University Press.

The official police discourse in Freyburn is one of DVPN-Os being considered on individual merit, in the 'right cases':

*"I think we are a force that does use them across the board. So, I would say, certainly strategically, that is what we want..."* [AO2]

On one hand this force uses DVPNs regularly whether the victim is willing to support the application or not. Ewin et al., (2020) highlight how officers in their research were more likely to initiate a DVPN if the victim was supportive. In Freyburn, many authorised DVPNs are unsupported. This would bolster Superintendent 2s assertions of using them whenever they can. On the other hand, the data in Chapter Four highlights DVPN-O cases often represent normative framings of what domestic abuse looks like, with few issued in non-physical, coercive or threatened violence.

## Key Drivers and Complexity Around Authorisation

To understand further key drivers for DVPN issuance the following rationales provide useful insight around risk grading, previous history and physical assault:

*"We get threats as well. We do, sometimes violence hasn't been used, but it's been threatened or the way the demeanour of the suspect, they think the victim thinks, gunna be violent towards me, they get themselves out, we'll go ahead and ask the courts to grant the orders. So, we do just get the threats as well, that we do put to the courts"* [DVPO 02]

*"...It's an easier decision to make if there is a history. Uh. Because. There is that I suppose that, err it's not, it's not unfounded, is it? If something happened before, there is a likelihood that it will happen again because there's, you know, especially if there's been numerous different occasions. So that-that certainly makes it easier. Is that then, conversely, meaning that it's harder if there's, if there hasn't been one? I don't know? Because the circumstances may change the decision-making or make it easier around that. I don't know really. I suppose it depends on each case, doesn't it?"* [AO2]

*"...So, if you've got a couple were, there's not been erm that many incidents, maybe two or three on our records, and then there's an allegation, it takes us a month to lock the perpetrator up and there's been nothing since. I might look at that and think the history is not significant, but. And there's been a month gap since this incident took place, I'm not convinced the case is there, but you might have someone it takes a month or so to find but the history's so bad, you just know full well that the risk..."* [AO5]

*“I'd say they're more allegations of assault, than threats, I'd say the majority that have come across my desk have been usually a 39 or a 47 assault. That is likely to be no further actioned, and with no visible injuries. I'm, you know, if there are visible injuries and we've got photographs of them, that's when, for me, you should be considering an evidence led.” [AO7]*

Superintendents also spoke about occasions when they had refused to authorise applications, often due to external forces, which speaks to the issue of state interference and balancing victim protection, and the right to respect for private life (Bessant, 2015; Crompton, 2013):

*“So, I've refused to give DVPNs before and I know other officers have, when you're gonna make the perpetrator homeless, if it is a lower-level offence because, at the end of the day, you're looking at Articles 2 and 3. Are they outweighing Article 8? If you're gonna make somebody homeless and on the streets, that can't be right either, and certainly there's been a few where you think 'I'm just gonna have to take a risk with this'...I've had a couple of those where the victim has moved out, because we'd struggle the other way, and it - that can't be right either, but you've got to be pragmatic as well.” [AO4]*

This ‘pragmatic approach’ is echoed in a response by Superintendent 5 who spoke to the flexibility in interpreting the CSA (2010) legislation:

*“...the criteria isn't a person who's been arrested can be issued with a DVPO, it says: 'following an incident of domestic abuse where violent behaviour has been used by person over 18, blah, blah, blah.' There wouldn't actually be anything to stop you, I don't think, saying she's been locked up, but you're getting the order because you've both been violent. And the overall history and information / evidence around your relationship, the dynamic of your relationship is you are a far bigger problem than she is. So, I've said that, but I don't recall a time where I have done that but I think I'd be prepared to do that rather than kicking out someone who is by far the most vulnerable person out of the two, because on one occasion out of 55, she's given him a dig you know, kind of thing. So, it's a difficult one really...” [AO5]*

This rationale of ‘DVPN-ing the incident’, rather than an individual, was evident when observing Case Study 3 involving a different Superintendent which relates to a heterosexual couple where the male partner was arrested for violence but during interview it transpired that he was the victim on this occasion. The interviewing officer believed some of what the victim stated and some of what the arrested male said, when briefing Superintendent 2 the initiating officer stated: ‘I think they need to have a DVPN to protect both of them.’ The authorising Superintendent replied:

*"I absolutely agree. PDM will NFA that all day long, bearing in mind she's got no injuries, and he has, and that he's give a full account and that she hasn't. They need to be kept apart, don't they? For their own safety the two of them." [AO2]*

The male victim (in this instance) was issued the DVPN. College of Policing guidelines advise against 'dual arrests' and advocate determining the primary perpetrator (CoP, 2018). Arguably 'DVPN-ing the incident' may run counter to guidelines which seek to identify a primary aggressor in DVA incidents. However, DVPN-O case analysis on the 2019 records (n=535) revealed dual arrests were rare, with just two observed instances. The authorisation rationales for those issuances relate to the nature of the incident being unclear, both parties having injuries, risk of escalation and the need to separate the parties [Fieldnotes 74 and 85]. Whilst dual arrest appeared rare in Freyburn, the issue of 'misidentification' (Reeves, 2021) may be increased when both parties appear to be victims.

'DVPN-ing incidents' raises the potential for increased risk of misidentification of primary aggressors and for the potential of collateral consequences for [non]justice-involved individuals that could flow from [informal/civil] hybridised orders (Corda, Rovira and Zand-Kurtovic, 2023). Pragmatic policing practices such as victims leaving the address when partners have nowhere else to go, or in some instances when perpetrators are on probation or 'on tag' to the index address could also have unintended consequences. The human rights balancing act of Superintendent decision-making can mean *"you are in a real ethical quandary with them."* [AO4].

The subjective nature of decision-making regarding DVPNs is further highlighted in the following comments which demonstrate, on face value, the variance in approaches and perspectives authorising officers' hold. Rationales around the concepts of 'immediacy', 'violence' and 'necessity' are expressed:

*"...my view is, you know, you could put somebody on bail for six weeks, three months even. And actually, if you ended up doing a DVPN, to then buy them a bit more time, that's what you do, as long as you use rationale, justify it - might go to magistrates and they might knock it back. But actually, the fact is your believing the victim, you're listening to them, and you are doing something about it..." [AO4]*

*"...it may be that they are released on bail or released under investigation because there's further work to be done, either because there clearly is further work, we want to pursue ELP or whatever. Now once that work is done. Because there will have been*

*a period of time a DVPN wouldn't be relevant then, so there's obviously that, so you can't say every section 47 should result in a DVPN if it's not a charge..." [AO2]*

*"...you know, we talk about a reasonable person kind of test. Would Joe Public look at a serious sexual assault and say that it was violent, to a degree. And I thought, well, well yeah. And if the court don't agree, they've got the option to not grant the order, haven't they?... I've been on the rota for authorising them for over three years. I don't recall ever doing one for a sexual assault until then" [AO5]*

Superintendent 7 highlights the impact of the timing constraints around the DVPN process when perpetrators are in custody:

*"If the PDM is saying, still isn't, not gonna pass the threshold, it's still looking like an NFA, then they should be coming back to the Superintendent then to say, you know, 'Appreciate, you said evidence led. We've done what we can do. We've gone back to PDM, it's still going to be a no and then that DVPN can be authorised if it's applicable, but the majority of evidence led prosecutions are usually more 'slow time', because you've got to look at so much more beyond just what the victim and the perpetrator are saying" [AO7]*

The idea of a DVPN-O as a backstop was evident in Freyburn's 2019 DVPN-O data. Analysis illustrates instances where Superintendents approached for DVPN authorisation had emailed the initiating officer back to say they wanted the case to progress to the PDM for charge, but, if it was subsequently deemed insufficient to charge, 'then the DVPN is authorised' [Fieldnote 25]. This is perhaps one straightforward way to overcome a gap in protection lost once a DVPN has been refused, and the case goes off to CPS 'slow-time' – many of which are likely to still result in NFA further down the line. Indeed, this was the outcome in Case Studies 9 and 16 illustrated in Chapter Seven. Another way to address the tight window for obtaining a DVPN is to [re]consider the Home Office recommendation of altering the legislation to extend the timeframe available to the police for DVPN issuance (Kelly et al., 2013; Burton, 2022). Aside from timing and 'immediacy' a more polarising aspect of Superintendent discretion was evident around the issuance of multiple DVPNs to the same dyad, the topic of the next sub-theme.

### Multiple DVPN-Os: There Is No Cap

Alongside indicating the appetite for and/or willingness of Superintendents to authorise multiple orders for the same couple, arguably, this facet could be viewed as a litmus test as to how the orders are viewed within the force: 'strong jaw of the law' or 'paper tiger'

(Barron, 1990). The empirical data in Chapter Four illustrates on average 15% of all DVPN considerations are multiple DVPOs in Freyburn, indicating they are a small but persistent feature in the landscape. The DVPO Officers explained 'there's no cap' on the number that can be issued. *"We're on our 5th or 6th order 'cause there are orders that have been issued that many times and I can't remember what's our maximum that were on. There's probably one, with even more now..."* [DVPO1]. However, multiple usage elicited a divergence of opinions across the Superintendents:

*"That's not what it's designed for, is it? It's designed really for a one off. Here's some support and they get that support and you, you're back on their feet again...But eleven times, that just doesn't. I wouldn't authorize."* [AO4]

*"... but it's a last resort that doesn't come without a punch because it's 28 days. And it's quite specific the criteria and actually, people can have had them before. And I suppose that's what I will challenge to officers when people have had them before. How's this? This isn't changing behaviour or solving a situation? So that's certainly how I see it and how I would view that officers would see it, who are dealing with it..."* [AO6]

Other Superintendents expressed a willingness to issue them numerous times:

*"You can look at that either way, either these aren't working because look, it's still happening, or if it gives them some respite in terms of that real complex, risky investigation erm, then we will keep doing it...in domestic abuse you can in one scenario, be named as a suspect, another as the victim. So, in those cases we will. The DVPN is almost that, 'Right! Just give you both some time. It's a really complex situation. You both just need a break from this'. So, we will use them, and they are used multiple times in those scenarios."* [AO2]

*"...if there's an opportunity to safeguard and it's within the confines of the law that we have to comply with, we should be taking that opportunity. We shouldn't be saying 'Well, this is number 9. What's the point? He's gonna break it anyway'. For me, that is an opportunity, if there's that many, there should be a strategy meeting held around that perpetrator and the victim..."* [AO7]

The use of multiple DVPOs within the same ongoing relationship is under-researched. Prior to the introduction of DVPN-Os the police asked the Government for temporary injunctive powers to deal with perpetrators who present an ongoing risk of violence to victims (ACPO, 2009). Bates & Hester (2018) highlight that unlike other protection orders designed for use when couples separate DVPN-Os may be used more to 'contain' and 'manage' violence and

abuse when couples remain together. Superintendent 5 speaks to this idea of 'couple management':

*"I think, part of it comes back to, some of the other things that you might wanna do will take a bit of time, and you've gotta look at that, if the risk here and now is there, and there's a potential to grant a DVPN to give the victim some protection and us some powers to intervene if there's further contact. Part of me thinks, you've still got to go with that. You just wanna make sure that in parallel some of the other things sort of MARAC to support the victim, and other ways to do work around the offender is still sort of going on, but. You know, this won't be unique that we've given double figure DVPOs to this couple... There'll be a, you know, a reasonable number of others won't there who are in that similar kind of situation... if the information is there then we go with it, it's just a really difficult one isn't it with domestic abuse... What you want is the relationship to end and the victim to have the ability to end the relationship and be independent. But it's easier said than done, isn't it." [AO5]*

IDVAs were asked their perspectives on multiple DVPN-O usage. Whilst not all IDVAs had experience of multiple DVPOs some embraced the idea whilst others were less keen:

*"I don't think they're giving out enough for people to get multiple DVPOs, that I've seen anyway, but my opinion would be probably, if it's got to that stage then DVPOs isn't worth. It's obviously not worked, so they need to be, perhaps consider other things if they're able to, in terms of you know, what else can they do, prosecution or what else can other agencies do to kind of intervene?" [IDVA 7]*

*"...these days you've got body cameras, you've got, you know, and I think police then also should be using MARAC as kind of evidence led. Is there any other agencies who are working with these, you know, with this couple, can they seek professional statements, to support evidence led. And I just think that's maybe what is not happening there? It's positive that they're putting the DVPO in place, but how many and at what point are we gonna kind of acknowledge that this is not working, you know?" [IDVA6].*

*"Yeah, there's been some were there's been multiple DVPOs and they're not effective because basically what happens is once it expires, they go back around and OK, these are complex cases, so it's further interventions needed really." [IDVA2]*

*"...it would all come down to whether or not they had enough evidence to actually take it to the CPS and take it to court because I'm sure if they did they would do. But of course, if they haven't got that, but they're pretty sure that something is going on, then they can just continually be used as a safety measure to put that separation between a victim and a perpetrator. And I think that is positive because I think, depending on that person, sometimes that distance that they have is when they realise, actually, 'I do wanna leave' because they're not being controlled at that very moment in time, erm even though it is only a short period of time, it can give them that, they call it the 'breathing space', that opportunity to make a decision... I do think it's good that they would repeatedly put them in place because it's better than*

*doing nothing. So, I would fully support that if you have to put twenty of them back-to-back in place, great. Do it. If you need to, yeah.” [IDVA8]*

DVPN-Os may represent a tool of disruption imposing a ‘protective firebreak’ and allowing respite in ‘chronic’ cases where prosecution is not possible. However, protection order efficacy is difficult to assess (van der Aa, 2012). Whilst the Home Office evaluation indicates DVPN-Os appear most effective with ‘chronic’ offenders (Kelly et al., 2013) their long-term disruptive value is questioned (Bessant, 2015; Blackburn and Graça, 2020). Further analysis on Freyburn’s data relating to multiple usage is presented in Chapter Seven, taken together with the quantitative data in Chapter Four, this thesis presents rich contextual insights into multiple usage. The next theme discusses the active policing of live orders.

### ‘Protective Gap’ Or ‘Enforcement Gap’?

The police are responsible for monitoring and ensuring compliance with DVPN-Os, however, their enforcement role and the concept of ‘active policing’ has not been clearly defined by the Home Office. National guidance is silent on what enforcement, [pro]active or otherwise involves, who is responsible or what a monitoring framework or protocol around the ongoing management of a DVPO case might include except for:

Police forces should identify a single point of contact (SPOC) or officer in charge (OIC) for DVPOs who should monitor DVPO cases to evaluate and update risk assessment and risk management plans.  
[Home Office 2016: Para 5.10]

This theme looks at some of the challenges around such ambiguity and includes two sub-themes, firstly ‘Proactive or Reactive policing’ which explores active compliance checks and responding to breaches. Secondly, the sub-theme of ‘Strong jaw of the law’ or ‘Toothless tiger’ which situates DVPN-O powers in the wider safeguarding remit of available options and considers whether DVPN-Os fill their intended purpose.

The IT management system in Freyburn presents a dashboard allowing Superintendents, Inspectors and Sergeants to see immediately how many DVPNs have been issued overnight in their area (or force wide) and how many DVPN-Os are active on their ‘patch’ at any one time. This ‘live’ picture is translated to the workforce through daily management and

tasking briefings so that overnight crimes (including new DVPNs) and leftover tasks from the previous day (including monitoring DVPOs) are reviewed, and staff are briefed.

*“So, we’ve got plenty of ways to have that, like, oversight of what we’ve got. And for example, I’d rather see the staff put far more effort into this one [CASE STUDY 14] than some of the others if it’s a capacity issue because you’ve gotta, it’s like anything, isn’t it? Some are riskier than others. Some are more important than others in terms of how robust we are. So that’s, I suppose the best way that we can stay on top of what we’ve got and not just for DVPOs, but anything really.” [AO5]*

Whilst a live DVPO should be assigned to a designated officer, the daily briefing ensures the whole team are aware of who and what has been highlighted at the start of duty (parade); DVPO checks are a key daily tasking issue. In addition, Freyburn conducts a monthly audit or dip sample of one DVPO case from each of its area hubs to feed into a crime scrutiny panel providing a feedback loop on good practice and areas for improvement for operational officers.

AO3 explains once local policing is involved, initial contact within the first few days of an order would be expected with both the victim and the perpetrator:

*“The staff doing it check for things like victim’s welfare—if this is not done then a DVPO is pointless. If the perpetrator’s not in court for the DVPO they are served with the DVPO by local policing, and it is explained fully along with consequences for breaching. If after court nothing done, victim is exposed...victim only likely to call police then in a crisis—so what we do is go around and set the stall out within the first 7 days.” [AO3]*

This approach of ‘personally serving’ both the victim and the perpetrator with a physical copy of the order whenever possible had developed over time, in part driven by the force solicitors. Previous practice involved posting out a copy of the DVPO, however ‘proving service’ had been problematic in some subsequent breach hearings<sup>115</sup>. Recent good practice had involved the use of body worn video camera and recording conversations over the telephone [Fieldnote 13] or through doors with ‘hostile’ perpetrators (and victims) demonstrating awareness that notices/orders were in force, and outlining the conditions attached [‘observed’ in Case Study 8]. Force protocol also states victims are to be contacted

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<sup>115</sup> Whilst a breach of DVPO is a civil contempt of court, a breach must be proved to the criminal standard - ‘beyond reasonable doubt’.

in-person at the start of a DVPO, informed of their single point of contact (SPOC), and how to contact the force in an emergency.

Superintendents shared their expectations and understandings of the [pro]active policing role during the enforcement stage of a live order:

*“Local policing do pick up every DVPO around that proactive element of going back to the victim” [AO2]*

*“...once served, unless there's a breach, some areas, and some officers do go round the perpetrators address as well and say, you know, ‘are you behaving yourself? Just to let you know we're still policing it and we're still monitoring’ and again, I suppose it depends on the perpetrator and the officer, but, you know, some will do and some won't.” [AO3]*

*“...it's your typical neighbourhood Bobby, who then have the responsibility for managing the order...what we want is, we're not gonna go visit a DVPO every single day for 28 days. But what you want is ‘regular’, which is hard to define, but what you don't want is. It's there for 28 days and we go twice in a month because you might as well not have it, because it's almost like you're just waiting for the next domestic to find out there's been a breach. So, what you're looking for is some regular efforts to try and make sure that we're actually putting some effort into that order, you know, and some bobbies and teams will be better than others” [AO5]*

Operational Superintendents expressed the organisational policy or ideal enforcement picture, namely that orders were being actively policed post-issuance. One (non-operational) Superintendent expressed an assumption DVPOs were being enforced robustly once AO involvement ended:

*“...I don't manage any staff who have any dealings with DVPOs, that should be sitting under investigation strands and should be getting policed effectively to make sure that the contact remains with the victim and they are being looked at, it's not something when you're duty cover, you don't necessarily, you know, the Superintendents, we all cover, some of these will have never worked in investigations before or probably had experience of domestic incidents. So, I think, you know, in terms of the ‘what happens next’, that wouldn't fall under my responsibility.” [AO7]*

Other Superintendents highlighted how DVPOs are not seen again post authorisation:

*“No, we don't.” [AO4]*

*“I authorise it on the phone and probably go back to bed and then I never hear about it ever again.” [AO5]*

Concomitantly some of the operational Superintendents also offered reflections which allude to the organisational impotency around DVPN-O effectiveness post-authorisation. Picking up on AO3 and AO5's earlier commentary above in terms of 'varied efforts' across the force around the active policing of DVPOs, issues with capacity and a lack of resources are alluded to:

*"...typically, might have two, three or four live at any one time, but on that team of Bobbies, you're probably talking about two or three on Duty. Per team...and it will never be more than that, but they will also have to go to community meetings. They have to manage gang injunctions, driving ASB issues. If a house gets burgled, they'll go out and knock on all the neighbour's doors, they have to juggle 20 plates a shift and DVPOs is one of them."* [AO5]

*"I genuinely think police forces up and down the country, not just [Freyburn], are letting victims down, we haven't got that capacity, and we should have it. We should be able to respond to it and we should have specialist teams that are more available than they are, because, it literally is sometimes, it's a 'sausage factory'. So equally, detectives can walk in, into a homicide. So, all their plans they had to speak [to a victim] ..., they're gone! for about four or five days...a lot of them are tied to their desks as well because of the way everything's online... one of the biggest issues you've got is around the data quality. So, not getting the right phone number or email address. And again, with the DVPN, the DVPO, that's critical."* [AO4]

During case analysis of the 2019 DVPO such data accuracy concerns were evident. One incident illustrates when the officer attempted to re-contact the victim by phone the number used was the victim's previous ex-partners [Fieldnote 74].

Superintendent 6 was direct about the current DVPN-O enforcement position:

*"I think. Do we? Once we've got it, post getting it, are we where we should be with it? Erm in that 28-day period...you know, partner agencies getting in there, that 28, golden period...The police, we've got processes in place with local policing and such, but are we knocking on doors checking? We're not!"* [AO6]

Freyburn's protocol states designated officers should continue to make contact with the victim every seven days to check on their welfare and offer reassurance, aligning with Authorised Professional Practice (APP) issued by the College of Policing (CoP, 2015; 2024). In a follow-up interview around a prior observed case study authorisation, AO3 expressed satisfaction the force protocol was in place and being applied, to some extent at least:

*“...as I say, I'm taking some heart in that it was allocated, erm the supervisor was aware of it, and it had some, albeit little, it's had some governance and some accountability there. And thankfully, they've not come to our notice again in that time...”* [AO3]

Taken together, this paints a picture that whilst there is a clear DVPN-O enforcement protocol in place, in practice this may be aspirational. Gaps in enforcement may undermine the protective gap DVPN-Os seek to fill. Enforcement is explored in more detail in the following sub-theme (and Chapter Seven).

### Proactive Or Reactive Policing?

Discussions around active policing of orders enmeshes the concept of enforcement, and simultaneously, [the policing of] breaches. Enforcement conveys a '[pro]active' approach whilst the policing of breaches often conjures up a more 'reactive' one.

*“...under normal circumstances you're just looking for some proactivity around the order I suppose.”* [AO5]

*“...it should be, erm, you know, it's not down to the victim, is it? It should be down to us, and partners to offer that support and not leave the onus on them 'ah, give us a ring if anything happens' and we should be looking and being proactive around that.”* [AO3]

The Superintendent voices above portray a [pro]active police stance during live DVPN-Os. Some of the Superintendents interviewed were responsible for the daily tasking meetings and the operationalisation of DVPN-Os in their own areas. Others were non-operational Superintendents. However, the specialist DVPO officers see every DVPN-O from across the whole force and are arguably well placed to offer a comprehensive awareness around DVPN-O breaches generally:

*“Less get breached, to what we got in place at any time, sometimes we have a period when we do have a lot of breaches...either a report of a domestic or just from reassurance visits, by just tipping up at the address and finding them there...they have been found in gardens or hiding in wardrobes...Obviously, a lot of the time, the victims don't provide a statement, but we've got the officers statement to say, he's at the address...”* [DVPO 02]

*“I would say the majority or quite a few of the cases, the victims are complicit. They actively want them back in the address...I think people don't understand, how sort of strong they are, or they can be...you're going to go to prison if you're there. You're blatantly breaching the court order; the likelihood is our courts do send you to prison. They will give you a fine if the evidence isn't particularly strong or if it's a first breach*

*and there's not much in the breach if you like, but more often than not, you will go to prison for it..." [DVPO 01]*

The DVPO officers' perceptions above were borne out in the case studies observed in Chapter Seven. Significantly, the case studies highlight a proactive policing stance; most of these breaches were discovered by the police during routine welfare and attendance checks rather than by victims reporting breaches/further offences coming to light. Furthermore, and importantly, all of the breached cases observed in Chapter Seven involved victims who were unsupportive of, or undecided on, a criminal prosecution. The majority were also unsupportive of the DVPN-O and most cases (three out of four) involved 'chronic' perpetrators. The issue of victim's willingness to support [DVPN-Os] will be picked up in the next chapter. Every perpetrator had been arrested for their breach: half received a period of imprisonment; the other half were fined. This brief 'breach snapshot' (n=4) provides a good illustration of a proactive enforcement regime akin to Freyburn's policy arrangements.

However, the broader 'real-time' enforcement picture from all sixteen case studies [See Table 25. Chapter Seven] presents a more mixed picture in terms of [pro]active policing of orders overall. This wider snapshot aligns more towards the views from external partners – in this instance, the IDVAs and Outreach workers in the same region. In stark contrast, victim-advocates portray a negative perspective, largely indicating they were unaware of any police-victim engagement or proactivity during live orders:

*"...I'm not aware when there's been DVPOs issued the police will actively go and check." [IDVA 1]*

*"...I've never been told by a survivor that you know, the police are actively coming around to make sure it's enforced. I've never. Yeah, I've never been told that..." [IDVA 2]*

*"...is there a process for them to check in on that person? I'm sure they'll be some advisory guidance of some sort with the police. But whether or not that's actually happening remains to be seen. I've seen no evidence of it." [IDVA 5]*

*"Don't get me down the road off kind of the breaches and how they're approached with the police!...in [LOCATION] to be honest, on the two [DVPOs] literally, you've caught me on the week where yes, the police are going out and they are doing it." [IDVA 6]*

Whilst it was clear in general the IDVAs were unaware of, or not sensing any [pro]active policing of live DVPN-Os, IDVA 6 relayed the context of her two current live DVPO cases she was supporting the victims in:

*"I've had one kind of case ring me up and say, 'it's waking up my baby', 'they're coming to the house and he's not here'...she was really, really advocating for me to ring them [police], 'tell them to stop'. And I was like, 'I can't. They're doing their job. That's what they need to do'. Unfortunately, one of the occasions they found the perpetrator was there hiding in a cupboard. But you're like. 'No. That's why they do these; that's the point of them!' After a long conversation with her it was, it was him who was making her ring me up and saying 'get them to stop...' [IDVA 6]*

*"...she's contacting me and her mental health support worker to say how significantly and negatively it's impacting her mental health, they're arriving, coming in vans, they're coming in, and the other support worker doesn't really understand the purpose of them. So, I'm also having to explain to them. 'Look, this has got to happen'. How they approach it maybe is not ideal you know, but it has to happen. That's the purpose of them. It'd be a worry if it wasn't happening, because then it would be a tick box exercise, and it wouldn't actually be protecting her. And you know, they are resistant to the police knocking and it's not, it's not ideal for them because they didn't wanna support in the first place..." [IDVA 6]*

The two examples above provide useful insight into the [pro]active role of DVPN-O enforcement and also the nature of victim advocacy provided by IDVAs during DVPN-O cases. Whilst IDVA experiences of proactive policing around general enforcement were limited and overwhelmingly negative, a more mixed picture is presented around the issue of policing breaches:

*"I think it depends on the victim. Some victims want them in place and they're very proactive at reporting any breaches. Some of them, obviously want to get back in their relationship and wouldn't say they've had any contact, depends on what stage of that relationship they're in. We mostly get people who would report it because we only get high risk referrals. So, if it was a bronze incident, we wouldn't get notification of that DVPO." [IDVA4]*

*"I have had breaches reported and arrests made on the back of it, so my experience of that...it actually works when the breach is reported, the arrest was made..." [IDVA5]*

*"...we're seeing people reporting breaches and they're not being acted on a lot of the time for whatever reason, or they're being recorded, but nothing's happening from it..." [IDVA7]*

*“If I've rang and I've heard there's been males there, you know, you make contact and, I have reported breaches of DVPOs and they have also been acted upon. I have asked for welfare checks as well, for kind of, some of my cases and they have also been acted on. So, I think, the thing is, once they're in place in [LOCATION], they're being acted on. It's just getting them in place for some of them.” [IDVA 6]*

*“So, you're never going to get it handed to you more simply on a plate than the cohort of people that our service supports. You've got potential murder victims, and you've got potential murderers. They've been risk assessed. Not by me, but by you [Police]. And actually, as high risk of serious harm or fatality as a result of domestic violence. So, when they ring up and tell you that there has been a breach of domestic violence protection order and that's increasing in frequency and severity, that should ring alarm bells for you and regrettably that doesn't always happen, as we see all too often in our DHR's.” [IDVA 3]*

IDVA 3 provides sobering commentary around high-risk cases. It is also apparent from the IDVA perspectives many felt ‘out of the loop’ in terms of police practices during live orders. There are distinct opposing perspectives around [pro]active enforcement, with mixed responses to breaches. DVPN-Os were introduced to help the police ‘fill a protective gap’. Practitioner perspectives in this research point to an ‘enforcement gap’ in practice. Arguably, Freyburn’s enforcement protocol may be more aspirational than effective. The next sub-theme explores the touchpoint DVPN-O powers provide the police to fill a protective gap.

### Strong Jaw of The Law or Toothless Tiger?

Police bail, which can be conditional or unconditional, is often used when the police await a charging decision from the Crown Prosecution Service (CPS) and whilst there are ongoing investigations around cases pre and post charge. Several Superintendents expressed a perceived frustration with the current inadequacies of police bail. Specifically, a lack of any sanction or accountability for a DVA perpetrator if bail is breached; perpetrators are often simply re-bailed, highlighting ongoing protective gaps.

*“...when you look at what breach of bail is now, and what it means and our options if someone does breach bail, it can sometimes, it can be a ‘toothless tiger’ unfortunately...” [AO6]*

*“...police bail is pretty useless.” [AO5]*

In contrast, the DVPO officers and Superintendents had favourable views around the DVPN-O instrument and the powers it affords them:

*"They're a good tool to use, to be able to go in there without having to charge somebody criminally. I think they're quite effective in our high-profile nominals like our OCGs" [DVPO1]*

*"[DVPN-O] gives us meaningful powers to intervene if there's a breach...The court sanctions for [DVPN-O] breaches are normally quite good if there's a bit of history there. So, they're just a good tool." [AO 5]*

*"I do think it's a useful tool. It was always a worry of mine when we'd have incidents where it was NFA and, you'd know that something's gone on, and you can't bail. You can't put any conditions on, and you would be worried about what would happen..." [AO7]*

Whilst police bail could be viewed as a 'toothless tiger', DVPN-Os were seen as having more 'teeth' because of the sanctions available for breach and a perceived sense of effectiveness whilst orders were in place. This perspective was mirrored by the Independent Domestic Violence Advisors (IDVAs) in the same area:

*"Police bail is poor. It's just two words that mean nothing." [IDVA 5]*

*"...with bail conditions people breach them, constantly, because it's police bail. Nothing ever happens but with the DVPO, because it's been issued at court, a lot of the time, people do stick to them. We get restraining orders and people keep breaking restraining orders all the time. In my experience, people do tend to stick to them [DVPOs], but then the worrying thing is, it's because, you know, it's only 28 days." [IDVA2]*

However, there was a disrupting juxtaposition about the DVPN-O instrument at the same time, even by some of the same participants:

*"But they are really good..., the sanction is quite stiff for a breach, which it should be, but they are clearly still under used." [AO5]*

*"We really push it [DVPN]. [But] I actually think it can be a 'toothless tiger' at times because it's how it's then policed... So, DVPNs DVPOs, yes –I'd much rather have a criminal justice outcome." [AO4]*

*"For me, I feel like they're issued, and then, that to me, I get the sense it's more of a tick, it's a tick box. The order has been issued, it's ticked, it's done...I mean if I'm honest, we don't get a lot in [AREA]." [IDVA2]*

*"...clearly we will have our repeats, where the DVPO is a piece of paper and it's not worth the paper it's written on, and no sooner is the ink dried at the bottom of the DVPO than they're back on the street again, they're back outside the house, they're back, harassing and they're back in contact again." [IDVA3]*

Considering the themes so far, there is clear tension organisationally around the DVPN-O instrument. Superintendent 4s comment above *“I’d rather have a criminal justice outcome”* perhaps encapsulates the positioning of DVPN-Os, namely as a ‘last resort’ directly alluded to by many Superintendent colleagues.

## Chapter Summary

This chapter illustrates Superintendent authorisations are rarely a barrier in and of themselves. However, the cultural framing of DVPN-Os in Freyburn appears to be as a ‘last resort’ which sits in tension with policy intentions of filling a protective gap, and intervening at an early stage in offending trajectories (Ashley, 2013). This narrowing of the instrument may in part be due to institutional drift arising from competing priorities to increase evidence-led prosecutions, whilst embedding DVPN-Os into existing operational rhythms (arrest and 24-hour custody processing). The complexities of authorisation decision-making are made visible. Individual attitudes of Authorising Officers’ shape when, how, and for whom DVPN-Os are enacted.

Alongside these authorisation practices, questions remain about whether DVPN-Os are closing a protective gap or whether gaps in enforcement risk leaving them unfulfilled. Whilst police perspectives speak of robust enforcement protocols and the value the orders provide as a safeguarding tool, IDVA perspectives paint a more uneven picture, with uncertainty about proactive policing and frustrations about victim care once an order is issued. These contrasting narratives expose a disconnect between police (and policy) intentions and external perceptions. Taken together, they highlight the fragility of the instrument’s protective promise: strong in principle, but potentially ‘toothless’ in practice without consistent follow-through. This juxtaposing ‘mismatch’ of perspectives feeds into the themes around partnership working and the ‘space for action’ organisations can create (or not) in the next chapter.

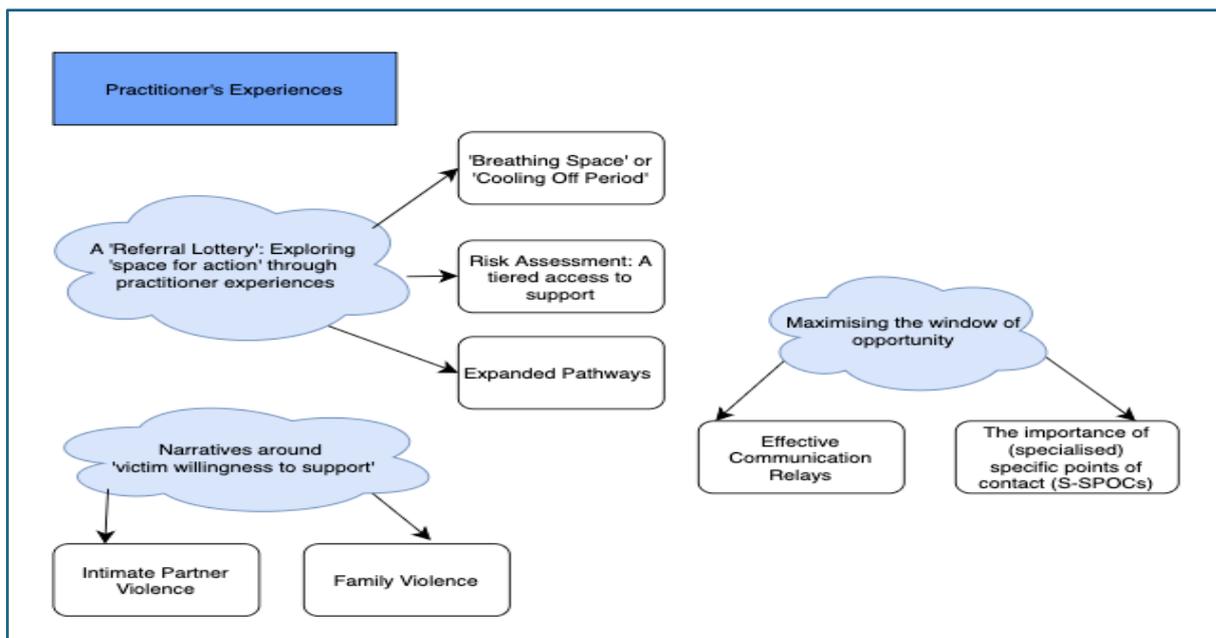
# CHAPTER SIX: POST IMPLEMENTATION EXPERIENCES OF DVPN-Os

Following on from the previous chapter which explores some of the DVPN-O processes and how they have been operationalised in practice this chapter triangulates original data from individual police DVPN records from 2019 relating to victim ‘willingness to support’ with narratives from the qualitative interviews of Superintendents and IDVAs. The effectiveness of DVPN-Os is not just determined by policy but also how that is enacted in practice. The ‘success’ of DVPN-Os has been premised on effective multi-agency partnerships particularly through IDVA services and MARACs (Home Office, 2016b). However, little is understood about what that entails in practice. This chapter focuses on the experiences of key practitioners to understand the landscape a decade post-implementation. There are three themes explored:

1. A Referral Lottery: Exploring ‘space for action’ through practitioner experiences
2. Maximising the window of opportunity
3. Narratives around ‘victim willingness to support’

## Thematic Map

Figure 22: Thematic Map - Central organising concept – Practitioner’s Experiences



## A 'Referral Lottery': Exploring 'Space for Action' Through Practitioner Experiences

This theme examines how practitioners: superintendents, public protection officers (including DVPO Officers) and IDVAs, navigate the 'space for action' narrative created by DVPN-Os. 'Space for action' or 'breathing space' is considered both a goal and an outcome of barring a perpetrator. Space for action commonly refers to a perpetrator's power and control to reduce a victim-survivor's resources and ability to exit a violent relationship (Kelly, 2003; Stark, 2007). It also relates to a victim-survivor's agency or ability to improve their own situation and levels of freedom (Sharp-Jeffs, Kelly and Klein, 2018). 'Space for action' can also be applied to the organisations tasked to protect and support victim-survivors from domestic abuse by understanding how they impede or contribute to expanding victim-survivor space for action and the contexts that takes place in (Beddows, 2022; Kelly, 2025).

### 'Breathing Space' or 'Cooling Off Period'?

Exploring interactions between the police and support services once barring of the perpetrator has taken place Superintendent 3 explains:

*"...what I'm hoping for is once we serve a DVPO, that there is some space between the victim and the perpetrator for 28 days or 14 days, however long. That is what we would class as, or what I would class personally and I'm using my own values and beliefs there I suppose, ...that for me is, a real opportunity for us to, and when I say us, I mean policing partners, to intervene and hopefully prepare either, the victim for keeping themselves safe in the future, or to sort of show them that there is life without the perpetrator...but in order for us to do that, we've actually got to be involved and engage with the victim. So my hope would be that the majority of, you know, support networks are erm, introduced, you know, IDVAs, and this is in an ideal world, but when we go round and see the victim, we should say to the victim, 'do you want us to help you with any third-party support networks, or do you want IDVA support' and the IDVA support may already be there." [AO3]*

However, Superintendent 3 alludes to a communication gap with external partners:

*"...we probably don't get that feedback loop as to what services they have engaged with and what those services are doing, possibly because of a data protection issue, you know, they might not want to tell us... But we don't know what sort of work the [IDVAs], or any, you know there's not that feedback loop. Erm, but I would hope that, I would want third-party support networks. I know some of my officers take out a load of leaflets for all sorts of charities and support networks and just leave them, 'cause they might not, you know, if you push them on victims they might not engage,*

*but if you left them there to read in their own time and at their own leisure, they may come back to them..." [AO3]*

Superintendent 7 speaks to DVPN-O goals - the idea of an expansion of space and protected time:

*"...a lot of victims lose control in DVA relationships and it's [DVPN-O] another element of us taking that control away. But it also shifts the blame, and it does give that opportunity, if it's complied with, for, the possibility of services and IDVAs to get into that victim in a positive way and give them an opportunity to have space, and time to think, and breathe, and consider what support services are out there. And, if that relationship's something they wanna continue or, also give the breathing space for the perpetrator as well, because sometimes they want the relationship to continue, they just don't want the behaviour to be as it is, and it's that the perpetrator needs to change their behaviour, and there might be an opportunity for that to actually take place in this 'cooling off' period, for want of a better phrase." [AO7]*

Assessing the 'breathing space' afforded by DVPN-Os is challenging. Interestingly rather than 'breathing space' or 'space for action', the space in question may be seen more of a 'cooling off' space. Superintendents also referenced the time apart ('breathing space') as 'taking the sting out' or 'keeping the lid on it':

*"...we are of the opinion that some of them when they are in that real sort of, complex, err relationship, sometimes they do take it as 'Right this is a breather'. We're just gonna leave this for a little while. It may not be the full 28 days, but it can calm it down, just settle it, just for a little bit...So that's what it's about, isn't it? Just try everything that we can just to... Even if it's just taking the sting out of it, even if it's as simple as that. And that's what arrest is often isn't it? Take the sting out of it. Calm it down. Give people thinking time, put the intervention in, so it's a way of just prolonging that I suppose." [AO 2]*

*"I suppose it keeps, [sigh], it keeps the lid on it for want of a better phrase..." [AO 4]*

The excerpts above represent the aims of the DVPN-O designed to provide immediate intervention whilst simultaneously highlighting the short, temporary duration. 'Space for action' and 'breathing space' are victim aligned and considered a key policy feature, yet 'cooling off' period appears to be aimed more at perpetrators. Either way, 'putting the intervention in' [AO2] is only part of the DVPN-O process.

## Risk assessment: A tiered access to support

Superintendent 2 below, speaks to a ‘referral lottery’ around support for anyone who is not risk assessed as high-risk:

*“There is a current gap with the support services, the IDVAs going back in, we are looking to try and press that again because there is a break in it at the minute, but there's no, it's not built in, in terms of legislation, it is the referral and all of us trying to do as much as we can with, resource issues, with the commissioned services around that, it just can't get to everyone can it, but, there's more that we can do here, around the partners visiting with local police officers when they are issued. So, a lot are picked up in MARAC so that referral does go in, but it doesn't go right across the board...” [AO2]*

DVPO cases which are risk assessed as high are automatically referred to a multi-agency risk assessment conference (MARAC)<sup>116</sup> and by default the IDVA<sup>117</sup> service. This occurs whether the victim agrees to the referral or not, given the level of risk involved. However, engagement with the IDVA service is still dependent on the individual. Victims do not attend MARACs however an IDVA will represent their voice - regardless of whether they engage with services. Victims’ risk assessed as standard or medium will be referred by the police to partner services, but only if they have consented. This speaks to a hierarchical support system whereby a significant proportion of non-consenting victims will not receive support, unless they subsequently self-refer into a service. This introduces barriers to help-seeking.

A tiered opportunity of support is therefore an inherent feature in the DVPO process. This hierarchical approach to ‘breathing space’ does not seem to fit with the notion of a preventative policy designed to front load support early, to prevent re-victimisation, escalation and on-going abuse for [all] victims. After all, the risk of further harm is already present by virtue of DVPN issuance, backed up by a court issued DVPO, regardless of the

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<sup>116</sup> MARACs are voluntary meetings where information is shared on the highest risk cases between representatives from local police, health, child protection, housing, IDVAs and other specialists from the voluntary sector. A coordinated safety plan for each victim is then created.

<sup>117</sup> Independent Domestic Violence Advocates (IDVAs) are independent professional advisors that work with victims from the point of crisis to assess the level of risk, discuss the range of suitable options and develop coordinated safety plans. Throughout the thesis where the term victim-advocate is used it is as an umbrella term when referring to IDVAs and Outreach workers; here both are IDVAs with the exception that Outreach workers do not represent at MARACs

level of assessed risk at the time of the initial incident. Such concerns were captured by some of the IDVAs who had work experience spanning different service provision levels:

*"...I suppose from my experience, putting my high-risk hat on, because of the multi-agency response often you'll have child protection concerns, and a variety of other agencies involved. So those cases tend to be in the spotlight more and you will get an element of policing around those orders. With low-to-medium, sometimes there are limited number of agencies. Depending on the needs of the client or the risk assessment." [IDVA 5]*

*"I do think they [DVPN-Os] need to be used more for standard to medium risk. I think the focus and emphasis is on high risk, and, while I acknowledge that, actually, statistically primarily with people who've been risk assessed as that. But risk is fluid. Risk can change for a victim on an hourly basis, let alone you know, a kind of a daily or weekly basis. And I think they are, police are maybe minimizing what is deemed as lower risks and they're not thinking about DVPOs as much when it comes to that. And that's something that's a real missed opportunity there, to stop it getting to kind of high-risk stage..."*, most domestic homicides are for medium, medium to low risk. So, I've worked in both fields, and I do see there is a hierarchical, because everyone kind of gets to panic stage when they get to MARAC and I understand that, and I understand there's a lack of resources, and we have to put resources where they're needed..." [IDVA 6]

These structural hierarchies are echoed by Superintendent 4:

*"My fear when I always put the, give these out is what-what supports gonna be given in those 28 days? And actually, the reality is we know, probably bugger all. First offense, they'll be assessed as low, there's no other risk factors et cetera et cetera. Actually, what supports gunna? Probably none. And they're the ones where, if you look at domestic homicide reviews, there's only one call or two calls, and the next minute you've got a mur...you know, and that, that's where your risk factor is, isn't it? The ones that are in and out all the time, that's their normal way of life. Sounds awful to say. It shouldn't be right, but it is." [AO4]*

In Freyburn, DVPO2 explained regardless of risk, a 'treat as urgent' (TAU) marker is applied to every live DVPO on the force system. However, this 'drops off' a victim's address once an order expires. IDVA 7 highlighted general discrepancies between IDVA and police assessed risk:

*"You can upgrade it on professional judgments...I didn't find that much of a difference in terms of how I approached it. The only difference was, you can find it difficult in terms of erm, asking for police 'treat as urgent marker' for people who were at medium risk or low risk because the police often say, 'well, they're not at high risk, so we're not gonna apply that marker'. So, then you kind of think, well, maybe I should upgrade this, because if they're in need for a marker? But, even so, they might be medium, they might still need a marker, and you can't get one." [IDVA 7]*

The issue of TAU markers, resources and service provision hierarchies speak to wider issues around risk assessments and the ability to capture the fluid and unpredictable nature of the dangers inherent in abusive relationships. IDVAs 5, 6 and 7 speak to ‘time inertia’ (Walklate et al., 2020), where movement in and over time is absent from risk assessments, whilst highlighting the different understandings of risk between professionals (Barlow and Walklate, 2021).

## Expanded Pathways

Risk assessment is one way in which cases are fed into the MARAC process. Another includes the SafeLives ‘repeat’ referral criteria<sup>118</sup> which includes breach of police and court bail, or any civil court order for those cases previously heard at MARAC. IDVA 3 explained increased MARAC referrals are now due to meeting ‘repeat’ criteria. In the context of DVPN-Os:

*“So, in terms of our repeats we’ll get a, somebody will ring up and say, he’s-he’s turned up at the house last night, 2 o’clock in the morning, so breaches the DVPO - that will not have triggered a return to MARAC. So, we will challenge that and say ‘it’s a breach of an order it needs to be returned to MARAC’. So, we’re constantly doing that, but we’ll get - he will drive past her in a street and sort of stick one finger up at her. That will be reported to the police. And that will return to MARAC. So, we’ve got a real sort of imbalance on what’s-what’s being returned and what’s not being returned to MARAC at the minute as a repeat. But DVPOs we’re constantly challenging. If there’s a, if the police don’t take action, then we will, we will always bring it back to MARAC, always.” [IDVA 3]*

Tensions around boundaries concerning risk management, allocation of police resources and access to support services illustrate an imperfect system involving partnership working, one whereby access is unequal. This is likely to have significant impact on organisations’ abilities to expand space for action for all victims. Especially if those organisations interpret ‘risk’ and ‘repeat’ criteria differently. This spotlights a crucial flaw with the DVPN-O instrument. Aligning non-mandated specialist support post-DVPN-O issuance appears challenging,

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<sup>118</sup> If there are further offences within 12 months of a victim being discussed at a MARAC hearing, or three or more offences in a 12-month period (regardless of risk grading). SafeLives (2023a) *Definition of a “Repeat” at Marac*: SafeLives. Available at: <https://safelives.org.uk/definition-repeat-marac> (Accessed: 12.02. 2023)..

especially for those risk assessed as standard or medium, encapsulated by further complexity:

*“...the biggest problem any agency has got is having the consent of the person to engage, because, if that person doesn't want to engage, you can't force them... So, it's very much, just trying to get them to engage. That's the biggest barrier.” [SDAO3]*

*“...when the DVPO is in place, it's the police are done if you know what I mean...It's almost like they [police] must assume that we've got in contact with them [victim], because a lot of the time we-we can't get in contact with them.” [IDVA 1]*

The following theme looks at ‘maximising the window of opportunity’ which explores the referral pathways further, inter-agency communication, and information sharing between the police and specialist support services.

## Maximising the Window of Opportunity

Positive evaluation of European EBOs formed part of the evidence base for DVPN-O introduction in England and Wales (ACPO, 2009). In the context of a supportive environment<sup>119</sup>, two central elements cited for an effective multi-agency response are the ability for non-consensual intervention [discussed in the next theme], and proactive police referral (WiBIG, 2004; Burton, 2015) discussed below. The following themes look at touchpoints between police and external partners. The first relates to the initial and ongoing contact between police and victim-advocate services.

### Effective communication relays

Safelives (2015) advocate for the need to create systems which identify families as quickly as possible. Identifying and referring all victims protected by DVPN-Os, whether high risk or not, would fit this model. However, IDVA 2 spoke about how over the years the referral system has fluctuated. Their service used to receive all referrals regardless of risk grading: *“...in the past we had a Sergeant, she was emailing over all the DVPOs,”* pre-COVID it became *“it's just like individual officers and it's, you know, sometimes we get no DVPOs for*

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<sup>119</sup> It is important to note that in both Austria and Germany mandatory referral forms part of a state-funded proactive system of support. [Nägele, B. (2016) *Protection Orders and Domestic Violence against Women with Specific Needs. Findings from Five European Countries*. (Accessed: August 2024).]

weeks, a couple of weeks, or, and then we'll just get like a bundle of all these DVPOs in one go." Post COVID, local working practices appeared fractured:

*"We're not, with the same regularity, receiving the bundles of DVPOs we would previously have held, but we are still getting the DVPO's for those who have triggered a MARAC referral" [IDVA3].*

Additionally, several IDVAs highlight concerns about the quality of the information received by the police on the initial referral and a lack of open communication channels between the organisations:

*"Generally, the referral from the police would be where we would expect to be told there was a DVPN-O issued and obviously we'd use that as part of our safety planning. But you can't always tell, so we find ourselves having to ask those questions of the clients before we can get verification it's a DVPN-O...I feel it should be there, especially if you're referring through to a specialist agency where you want a specific type of support, tell us what's in place, help us out! So, that we can then proceed with our job in the best possible way." [IDVA5]*

*"...it might be they've decided to put the DVPN in place after the referrals come, in which case we would need to link in with the police again to find that out. Or, the victim tells us when we contact them, they might say, 'oh, I don't know what it is, but they're not allowed to contact me for 28 days'...So it's just additional research that we very often have to do to find out this information especially when we're trying to safely contact somebody. If they live at the same address as the perpetrator, this is information that we would need to know before we would attempt to send them a letter, for example...it's very time consuming...but I do think it's better the police get the referrals to us really quickly rather than waiting for these things to go to court and then let us know." [IDVA8]*

*"We have a bit of an issue currently with a lot of the sort of. We don't have a lot of communication with the police to be honest with you, and we're trying to rectify that. But it's really difficult to kind of, to know what they're doing and what they're not doing because they don't seem to be on board with engaging with us currently..." [IDVA 7]*

Despite the data inconsistencies victim-advocates agreed [initial] referrals were generally done quickly, however a lack of information in some of them (often due to the timing and lack of any informed updates) generated additional work having to re-contact the police, creating delays in the initial contact with the victim. Referrals would often state an arrest had been made, with brief details but no further outcome of that arrest, whether a perpetrator had been charged, released on bail, or issued with a DVPN. By the time services

picked up referrals it was always at the stage the DVPO had been issued. Alternatively, knowledge of the DVPN-O would emerge through contact with the victim. Often victim-advocates reported victims not knowing what the DVPN-O is, or fully understanding its purpose:

*"...they'll say, 'the police told me, but I can't remember.' What I will do is I'll check the [REFERRAL] to see if it says that, otherwise, I would, not confirm there's a DVPO until I know, so might say 'it sounds like a DVPO, but we'll go away and check it.'" [IDVA1].*

*"So, quite often, we find that our survivors aren't aware that a DVPO was in place, or they will think that the DVPO was a period of 28-day bail period. So, there's still lots of ignorance of what a DVPO is and isn't...the police have pressed the button on their iPad which has sent an automatic referral through to the NCDV. Then 36-48 hours later I ring, and I say 'Hi! Received a referral from [POLICE]. I'm an IDVA. I'm just calling to check that you're, OK?' and they'll say. 'Oh, no, it's O.K. erm, I've already got an IDVA'. And I'll say, 'you've already gotten an IDVA – where?' 'oh yea, the police referred me through-to an IDVA at the NCDV and I've got a, I've got an injunction in place'. 'OK. So, you've got an injunction in place in the last 36 hours?' 'Yeah'... So, what it is-NCDV may have contacted them, but there's also a DVPO in place. So, then we begin the process of untangling, you know, the NCDV isn't an IDVA. 'No! you don't have a non-molestation in place'. 'You've gotta DVPO in place, which is for 28 days. And this is what it can and can't do.'... in that moment of trauma, in a moment of turmoil, it can be very, it's-it's impossible to take in all that information." [IDVA 3]*

Another avenue for delay arises when the IDVAs are informed that a DVPN has been put in place via a MARAC,

*"...we could get them via if a client is open to us. So it may be that we've been updated, sometimes from MARAC. That's not always ideal, because that means there's been a time delay to us knowing that that's in place. And it's not as regular as it should be." [IDVA6]*

IDVA 6 went on to say there could be a 2-week delay via this referral pathway and explained more recently 'We had a massive dip where we just weren't getting any, and it was a bit like, are they just not issuing them?' Throughout the research interviews several of the victim-advocates stated these issues had been raised with their service managers who have previously 'pushed' the matter with the police about the DVPN-O referral pathway not being streamlined or as regular as it should be.

## The importance of a [specialised] single point of contact (S-SPOCs)

Freyburn conducted an internal review<sup>120</sup> of the DVPN-O referral process following IDVA complaints in one geographic area. Internal tasking issues appeared to be the reason for the lack of updated notifications to partner services. The internal review recognised how critical it was following DVPO issuance that services need to be updated immediately so that they are aware an order is in place and of any conditions. At the time, non-high-risk updates were delayed by up to a week, impacting on the short time available to support services to utilise the window of opportunity afforded by the DVPO. Although internally this was deemed to be one local area's police issue, externally IDVAs across multiple areas identified the same issues when this researcher was conducting fieldwork across the borough. IDVA 6 indicates how over time the lack of information had just become 'normalised' practice:

*"We've noticed a significant loss of kind of that relationship between ourselves and police and that kind of shows we've lost police, let's acknowledge, you know, there was, there's less police to kind of to do that. And they haven't got time, it is a 'catch 22'. What are we wanting them to do? Do we want them to pick up the phone to us [IDVAs], or do we want them to be out there arresting the perpetrators?" [IDVA6]*

Upon completion of the internal police review, a straightforward and effective workaround was proposed. Effectively, instead of tasking the PVPU to update the IDVAs, as was current practice, the DVPO officers would take on this task and notify the relevant IDVA service from court, once the order had been granted/refused. Part way through fieldwork with the victim-advocates it was apparent this workaround had taken effect.

DVPO officers hold a pivotal role in the internal success of DVPN-Os. Operational officers and Superintendents regularly call upon the DVPO officers' expertise. Superintendent 5 attested:

*"They should have 'QC'<sup>121</sup> after their titles because they obviously know that world inside out...DVPO1 knows DVPNs better than any Superintendent in the county - she lives and breathes it. She sees it...DVPO1 is the one in court. She knows what the courts appetite is, what they want to know, what they like, what they don't like, down to individual magistrates. She'll know that some will get it and some we aren't...and if DVPO1 is not happy with the case, she'll raise it with whoever she thinks she needs to raise it with." [AO5]*

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<sup>120</sup> May 2022

<sup>121</sup> Queens Counsel (QC) at the time of the interviews

It is perhaps telling, under multi-agency working arrangements, that the DVPO Officer became a 'known' single point of contact (SPOC) to external agencies years after the implementation of the instrument despite being in post since DVPN-Os were rolled-out in 2014:

*"...initially we were getting all the DVPOs that were being issued were coming through to us...they were just coming through anytime one was issued from the police, from the PVPU coming directly. That was when I first started. And I don't know how long that lasted for. But then it seemed to sort of tail off and we never used to get them then for some reason, we started realizing that and then we asked for it to be reinstated. But that's only really just started happening, I would say probably within the past few weeks, if I'm honest. So, in between that time, there's been a couple of years. We were just hearing about them by chance..." [IDVA7]*

This breakdown in communication had impacted on the transfer of timely and accurate information between agencies:

*"...one of the most common conversations we had was the quality of referrals coming through from the police, and what I mean by that was the content in terms of them telling you, especially from an IDVA point of view, when we are working with the highest risk right here and now, when that immediate response needed, a lot of our time would be spent clarifying the situation before we could make contact with the client, so that impacts the service, because if everything was there what needs to be, we'd just crack straight on with the call and move to progress our support." [IDVA5].*

Bradley et al. (2020) emphasize the importance of 'specialised relays' in each organisation highlighting the strongest partnerships are those which rely on a small core of highly involved co-operation relays. This epitomises the specialised function of DVPO officers and the need for single points of contact (SPOCs) for external partners (Waring et al., 2023). The evidence base for the introduction of DVPN-Os clearly indicates "...the more time had lapsed before women were contacted, the more likely that intervention...was rejected" (ACPO, 2009:51-52). Co-ordinated approaches require robust structures for information exchange and ongoing management. Success requires an interlinked and unbroken 'intervention chain' (WiBIG, 2004). IDVA 2 elucidates the utility of having timely knowledge of the space created through [enforced] 'protected time':

*"... it's about getting in on our cases as soon as we can really...even if we get contact with a victim, you know, with that breathing space for a week at least we still do, you can do intensive work for a week during the...I think it's better than nothing. I say that because they didn't have these in place a couple of years ago, so, the*

*perpetrator does keep away, so that's our, a window frame of opportunity for us to get in at that point.” [IDVA2]*

Timely and accurate referrals are essential especially when IDVA services are commissioned to contact high-risk victims within 48 hours of receipt of referrals. Having [non-rotational] ‘specialist single point of contact’ roles - an ‘S-SPOC’ - may help to anchor the intervention chain and maintain unbroken communication relays. Perhaps one of the biggest remaining challenges is maximising the window frame of opportunity.

## Narratives Around Victim Willingness to Support

This final theme looks at some of the challenges around victim [non]engagement and the DVPN-O process. Justification for the CSA (2010) included the premise that DVA prosecutions are reliant on the willingness of the victim to provide evidence, yet many do not support prosecution for a variety of valid reasons leading to a protection gap. An immediate injunction, at the point of release from police detention (in the absence of police bail), would remove the need for a diverse range of victims to relocate and provide protected space<sup>122</sup> (ACPO, 2009). Safety has been identified in the extant literature as a key feature determining whether victims stay in or drop out of the CJS (Hester, 2006a). Unlike restraining orders and non-molestation orders DVPN-Os do not require the co-operation of the victim. DVPN-Os can create [enforced] breathing space whether wanted or not, to allow time for reflection and access to support. Some victims may later be grateful for the breathing space whilst others may see it as disempowering. There is often tension between risk-led policing and victim autonomy:

*“...you do wanna see what the victims wishes are. And again, it comes back to that control. You know, they're often in relationships where that control is imposed upon them. And then we're doing it again. And there's that concern of re-victimization, which you don't want to do, but it is a balancing act of OK, victim doesn't support DVPN, doesn't support prosecution, but this is the right thing to do because, when we look at the balancing 'is this justified and necessary' there are greater risks to not imposing it versus, and you know, going ahead against that victim's wishes.” [AO 7]*

*“I think obviously for the victim, when the police are saying to them like ‘do you want to make a statement’ and they say ‘no’, ‘but we're gonna then put this DVPO in place’. It kinda takes the, any responsibility off the victim, doesn't it? So, I've spoken*

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<sup>122</sup> Subject to ongoing risk assessment were deemed manageable in the community without the need for emergency relocation/refuge (ACPO, 2009:48).

*to many victims where they'll say 'Like, I just didn't want to do anything, but I'm glad the police have', because it's like, he can't blame me at that point."* [IDVA 1]

In contrast, IDVAs are person-centred and always guided by the victim's wishes:

*"If one of my clients says to me, I want to resume that relationship, I have to respect what they say, and say, 'OK, that's fair enough as long as you know that these are your options and help is available if you do want it. And you know that this behaviour is abuse, then it's obviously up to you,'..."* [IDVA 8]

One of the core skills of an IDVA is being able to build rapport quickly:

*"...trying to engage someone in that very brief conversation, you've never spoken to before. Erm it's quite hard to build rapport quickly, but I think we're quite skilled at doing that and trying to get people to be honest because, obviously if they're in the relationship still and having contact with that person, regardless of the DVPO, our safety advice isn't going to be effective if we don't know actually what's happening. So that's why we really reinforce the independent domestic violence advisor because we are there to support them with whatever choices they want to make...Where they say "no, I do want to remain in the relationship for now" - I'd rather hear that from someone than them say "No. No, it's over. We've got the DVPN-O - 28 days, so, don't need any support!"* [IDVA 1]

IDVA2 below highlights the DVPO can be used as a symbolic tool to build rapport and how she goes about trying to engage a victim as part of her practice:

*"...make them aware that, you know, given the fact this order has been issued without your consent shows that actually, people are really concerned about you. Maybe taking the onus away from them, and putting it on the services to make them aware that services are really concerned about your safety, the courts concerned, we are all concerned and actually, to understand the seriousness of why that's been issued and, you deserve better than this keep happening. Actually, trying to show them how things can be. It gives you more breathing space. It's not. You've not done this; this isn't your fault."* [IDVA2]

Whilst IDVA 7 talks about the DVPN-O as a tool of validation:

*"...people think there's something wrong here and you need to be away from, or this person needs to stay away from you...although it might be the police say can't make any charges at that point, it [DVPN-O] gives that person that validation thing...And it can be a turning point for people."* [IDVA7]

Goodman & Epstein (2005) explain when a victim is listened to and feels their needs are being taken seriously, they are more likely to co-operate:

*“...those who welcome the DVPO, will welcome that enforced separation and will use that 28 days to genuinely and wholeheartedly make a plan to move on and to further increase that period of separation...bearing in mind that the DVPO primarily or in the main, is in place because of someone's reluctance to support a prosecution. Then there's that same reluctance picking up the telephone and putting breaches of the DVPO. So perhaps, I think sort of the role that we're doing, most of the cases is encouraging and enabling people to report the breaches of the DVPO.” [IDVA3]*

IDVA 3 above speaks to the heterogeneity of victims' situations. When asked about victim 'willingness to support' the DVPO officers also expressed similar diversity:

*“It's a mixed bag really and obviously, nine times out of ten, they're not supporting prosecutions...‘I don't wanna assist the police’ and ‘I'm not going to court’ so obviously, the officers will ring them about the orders [DVPNs] and sometimes they will be supported. ‘I don't want prosecution, but I'll support this application’, other times, ‘No I don't want anything’. Or sometimes the officers, by the point they're giving the DVPN out, can't get hold of the victims 'cause it might be late at night when their dealing with the order. Or they just can't get hold of them, and we don't know their comments, whether it's supported or not, which, again, whatever their comments are, either unsupportive, supportive, or we don't know, we tell the court the victim's position.” [DVPO02]*

The DVPO officers present their perceptions of victim willingness to support DVPNs as 'mixed'. Aside from what is recorded on individual applications Freyburn do not hold any cumulative data on DVPN victim consent. The empirical data manually captured as part of this research presented in Chapter 4 illustrates DVPNs were supported by victims in 47% [(n=249); 214+35] of applications. Furthermore, the views of a victim were unknown in 15% [(n=81); 76+5] of incidents with a further 38% [(n=205);194+11] indicating they were unsupportive of the measure. Whilst there is an overall mixed picture, the majority do support DVPNs. The data presented in the tables below provide an overview of a representative selection of some of the police constructed victim narratives recorded by officers in Freyburn regarding victim views on 'willingness to support' from individual DVPNs in 2019.<sup>123</sup> This is the first known study to look at police DVPN-O data and analyse the protected person's support for the imposition of a DVPN. The data has been disaggregated to show narratives from victims who were involved in intimate or familial relationships.

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<sup>123</sup> Police constructed victim narratives were manually extracted – given the time involved to extract this data it was only possible to collect the data for one year (2019)

## Police Constructed Narratives: ‘Victim Willingness to Support’ Intimate Partner Violence (n=484\*)

Figure 23: Example Police Constructed Narratives: ‘Victim Willingness to Support’ in IPV DVPNs

SUPPORTIVE OF DVPN (n=214; 44%)	UNSUPPORTIVE OF DVPN (n=194; 40%)
<p>Victim declined to prosecute. Victim would not provide an MG11 felt it would make her unsafe. Supports a DVPN and NCDV referral as seeking a restraining order against perpetrator.</p> <p><b>[ID11: Female victim, low risk, 31-35, Ex-partner, children present in household, threats to kill]</b></p>	<p>Victim believes isolated incident, does not want police action. Unsupportive of DVPN.</p> <p><b>[ID8: Female victim, low risk, 21-25, current partner, children present in household, Section 47 assault]</b></p>
<p>Victim was supportive of prosecuting perpetrator and attending court. Matter referred to CPS. Case NFA'd. Victim supports DVPN.</p> <p><b>[ID17: Female victim, high risk, 36-40, current partner, children present in household, Section 39]</b></p>	<p>Three attempts made to get her to support prosecution without success. Victim not supportive of DVPN - previous serious incident did not result in anything happening to perpetrator.</p> <p><b>[ID27: Female victim, medium risk, 41-45, current partner, no children present in household, Section 47 assault]</b></p>
<p>Victim extremely fearful of perpetrator [OCG nominal]. Will not make a report but intimidated would agree to DVPN if it was the police decision making it.</p> <p><b>[ID252: Female victim, high risk, 21-25, on/off relationship, no children present in household, Section 39 assault]</b></p>	<p>Victim does not want any police involvement. This position has been maintained with previous DVA incidents. Matter arises from IDVA disclosure.</p> <p><b>[ID59: Female victim, medium risk, 51-55, current partner, no children present in household, Section 20 Wounding]</b></p>
<p>Victim declined to prosecute, no statement but happy with the DVPN and the protection it provides.</p> <p><b>[ID317: Female victim, medium risk, 36-40, ex-partner, victim pregnant, Section 39 and criminal damage]</b></p>	<p>Victim denied anything happened - did not wish for any police action. Negative PNB. Unsupportive of a DVPN. Victim offered DVDS on perpetrator (due to his DVA history with previous partner) but declined disclosure.</p> <p><b>[ID 89: Female, 21-25, high risk, current partner, no children present in household, Section 47 Assault]</b></p>
<p>Victim gave full account in a statement but unwilling to attend court. Feels perpetrator needs help [with mental health] not punishment. DVPN explained and victim supportive of this course of action. Wanted police and CPS to be supportive of her wishes.</p> <p><b>[ID368: Female victim, high risk, 56-60, on/off relationship, no children present in household, threats to kill]</b></p>	<p>Victim strongly opposed to DVPN. Feels will adversely affect children’s relationship with their dad.</p> <p><b>[ID102: Female victim, high risk, 26-30, current partner, children present in household, Section 47 Assault]</b></p>
<p>Describes relationship as immediately toxic - been together 4 months. Victim stated never had any interaction with the CJS/DVA before and just wants to get on with her life as quickly as possible. The thought of waiting for a trial would be too stressful. Does not want perpetrator prosecuted as he has mental health issues. Supportive of a DVPN</p> <p><b>[ID385: Female victim, high risk, 31-35, current partner, no children present in household, Section 47 Assault]</b></p>	<p>Victim terrified of perpetrator but does not want to discuss DVPN or engage with police. Previous DVPO in relationship.</p> <p><b>[ID105: Female victim, high risk, 36-40, current partner, no children present in household, Section 47 Assault]</b></p>
<p>Victim willing to support a prosecution. CPS NFA'd. In the absence of a charge victim welcomes a DVPN.</p> <p><b>[ID.461: Female victim, high risk, 51-55, on/off relationship, no children present in household, Section 47]</b></p>	<p>Victim declined to prosecute and did not support DVPN. Needed to have contact with perpetrator to sort house sale and thought DVPN would hamper those efforts.</p> <p><b>[ID459: Female victim, medium risk, 31-35, ex-partner, no children present in household, Section 47 assault]</b></p>

\* Views were unknown or not recorded in 76 records (16%).

## Family Violence (N=51\*)

Figure 24: Example Police Narratives: ‘Victim Willingness to Support’ in Familial violence DVPNs

<b>SUPPORTIVE OF DVPN (n=35; 69%)</b>	<b>UNSUPPORTIVE OF DVPN (n=11; 22%)</b>
<p>Victim gave a negative PNB but supports the DVPN.</p> <p><b>[ID325: male victim, 21-25, brother-to-brother, low risk, threats to kill].</b></p>	<p>Family matter does not want police involvement. Too scared of perpetrator.</p> <p><b>[ID75: Male victim, 71-75, child-to-grandparent, high risk, section 47 assault]</b></p>
<p>Victim supports a prosecution and MG11 [statement] provided. States if NFA then fully supportive of DVPN. Would allow time to remove perpetrators property from house and seek a restraining order</p> <p><b>[ID373: Female victim, 46-50, child-to parent, medium risk, section 39]</b></p>	<p>Victim does not want to see son on streets.</p> <p><b>[ID126: Female victim, 61-65, child-to-parent, low risk, section 39 assault]</b></p>
<p>Son has MH issues. Victim is vulnerable. Victim refused to prosecute but stated was supported of any non-prosecution option that removed son from her home.</p> <p><b>[ID377: Female victim, 86-90, child-to-parent, high risk, threats to kill]</b></p>	<p>Negative PNB entry. Will not attend court/assist police further. Victim does not support the DVPN. States son has MH issues and requires support not criminalisation.</p> <p><b>[ID376: Female victim, 46-50, child-to parent, high risk, section 47]</b></p>
<p>Victim declined to prosecute. Mum stated supported DVPN but concerned for welfare of son and where he would stay but does not want him at home.</p> <p><b>[ID484: Female victim, 46-50, child-to-parent, high risk, section 39 assault]</b></p>	<p>Father did not want to prosecute his daughter. Was unsure about the DVPN as still wished to engage with perpetrator.</p> <p><b>[ID489: male victim, 56-60, child-to -parent, medium risk, section 47]</b></p>
<p>Victim declined to prosecute just wanted her brother removing from the property. She was fully supportive of the DVPN</p> <p><b>[ID523: Female victim, 41-45, brother-to-sister, medium risk, section 47]</b></p>	<p>Victim declined to prosecute. Was unsupportive of any action against his son.</p> <p><b>[ID497: Male victim, 41-45, child-to-parent, medium risk, section 20 wounding]</b></p>

\*Victim willingness to consent was unknown or not recorded in 5 cases (9%).

The narratives above speak to the complexity of DVA incidents and balancing the nexus between police ‘positive outcomes’ (charge and prosecution [including evidence-led]), victim [dis]engagement and high attrition rates. Intimate violence relationships illustrate 44% (n=214) of DVPNs were supported compared to 40% (n=194) which were unsupported. Whilst this presents a mixed picture it is very clear DVPNs are supported with greater frequency in familial cases with 69% (n=35) supported compared to 22% (n=11) which were unsupportive. This data provides empirical evidence to show that whilst prosecution is often rejected by victims, they are more likely to be accepting of DVPNs which can be an effective, victim-centred [early] intervention.

Taken together with the data in Chapter Four, the data above adds texture and nuance to indicate support for their use as a tool of [early] safeguarding and disruption. These findings present an argument for DVPN-Os to be viewed as a ‘positive outcome’ within the attrition space. There are currently no systemic mechanisms for police forces to capture policing practices and ‘work done’ on these civil orders, or any way to make visible the victims ‘voice’ within existing systems. This is considered further in Chapter Eight (Discussion Chapter) under a new proposed finalisation methodology.

## Chapter Summary

To draw this chapter to a close, and reflecting on organisational capacities to expand victims’ space for action, an important and ongoing concern around the imposition of a DVPN-O on unsupportive victims, is the likelihood that breaches will be reported:

*“If there’s a DVPN-O issued with a person who doesn’t want it, therefore, is not agreeable to it, then I suppose what we often talk about is how is that managed? It’s how effective is it and how is it managed?” [IDVA5]*

*“...I get a lot of times people think ‘...we’ve got this now he’ll keep away from me’, and a lot of time it doesn’t happen, or you can get DVPO then they can be really angry and ‘I didn’t ask for this. I didn’t want this’, you know, I’m not happy about it.” [IDVA2]*

The data in Chapter Four reveals a mixed breach rate for IPV victims; 20% (n=39) in supported DVPOs and 23% (n=38) in unsupported DVPOs. In familial cases, however, the picture looks different. A higher breach rate is recorded in familial victims who support a DVPO, 26% (n=9) compared to just 9% (n=1) in unsupported DVPOs. This suggests victims in familial cases appear more likely than IPV victims to report breaches when supportive of a DVPO, and far less likely than IPV victims, to report breaches in unsupported DVPOs. The familial DVPO findings align with Bates et al.’s (2025) research on victim [dis]engagement. Therefore, if a large part of the IDVA role is to encourage victims to report breaches, as stated by IDVA3 earlier, then strong [ongoing] communication between multi-agency partners is crucial to build trust and facilitate robust enforcement practices.

The IDVA comments below speak to ‘space for action’ and some of the remaining tensions regarding ‘successful’ multi-agency working which also deserve reflection:

*“... I sometimes feel that in the absence of supporting a prosecution, the DVPO is almost made in frustration at the victims’ unwillingness to support a prosecution. It’s made despite the victim, as opposed to, for the victim. We’ve had some ridiculous DVPOs. Children present...so upset...One was projectile vomiting because of what he had witnessed. The DVPO was made five days before Christmas, with the proviso that he could return to the family home for five hours on Christmas Day. And I thought, really?! We’ve also had another one where they were brother and sister, and the DVPO was put in place to protect her from her brother, who was also an alcohol misuser, one of the clauses on the DVPO was that he needed to desist from drinking alcohol while in the house. So, how was she going to report that or how was she going to manage that? So, we’ve had DVPOs that don’t even separate people...”* [IDVA3]

*“...sometimes we might not be able to contact the victim. What we’ll do is go through everything we can, exhaust all avenues and then defer the case until MARAC, which is likely to be two weeks after the incident. So still within the 28 days and...at that point try to facilitate engagement with the client, through another service. Whether it be children’s social care at that point, or any of the other domestic abuse services that attend MARAC, they may say, ‘we’ve got a different phone number try this’, or ‘try sisters a safe contact’, try that number and that type of stuff.”* [IDVA 1]

*“So unfortunately, when somebody declines that support, we use motivational interviewing, we use our skills and do everything we can to sort of get that person to meet with us or at least listen to the options available to them. So, we know they’re informed for future incidents. But, if they’re adamant and it’s absolutely no, well, we are limited in what we can do, we have to close it down. And, especially for me, the cases where there are no children and there’s no sort of, don’t like using this word here, to put leverage, if you like, for agency involvement, and if you’ve got two adults with capacity, and one of them is saying I want to stay in this relationship regardless of risk, what can we do? There’s nothing we can do, and those are the most frustrating cases for me.”* [IDVA 5]

Overall, following a decade of implementation practitioners in this thesis illustrate most are largely supportive of DVPN-Os, however, IDVAs felt DVPN-Os could be used more often with increased enforcement, whilst police rhetoric appears to favour pushing DVA cases for evidence-led prosecutions. Case Studies 1 and 16 in the next chapter illustrate a potential gap in victim protection when evidence-led cases result in NFA. Chapter Seven spotlights’ data from 16 original case-studies which were followed through end-to-end. These provide a clear and recent snapshot of who received DVPN-Os and what pro-active policing of those DVPN-Os looked like in practice. Additionally, the authorising Superintendent’s rationales and thoughts post order expiry are also captured increasing the richness of the data.

## CHAPTER SEVEN: THE OPERATIONALISATION OF DVPN-Os THROUGH THE LENS OF CASE STUDIES

Previous chapters have presented the empirical data (Chapter Four) and analysis from the qualitative interview data (Chapters Five and Six). Chapter Four illustrates, DVPNs are refused by a Superintendent in less than 1%<sup>124</sup> of cases in Freyburn. Additionally, DVPOs are successfully applied for and granted on average<sup>125</sup> in 92% of cases, arguably demonstrating a robust and embedded system. Although very useful, this data is static, in so much as it is captured from data which is divorced from the context in which it arises. The rationale for this chapter is to provide tangible insight into real world DVPN-O cases to help fill the data gap relating to protection orders, specifically DVPN-Os. The data in this chapter presents original case studies which consist of observed cases arising during a five-month period of emersion within the police force during fieldwork. Each maps a DVPN-O journey from start to finish.

The use of case studies attempts to bring additional richness to the empirical data in Chapter Four and add some of the multi-layered elements of the phenomena under study already alluded to in Chapters Five and Six. Case studies allow an in depth focus on a case whilst retaining a holistic real world perspective (Yin, 2018). This speaks to investigating the tension raised by Superintendent 2 (Chapter Five) who states the police could not issue a DVPN-O in every NFA'd DVA case, whilst simultaneously unable to explain why some cases do get one and others do not. The case studies below allow us to look at the organisational structure, managerial processes and practices as they arise in a non-controlled environment observed by the researcher. This chapter deals with research questions 1, 1a and 1b and captures some of the everyday [DVPN-O] policing practices. This chapter takes a 'deep dive' into attrition, enforcement, and the operationalisation of the DVPN-O system.

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<sup>124</sup> Based on a four-year average from January 2019-June 2022. [2019-0.03%; 2020-0.2%; 2021-0.4% and 2022-0%]

<sup>125</sup> Based on a four-year average from January 2019-June 2022. [2019-89%; 2020-92%; 2021-94% and 2022-94%]

The sixteen case studies presented offer a detailed snapshot of the DVPN-O process from start to finish in one police force. Within the cases, the following is observed: gendered offending dynamics; DVPN refusal rate; victim's 'willingness to support'; cohabitation status, relationship status (current, ex-partner etc); perpetrator offending histories; presence of children in the household; multiple issuance; breach rates and sanctions, as well as police outcomes and finalisations. As an external researcher, a 'live' DVPN application or authorisation is challenging to capture due to the unpredictable nature of policing and the location and timing of DVPN emergence. Shadowing a Superintendent on late PACE cover was deemed the best way to try and capture the process as it unfolded. This occurred 'in person' at the police station and 'virtually' through real-time telephone and [a]synchronous email exchanges during the Superintendent's various rostered PACE authorisation shifts. Sometimes no DVPNs presented for authorisation during a Superintendents cover, sometimes they were mooted but did not materialise and other times it was possible to capture the process.

## Situating the Case Studies

The majority of DVPNs (n=13) involved decision-making by Superintendents, a minority (n=3) were dealt with by Chief Superintendents. The index offence had received an emergency response in 88% (n=14) of cases. The chronology of the observations occurred over a five-month timeframe<sup>126</sup> which involved the researcher immersing themselves within the police force, at court, and cataloguing events whilst orders were live. The cases are presented in the matrix below (Table 25.) in sequential order as captured, to provide an accessible overview of the data and identify some of the key characteristics across the cases.

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<sup>126</sup> February 2022-June 2022.

Table 25: Case Study Matrix (n=16): Observed DVPN-O cases in Freyburn (2022).

CASE STUDY	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
DVPN Issued	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N
Sex of Perpetrator	M	M	M	M	M	M	M	M	M	M	M	F	F	M	M	M
Sex of Victim	F	F	F	F	F	F	F	F	F	F	F	M	M	F	F	F
Violence	Threats	Physical	Threats	Physical	Physical / Threats	Threats										
Consented to a prosecution	N	Y	N	N	N	N	N	N	Unsure	N	N	N	N	N	N	Unsure
Consented to DVPN-O	Y	N	Y	N	Y	Y	N	Y	Y	N	N	N	Y	N	Y	N/K
Rel. Status	Ex	Current	Current	Current	Current	Current	Ex	Current	Current	Current	Current	Current	Ex	Current	Ex	Ex
Cohabiting	N	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	N	N	N	N
Risk	Medium	High	High	Medium	Medium	Standard	Medium	High	Medium	High	Medium	Medium	High	Medium	Medium	Medium
Risk Upgrade	✓	✓	N/A	✗	N/A	N/A	✗	✓	✗	N/A	N/A	N/A	N/A	N/A	N/A	N/A
> or < than 3 previous DVA incidents	<3	<3	>3	>3	>3	<3	<3	>3	<3	<3	<3	>3	<3	>3	>3	<3
Children Present	N	Y	N	N	Y	N	N	N	Y	N	Y	N	Y	N	N	N
Multiple DVPOs	N	N	N	Y	N	N	N	N	N	N	N	N	N	Y	N	N
Breach	N/A	N	N	Y	N	N	N	Y	N/A	Y	N	Y	N	N	N	N/A
Breach Outcome	N/A	N/A	N/A	Prison	N/A	N/A	N/A	Fine	N/A	Prison	N/A	Fine	N/A	N/A	N/A	N/A
Case Finalisation Outcome	22	22	16	15	8	22	22	20	1	16	22	15	22	22	16	15

Two (13%) DVPNs were refused authorisation [Case studies 9 and 16]. Of the remaining authorised DVPNs (n=14), 93% (n=13) were ratified (DVPO granted) by the court. Of the observed cases at court all were listed in a specialist domestic violence court (SDVC) in front of a lay bench of magistrates - none were observed before a district judge. All relate to intimate [heterosexual] partner violence, no family violence examples arose. The case studies emerged organically during field work in 2022 and are largely representative of some of the earlier findings found in the 2019 empirical dataset. Overall, DVPNs are predominantly issued in cases between current partners, where children are not present in the household, to victims who hold mixed attitudes about having an order put in place. Across the 16 cases 69% (n=11) were current partners and 31% (n=5) were ex-partners. Partners were cohabiting in 81% (n=9) of the current relationships.

Case study data diverges from the 2019 dataset in relation to risk assessment. In 2019 the empirical data reveals DVPNs were predominantly issued in incidents risk assessed as high-risk. By June 2022 there had been an overall data shift. The trend of majority issuance was in incidents assessed as medium risk - also reflected in the above case studies. Medium-risk majority issuance aligns with the data found in the original Home Office DVPO pilot (Kelly, et

al., 2013). Interestingly, 38% (n=6) of the case studies in this thesis had the risk gradings re-assessed under 'professional judgement' criteria including when an officer felt the formal assessment was not reflective of their perception of the risk, or upon re-assessment by the central safeguarding hub. Half of the professional judgement cases were upgraded. The remaining 50% retained the original assessment rendering them ineligible for automatic referral into MARAC. Overall, 63% (n=10) of DVPNs were issued in medium-risk cases, 31% (n=5) in high-risk cases and just 6% (n=1) in cases assessed as low-risk. An additional new feature of this 2022 data relates to police outcome finalisations. Since 2019 the National Police Chiefs Council (NPCC) briefed forces that DVPN-O cases should be finalised as Outcome 22 (NPCC, 2019) - this was evident in just 44% (n=7) of the 16 case studies in this chapter.<sup>127</sup>

A gendered pattern of offending is clear: 88% of perpetrators were male, similarly 88% of victims were female. The following synopsis relates to the predominant themes across the case studies: inaccurate data collection and recording; majority of offences were for actual rather than threatened violence, and the majority (75%; n=3) of DVPOs which were breached involved 'chronic offenders.'<sup>128</sup> Additionally, most of the cases (75% n=3) where a breach is recorded, the victim did not consent to the DVPN-O.

[Potential] missed opportunities for DVPN use were identified, namely when cases returned from CPS without a charging decision or when administrative errors occurred. Few victims supported a prosecution; however, a mixed picture is evident in relation to a victim's willingness to support a DVPN-O. Interestingly, two (12.5%) of the observed case studies [Case Studies 8 and 14] relate to multiple issuance cases; one perpetrator was receiving their eighth and another was receiving their eleventh. The multiple DVPOs in this snapshot mirror the trend in multiple DVPO usage captured in Chapter Four between 2019-2022 which highlights multiple DVPN-Os make up 15% of issuances. This indicates multiple issuances are a consistent feature within Freyburn and worthy of investigation.

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<sup>127</sup> This position has since been reversed in subsequent NPCC Guidance post fieldwork: [https://justiceinnovation.org/sites/default/files/media/document/2022/npcc\\_outcome\\_22\\_guidance\\_2022.pdf](https://justiceinnovation.org/sites/default/files/media/document/2022/npcc_outcome_22_guidance_2022.pdf)

<sup>128</sup> Adopting the definition of 'chronic offenders' used in the Home Office DVPO Pilot: involving three or more prior police call outs.

Furthermore, as seen in Chapter Four, the courts are consistently willing to grant multiple DVPOs (90% conversion rate).

The case studies will be presented as follows. In 'Section One – Barring' the case studies have been grouped by nature of the violence recorded, namely whether the DVPN was sought for incidents of 'threats' of violence or 'actual' violence. In 'Section Two – Enforcement, Monitoring and Active Policing' analysis of the live DVPOs is presented and explored, alongside case studies from orders which were breached. This section has been grouped by victim and perpetrator contacts.

## Section One – Barring

### 'Threats of Violence'

Interestingly, all four 'threats' case studies involved ex-partners. All the victims were unwilling to support a prosecution but did support a DVPN in three out of the four cases. In the final case [Case study 16] the victim's views about the DVPN were unknown. Space dictates the volume of case studies which can be presented. Case Study 1 is presented providing useful insights to discuss several key emergent issues. During the face-to-face observation in Case Study 1 (Appendix 11), the authorising Superintendent specifically questioned the initiating officer to see if there was enough to pursue an evidence-led prosecution (ELP) and/or justify the issuance of a DVPN, whilst also assessing if stalking was an issue.

The Superintendent highlighted the victim (Lisa) had made comments about not fearing the perpetrator and just wanting him removed. The initiating officer was described as 'very experienced' and provided further rationale around the victim's 'fear' highlighting how the officer at the scene had documented Lisa's physical demeanour as: 'visibly upset and shaking' in his statement, stating the victim believed the perpetrator would return as threatened, to 'smash up the flat' [Fieldnote 3]. Satisfied 'fear' had been made out, Superintendent 2 explored other lines of enquiry aside from the victim's statement. The initiating officer stated the body worn camera quality was not sufficient and described Lisa

as 'not in a good place'. The DVPN was provisionally authorised pending the police decision maker's (PDM) review.

When formally NFA'd by the PDM the initiating officer contacted the Superintendent again who then formally wrote up the authorisation on the police system and electronically signed the documentation. The incident occurred mid-morning and by late evening the perpetrator (Mark) had been released from custody with a notice of hearing (NIH; DVPN). The DVPN outlined when and where the DVPO application would be, and what he was prohibited from doing: not to molest or contact Lisa or enter the road she lives on [Fieldnote 3]. Case Study 1 suggests the force has adopted a wide understanding of the term 'violence' - yet to be properly defined in either the Home Office DVPO Guidance (Home Office, 2016b; Home Office, 2020b), the CSA (2010) or the Authorised Professional Practice (APP) used by the College of Policing (CoP, 2015; 2024).

Following the issuance of a DVPN the police must apply to the magistrates for a DVPO (hearing) within 48 hours. This is undertaken by the force DVPO officers. Part of their role acts as a backstop to query cases whereby a charge could be obtained instead of a DVPN, and an advisory role when a DVPN could be obtained instead of NFA alone. The DVPO officers describe how they look for *res gestae*<sup>129</sup>, to document what is happening at the time, even though a victim may subsequently go on to retract their involvement. If a 999 call provides disclosure, there is information from what an officer sees at the time, and photographic evidence, it can be enough to seek a charge:

*"We do get threats as well. Violence hasn't been used, but it's been threatened or the way the demeanour of the suspect, the victim thinks gunna be violent towards me, they get themselves out, we'll go ahead and ask the courts to grant the orders. So, we do just get the threats as well that we do put to the courts...they seemed satisfied to grant the order I found."* [DVPO2]

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<sup>129</sup> *Res Gestae* Latin for 'things done'. It is a common law exception used as a gateway to admit hearsay evidence under section 118 CJA 2003. Examples include 999 calls and statements made by victims to others at the time of, or shortly after, an incident. For a comprehensive explanation related to domestic abuse cases see the CPS website: <https://www.cps.gov.uk/legal-guidance/domestic-abuse#:~:text=Res%20gestae%20-%20A%20statement%20is,distortion%20can%20be%20disregarded%2C%20or>

The DVPO officers have escalated jobs where they felt the matter should not be going for a DVPN and should be progressed. DVPO1 has extensive DVA experience from previous operational roles, picking up on some of the disclosures, such as recognising criminal damage as a precursor to actual violence, and highlighting disclosures in negative pocket notebooks where it states 'I am fearful of what he is going to do' when no physical violence has occurred in the index offence - enabling the thresholds for obtaining a DVPN-O to be met. [Fieldnote: April 2019].

The immediacy of violence or the threat of violence in the index offence must be demonstrated. Often victims call the police before an assault has occurred. The DVPO officers seek to demonstrate in such instances that the apprehension of violence is so high that technically it constitutes an assault. For example, where several previous criminal damages are recorded, this can constitute a pattern whereby the victim knew violence would follow [Fieldnote: April 2019]. In the data analysed in Freyburn in 2019 (see Chapter Four), less than 6% (n=28) of cases involved a threat of violence. However, in the 2022 case study snapshot (n=16) we can see this was much higher (25%; n=4). This could support the position conveyed by the DVPO officers above of testing the water with the courts and training officers on a wide interpretation of violence in DVPN-O applications. This could indicate an adaptive evolutionary embeddedness of the DVPN-O legislation in Freyburn.

### *Case Study 1*

Case Study 1 speaks to the aims of DVPN-Os in reducing re-victimisation. Case Study 1 is a clear example of using DVPNs at an early stage with the aim of 'nipping violence in the bud'. It illustrates how a DVPN can be put in place in circumstances when no physical violence occurs, there is little to no previous domestic abuse history, and the victim fears violence will be used. A position promoted by Article 52 of the Istanbul Convention. This is a promising finding in Freyburn given prior DVPN-O research has indicated DVPN-Os are reserved for chronic or serious offenders or used predominantly in cases risk assessed as high-risk (Smith, 2017; Ewin, Bates and Taylor, 2020; HMICFRS, 2017; Senior, 2018; Whittle, 2018). Early use of the DVPN-O instrument may prevent future incidents. Case Study 1 would appear to be a 'textbook' use of a DVPN filling a protective gap in circumstances where charges cannot be

brought, yet concern remains of future harm to the victim at an early stage in a couple's offending trajectory.

Unfortunately, following the observation on that evening a breakdown in the process occurred - a DVPO was not subsequently applied for:

*"[NAME] has had a look at it, to review it, to find out what on earth has gone on. And there has been an error because the task hasn't been sent. And obviously, because there is such a big break [pause] in the timescales now, we can't [re] issue one. [Shakes head again]. It's been rectified; the officers will be spoken to. It is an error. Erm, this shouldn't have happened. There is human error involved, with anything isn't there? As much as you have all these fail safes and everything that goes on there will always be human error. One - the whole point of DVPNs is so we protect people. So, we don't want errors in that and two, it just looks really bad doesn't it that we say these are all the things we do, and then the first one you come to do, it's like, 'What are you doing here? You're all a bunch of clowns!'" [Superintendent 2]*

Although all the physical paperwork was correct and personally served, the officer in the case forgot to task the DVPO officers through the records management system (Niche) to notify them a DVPN had been served. Furthermore, the occurrence number was flagged as a 'domestic abuse' type, rather than a 'DVPN-O' type, meaning the DVPO officers had no way of identifying a DVPN was 'in progress' or had been issued, compounding the error. Consequently, the matter was not listed for a DVPO hearing with the court.<sup>130</sup>

Data from Freyburn shows on average<sup>131</sup> perpetrators contest their DVPOs in just 2% of cases. No data is available indicating how frequently victims attend court to voice their views about the imposition of a DVPO. In all the observed case studies (n=16) only one victim attended court [Case Study 2] and two perpetrators [Case Studies 5 and 10] discussed later in the chapter. It is clear in Case Study 1 the perpetrator did not turn up at court. Had he done so, a conversation between the court and the police would have ensued and the error could have been picked up. The matter could then have been referred to a duty Superintendent to consider re-issuing a DVPN.

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<sup>130</sup> The perpetrator or victim are not required to attend court but may do so if they wish to make representations.

<sup>131</sup> Based on a four-year average from January 2019-June 2022. [2019-2%; 2020-2%; 2021-3% and 2022-0%]

In Case Study 1, no further incidents were reported between the couple in the intervening four weeks post DVPN issuance. The DVPN was not deemed proportionate or necessary to re-issue four weeks later when the error had been identified. Arguably, the mechanism of the DVPN, in addition to arrest, may have proved a sufficient deterrent to prevent further offending by this perpetrator (Kelly et al., 2013; Vigurs et al., 2016). Particularly, as in this case, there is little or no significant history between the parties. However, the victim in this matter was not protected under a DVPO and by default received no active policing during the intervening weeks post incident. It could be argued the victim had no expectations surrounding the DVPO and was satisfied with the outcome of the initial police intervention. Alternatively, the victim in Case Study 1 may have been disappointed or confused around the function, process, and purpose of the DVPN-O intervention and consequently less likely to engage with it or with the criminal justice system in future.

There is often little commentary on the views from those protected by a DVPN-O. However, this error highlights attrition due to police tasking and administrative errors within the DVPO system, which should be an ongoing concern. Particularly when put in context with the data presented on attrition in Chapter Four. Case Study 1 is a contemporary example of what the researcher raises as the phenomena of 'double attrition' - a compounding of negative outcomes, and a failure to protect, which highlights how some identified victims of crime may not find 'justice' when engaging or interacting with the criminal justice system. This concept is explored further in the Discussion Chapter.

A further data inaccuracy arose in Case Study 1 relating to the assigned police finalisation: Outcome 22: 'diversionary, educational, or intervention activity, resulting from the crime report, has been undertaken and it is not in the public interest to take any further action' was recorded on the file. In our post-authorisation interview this outcome was queried. The authorising officer stated: "It shouldn't have an Outcome 22, should it? [Smiling] This one's a disaster! Should we just call this one a disaster now?! Shouldn't have that... Well, not in this case we didn't issue one [DVPO]! So, it shouldn't have been a 22!" [AO2]. Case Study 1 illustrates some of the complexities involved in the initial 24-hour DVPN process.

## ‘Actual’ Violence’

Whilst threats of violence were presented in 25% (n=4) of the case studies the remaining 75% (n=12) involved actual violence [Case Studies 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14]. Physical violence ‘with visible injury’ is recorded in 58% (n=7) compared to 42% (n=5) which were physical violence ‘no injury’. Additionally, the case study matrix above (Table 25.) illustrates 44% (n=7) of perpetrators were classified as ‘chronic’ offenders whilst 56% (n=9) had fewer than three previous recorded DVA incidents, some with little to no [reported] history.

This is a promising finding in Freyburn which contrasts with prior DVPN-O research indicating DVPN-Os are reserved for chronic or serious offenders and/or used predominantly in cases risk assessed as high-risk (Smith, 2017; Ewin, Bates and Taylor, 2020; HMICFRS, 2017). However, 75% (n=3) of cases involving a breach [Case studies 4, 8, and 14], relate to ‘chronic’ perpetrators. This data may contradict the original home office findings (Kelly et al., 2013) which suggests DVPN-Os are most effective when used in chronic cases<sup>132</sup>. The remaining 25% (n=1) breach relates to a very young couple with a high-risk vulnerable victim [Case Study 10], discussed later in the enforcement section.

### *Case Study 12*

Case Study 12 (Appendix 16) has a ‘chronic’ history between the couple (5+ incidents) a case with physical violence and visible injuries. The case study was risk assessed as medium and involved a female perpetrator in a long-term cohabiting partnership with no children. Interestingly, Case Study 12 arose through a referral to the police from the General Practitioner (GP) of the perpetrator (Michelle). Michelle was experiencing acute mental health issues, and the GP was concerned Michelle was attacking her husband (Terry). Only two of the three original Home Office pilot sites<sup>133</sup> operated pathways which allowed third parties to initiate DVPN-Os, although very few were received in one site and the option was not actively promoted in the other (Kelly et al., 2013:52). Similarly, very few (<5) third-party

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<sup>132</sup> [Assuming breach rates are an appropriate ‘measure of success’]

<sup>133</sup> GMP and West Mercia. Wiltshire did not accept third-party referrals.

referrals were evident in the DVPN-O empirical dataset (n=535) from 2019 in Freyburn. Suggesting an underutilised (or promoted) DVPN initiation pathway.

When the police arrived both parties were separated, Michelle was said to be 'confrontational and aggressive' and was subsequently cautioned and arrested. Terry did not provide a statement or wish to prosecute his wife, stating she is alcohol dependent. He did provide a negative pocket notebook (PNB) outlining the offence and his injuries but did not want to make a formal complaint. A DVPN was authorised as no other measures to protect the victim in his home were possible. A 28-day DVPO was granted by the magistrates. Terry was described as 'unhappy' and 'obstructive' about the order when informed about its imposition from court. The police attempted to contact Terry on Day 6 of the order and successfully made telephone contact with him on Day 14 - Terry stated he had not had any contact with Michelle. On Day 22 during a routine welfare check at Terry's address, Michelle was seen leaving the address and was subsequently arrested in breach of the order. Michelle was fined £50 at court. No further entries were made on the police system and the order expired.

The case was finalised as 'Outcome 15' – suspect identified; victim supports but evidential difficulties. Speaking to the authorising superintendent after the DVPO expired they confirmed the finalisation inaccuracy: "...on the face of it that one clearly should not have been a 15 [Outcome 15] because there was no victim co-operation on this was there?" [AO5]. Case Study 12 is illustrative of the flexibility of these civil powers, allowing the police to impose immediate safeguarding in situations where no charges can be brought but the risk of further violence is present. The order arose via a third-party report, which appeared to be uncommon in Freyburn.

#### *Case Study 14*

Case Study 14 (Appendix 17) relates to a couple in a long-term, non-cohabiting relationship, both alcohol dependent, with extensive DVA history. Police attended Anna's address after an abandoned 999 call; Dan, the perpetrator, was outside. Although Anna initially denied an assault, despite visible injuries, she later disclosed she had been headbutted but retracted her account when she realised body-worn cameras were recording. Dan was arrested, and

although the incident was initially risk-assessed as medium it was referred for upgrade to high and sent to MARAC under the SafeLives 'repeat' criteria.

Superintendent 5 anticipated authorising a DVPN having read the paperwork, his 'gut feeling' left him unconvinced there was enough for an evidence-led prosecution but recognising the history of violence and Anna's repeated reluctance to support charges, the officers were going to pursue an evidence-led route [Fieldnote: 46]. In interview Dan denied assaulting Anna stating he himself was assaulted. Despite Anna opposing the DVPN as she wished to remain in the relationship, Dan's imminent release without restriction meant a DVPN was judged the only available safeguarding option, and his 11th DVPO was authorised. Prior to court the DVPO officer expressed reservation about the magistrates granting the order, however a 28-day DVPO was granted without hesitation. Anna was successfully spoken to on Day 7 of the order and was described as 'hostile'. Subsequent contact attempts with both parties proved unsuccessful. The order expired and the incident was finalised as Outcome 22 (diversionary or educational activity, no further action in the public interest).

Superintendent 5 explained in the intervening period between the DVPO and our research interview, he had also authorised an unusual 'out-of-custody' DVPN for Dan, triggered after a separate incident in the Town Centre. Despite independent witness accounts, officers felt there were no grounds for arrest or charge. However, Superintendent 5, familiar with the couple's history, assessed ongoing risk and authorised a retrospective DVPN when reviewing the previous day's management log. Before it could be served<sup>134</sup>, Dan was arrested again in relation to a new incident and issued a further DVPN in custody. This led to his 12th DVPO, which he went on to breach.

Table 26. below summarises the couple's three and half-year DVPN-O history. Dan is identified as the 'primary aggressor' receiving 12 DVPOs, half of which were breached, with outcomes ranging from fines totalling £375 to custodial sentences amounting to 126 days. Orders were issued across all risk gradings suggesting limited deterrent effect in this dyad.

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<sup>134</sup> The notice of hearing regarding the DVPN must be personally served in writing on the perpetrator in order for it to be in force.

Table 26: Characteristics of multiple DVPN-O use in Case Study 14

Number of DVPOs Issued	Perpetrator Sex	Risk Grading	DVPO Granted	DVPO Breached	Outcome Fine	Outcome Prison
Anna (1)	F	High	Y	N		
Dan (1)	M	Low	Y	N		
Dan (2)	M	Low	Y	Y	£75	
Dan (3)	M	Medium	Y	N		
Dan (4)	M	Low	Y	Y (x2)		42 Days
Dan (5)	M	Medium	Y	N		
Dan (6)	M	Medium	Y	Y (x2)		42 Days
Dan (7)	M	Low	Y	Y	£50	
Dan (8)	M	Low	Y	Y	£250	
Dan (9)	M	Medium	Y	N		
Dan (10)	M	Low	Y	N		
Dan (11) *	M	High	Y	N		
Dan (12)	M	High	Y	Y		42 Days

\*Case Study 14

Case Study 14 illustrates how police practice often operates on an incident-focused basis (Stark, 2007; Wangmann, 2012; Stark, 2012; Walklate, Fitz-Gibbon and McCulloch, 2018). Officers attending the street incident [DVPO12] did not appear to situate the case within a wider pattern of escalating violence, despite the recent expiry of DVPO 11. This could reflect gaps in officer information, limited understanding of ‘positive action’ obligations, or pragmatic judgments about CPS charging thresholds and the ‘necessity test’ for arrest. Such decisions can effectively ‘screen out’ crimes (Goldstein, 1963; Young, 1991; Jones and Belknap, 1999; Myhill and Johnson, 2016; Pearson, Rowe and Turner, 2018), contradicting College of Policing APP guidance which directs officers to consider DVPN-Os where arrest is not made but safeguarding is required (CoP, 2015).

This also speaks to the complexities of policing and researching DVA offences when numerous different but related incidents progress through the CJS (Logan, 2020). Superintendent 4 previously noted: “...It’s designed really for a one off...But eleven times, that just doesn’t. I wouldn’t authorize...” yet Superintendent 4 was responsible for authorising the 8<sup>th</sup> DVPN in Case Study 4. This indicates a conveyor belt of incidents, often occurring under strict time pressures, that are not necessarily afforded the opportunity to

properly problem solve issues dynamically or holistically, speaking to a ‘here and now approach’ to policing.

Case Study 14 reinforces wider findings that the risk of reoffending in DVA cases is cumulative and heightened immediately after an incident (Lloyd, Farrell and Pease, 1994; Morgan, Boxall and Brown, 2018), with perpetrators who have prior histories breaching more readily (Kethineni and Beichner, 2009). It also highlights a systemic gap in protection, likely to be an issue across policing more widely impacting [ongoing] victim safety. DVPN-Os were designed to ‘fill a gap’, yet processes work more ‘smoothly’ when an arrest occurs than when orders are sought outside custody. While Superintendent 5’s decision demonstrates flexibility in authorising an out-of-custody order, this relied heavily on his personal knowledge of the couple, largely due to them residing in his ‘patch’.

Ultimately, Anna and Dan’s case exemplify both the utility and limits of DVPN-Os. They did not stop repeated abuse, but they created opportunities to disrupt violence, enabled police management of a chronic dyad, and secured custodial penalties that otherwise would not have been possible. In this sense, they provided temporary respite and contact opportunities with an ‘uncooperative’ victim, consistent with arguments that orders can provide a form of ‘space for action’ and a partial protective effect, even in long-term abusive relationships; an intended aim of the instrument (Bates, Hester and Justice Project Team, 2018). Superintendent 5 highlights the tragic nature of Case Study 14 in which the victim has been used by this perpetrator as ‘a punching bag’. Freyburn’s data in Chapter Four shows a consistent trend of multiple DVPN-O usage during the fieldwork period. This demonstrates the force’s willingness to issue and the courts willingness to grant multiple orders in ‘chronic’ cases.

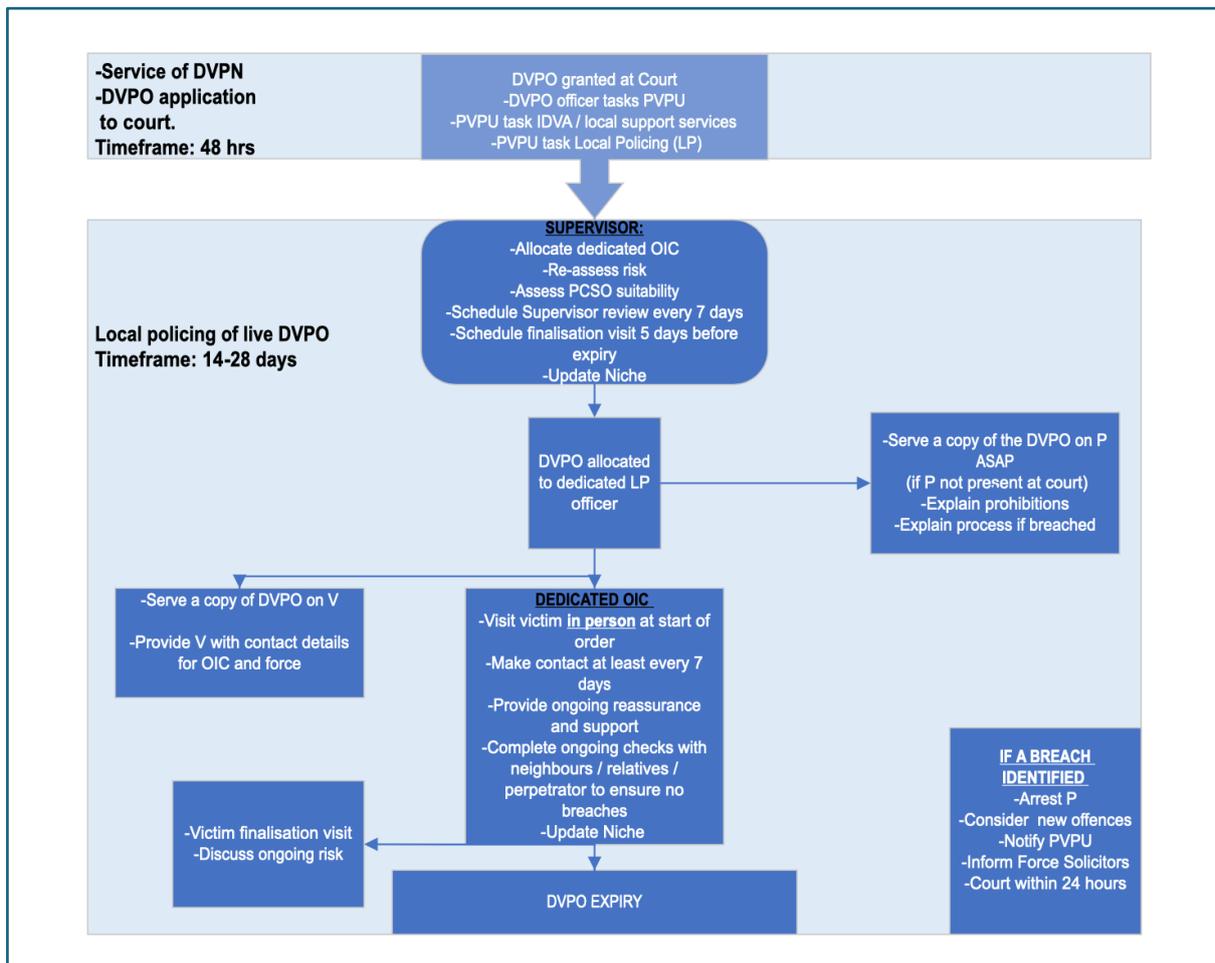
The next part of this chapter takes a closer look at ‘Phase 2’ - Enforcement and Active Policing of the DVPO following a DVPN when a perpetrator has been barred and/or removed and contact prohibited.

## Section Two – Enforcement, Monitoring and Active Policing of Live DVPOs

## Freyburn's Enforcement Protocol

As well as initiating DVPNs, the police are the authority tasked with applying for a DVPO and enforcing the subsequent order if granted by the court. Freyburn has a local protocol for DVPO management. In brief, following the issuance of a DVPO at court the DVPO officer tasks several different internal police departments with the court outcome. These include the police national computer (PNC) team; the protecting vulnerable persons unit (PVPVU) - who re-assess the risk and update the IDVA service; and local policing (LP), who are assigned to police the order whilst live. The level of victim and perpetrator contacts and supervisory oversight expected is also clearly set out. The protocol highlights the role of the local policing Sergeant who assesses whether PCSO involvement can[not] be utilised and assigns a dedicated officer to monitor the order. Figure 25. below is a visual representation of the protocol to aid interpretation and understanding.

Figure 25: Process Map of Freyburn's DVPO enforcement protocol



Supervisory oversight is requested every seven days to assess how the management of the order is progressing, and finalisation contacts are requested to be scheduled with each victim five days prior to the expiry of an order. In addition, it is suggested welfare contacts with the victim are conducted every seven days to offer reassurance and support. Suggested text is provided to officers to aid clarity and consistency with data entries on Niche. The protocol also explains what to do in the event of a breach of a DVPN-O being identified.

During fieldwork, the 16 case studies were followed through 'live' from the initial approach for a DVPN with a Superintendent to their expiry and finalisation on the police system. This typically lasted 28 days, with some notable exceptions: Case Study 1 had no DVPO issued due to an administrative error, therefore no active policing could be tracked. Case Study 2 had a DVPO issued for 14 days. In Case Studies 9 and 16, a DVPN was refused, cases were sent to the CPS to obtain a charging decision. The following snapshots below are a construction of what 'active policing' looked like during the observed case studies which illustrate who was contacted, whether it was 'successful', and what frequency of contact occurred.

### Freyburn's Enforcement Protocol 'In Action'

The 16 case studies represent a microcosm with which to understand the process of active policing of DVPOs. Through the lens of the case studies, a sense of the work undertaken to provide protection during the 14-28 days an order is live in Freyburn is captured. Figure 26. below is an overview of the data. The legend displays the attempts, either in person or via telephone, as well as the actual contacts with victims and perpetrators in Freyburn during the live order in each case study. Figure 26. shows most of the orders have some form of 'active policing'.

Figure 26: DVPO case studies (n=16) showing contacts with victims and perpetrators (2022)

Legend:

Perpetrator contact attempted by phone	
Perpetrator contact attempted in person	
Perpetrator Contact successful	
Victim contact attempted phone	
Victim contact attempted in person	
Victim Contact successful	
Breach	

COMPLETE ACTIVE POLICING PICTURE

Case Study	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7	Day 8	Day 9	Day 10	Day 11	Day 12	Day 13	Day 14	Day 15	Day 16	Day 17	Day 18	Day 19	Day 20	Day 21	Day 22	Day 23	Day 24	Day 25	Day 26	Day 27	Day 28	
1	DVPN AUTHORISED BUT NO DVPO APPLIED FOR																												
2	Green																												
3	Green	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue								
4	Green	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue								
5	Green	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue								
6	Green	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue								
7	Green	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue								
8	Green	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue								
9	DVPN REFUSED RESULT = CAUTION																												
10	Green	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue								
11	Green	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue								
12	Green	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue								
13	Green	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue								
14	Green	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue								
15	Green	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue								
16	DVPN REFUSED RESULT = NFA																												

\* P detained under the Mental Health Act      PA = Passing Attention

The Home Office pilot illustrates the importance of immediate victim contact once the court has ratified a DVPO. Victims will be unaware a [ex]partner is in breach of a DVPO if they have no knowledge of it being in force or its prohibitions (Kelly, 2013: 27). Some years ago, Freyburn reviewed victim contacts after a woman was murdered by her partner upon his release from prison for breaching his DVPO. The victim had failed to be successfully notified on the day of release from prison due to a tasking error. The importance of victim contacts was subsequently reviewed and emphasised. The mapping above indicates the police always attempt contact with the victim from court on Day 1. This contact is the first action the DVPO officer undertakes from court once an application for a DVPO has been heard. When victim contact is unsuccessful, and if it is possible and appropriate to do so, a voicemail will be left for the victim. A task is then sent to the PVPU team to re-attempt contact with the victim to inform them of the DVPO and its conditions, as well as to re-visit any safeguarding concerns and inform the IDVA's and support services about the DVPO and its prohibitions.<sup>135</sup>

The DVPO officer's task PNC to show a live DVPO for the requisite number of days, and 'treat as urgent' (TAU) markers are applied to the victims address for the duration of the order. Additionally, the DVPO officer tasks the relevant local policing (LP) team so a copy of the order can be served personally on the perpetrator where possible. 'Good practice' captured when unable to locate a perpetrator at his address, an officer called the perpetrator and

<sup>135</sup> Following an internal review in June 2022 this process was amended – the DVPO officers now inform the IDVA services directly from court once a DVPO has been issued.

read all the conditions out to him over speaker phone whilst recording the conversation on body worn camera (BWC) [Fieldnote 13 - 2019]. In Case Study 8 (2022) the perpetrator refused to open the door to officers who recorded the interactions explaining the order conditions when posting through the door on BWC. This aligns with holding perpetrators to account, yet also speaks to better informing perpetrators, to reduce the number of breaches.

The literature suggests the risk of re-victimisation/breach is most likely shortly after justice intervention (Harrell and Smith, 1996; Benitez, McNeil and Binder, 2010; Morgan, Boxall and Brown, 2018; Dowling *et al.*, 2018) therefore reinforcing what is expected whilst the order is live and any consequences for breaches is important to aid compliance and thus increase victim safety. Freyburn's approach indicates good practice by attempting to personally engage perpetrators early and explain orders to aid comprehension, especially as this provides an opportunity to reinforce what 'no contact' means (Meyer and Stambe, 2021). Moreover, such practice can deflect criticism through untimely service of orders (delays) on perpetrators, which has been argued makes authorities complicit in any [re]offending (Hefner, Miller and Fleury-Steiner, 2022).

## Victim Contacts

Figure 27. below presents the actual victim contacts. Victims are often (46% n=6) successfully spoken to by the DVPO Officer from court once the DVPO has been granted. The 'grey areas' represent times where no monitoring would be expected: in Case Studies 9 and 16 the DVPN was refused; Case Study 2 was granted for 14 days (not 28) and Case Study 1 a tasking error occurred and no DVPO was applied for. Eight victims (62%) received two or less successful police contacts (including from court on the day of issuance) during their order [Case studies 2, 3, 7, 8, 10, 13, 14, 15]. Three victims (23%) received no ['successful'] contact during the order [Case studies 2, 7 and 15]. In addition, only four victims received face-to-face active policing within the first seven days of the order in contrast with force protocol.

Figure 27: DVPO case studies (n=16) showing 'successful' victim contacts during the live order (2022)

Case Study	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7	Day 8	Day 9	Day 10	Day 11	Day 12	Day 13	Day 14	Day 15	Day 16	Day 17	Day 18	Day 19	Day 20	Day 21	Day 22	Day 23	Day 24	Day 25	Day 26	Day 27	Day 28	
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### Case Study 2

Case Study 2 involves an offence of coercive and controlling behaviour with little to no previous reported history, risk assessed as medium [upgraded to high] in which the victim (Stacey) was [initially] supportive of a prosecution but not a DVPN. Stacey attended the DVPO application at court, successfully making representations (through the DVPO Officer) for the DVPO to be issued for 14 rather than 28 days. Stacey wished for a shorter order so the perpetrator (Martin) could have contact with their young child. Stacey was aware of the order conditions before leaving court.

The policing of the DVPO was allocated to a dedicated officer the same day who contacted the victim and provided his contact details. A supervisory entry on Niche reveals the case was assessed as unsuitable for PCSO involvement and supervision would occur every seven days. There are no further entries or contact from the dedicated officer or supervisor thereafter. On Day 15 the dedicated officer rang Stacey to say the order had now expired. Stacey stated there had been no contact during the order. The authorising Superintendent was subsequently asked about the policing on this order:

*“...I would’ve liked to have seen more entries on that...It depends on what the supervisor is working really, doesn't it, 14 days, by the time it's granted and everything else - 14 days goes very, very fast and I would have liked to have seen another entry prior to the closure to say that the officers been round or spoken to the victim and she was OK or whatever. And I'd like to have seen another supervisor entry. In an ideal world. But...we have monitored, although we could have monitored a bit better.” [AO3].*

Checks by Superintendent 3 revealed there had been no further reported incidents between the incident date and our research interview post DVPO expiry. The incident was finalised as Outcome 22 – ‘diversionary, educational, or intervention activities have been taken to address perpetrator behaviour’. Whilst Case Study 2 illustrates an example where no actual victim contacts occurred during the 14-day live order, conversely, other case studies illustrate some victims received multiple (3+) successful contacts during a 28-day order [Case Studies 4, 5, 6, 11 and 12].

### *Case Study 5*

In Case Study 5, the victim (Eve) had declined to prosecute but was supportive of the DVPN. The case was risk assessed as medium for a physical assault on Eve, with a child present in the household. The couple had 6 recorded previous DVA incidents. The perpetrator (Russell) turned up at court for the DVPO hearing, a 28-day order was issued and personally served upon him. Eve was also successfully contacted from court and updated. Eve was contacted several times successfully [via telephone] during the order and reported no issues. She was happy that child contact was being facilitated through a third party, stating she had no intentions of renewing the relationship. Towards the end of the order officers attended Eve’s address but there was no answer, house to house enquires were conducted to make sure the perpetrator had not been seen. The couple have previously been discussed at a MARAC. No previous DVPN-O had been issued. The authorising Superintendent checked to see if any further incidents had occurred since the index offence and the follow-up research interview - none were recorded:

*“I think that for me is the benefit of DVPN-O's, quite often, well, not often, it's probably generalizing, but I know in certain circumstances the victim can be blamed if the perpetrators arrested and taken into custody. And this takes the decision out of the victim's hand...”* [Superintendent 7].

Police records show this victim was grateful for the contact and conduct of the officers during the order. The researcher notes all the actual contacts during the order were conducted over the telephone rather than in-person (for both the victim and the perpetrator). A further telephone contact with the victim had been made a week after expiry to check everything was still ok with the victim. The case was subsequently [incorrectly] finalised as Outcome 8 – ‘community resolution, with or without formal restorative justice’.

## Case Study 8

In Case Study 8, involving a Section 47 assault and threats to kill, the victim supported the DVPN (initially), although she was no longer ‘on-board’ with the order at the time of the second breach and asked for it to be ‘revoked’ - she planned to get back together at the end of the order. Victim ‘willingness to support’ is a critical factor which contributes to the complexity in safeguarding victims of DVA. Separation, enforced or otherwise, is a high-risk factor, ‘risk-assessment’ is static at the point of the incident but fluid in practice. Similarly, victim ‘consent’ can and does fluctuate and is an ongoing process which can waiver in terms of engagement with criminal justice processes and interactions with abusers. This illustrates the ‘kaleidoscopic’ nature (McGlynn and Westmarland, 2018) of the lived realities of victims (and perpetrators), reinforcing the need to maintain regular victim (and perpetrator) engagement during orders.

## Perpetrator Contacts

Figure 28. below displays the actual contacts with each perpetrator (in green), and any [recorded] breaches (in red). The grey squares indicate where no policing of the perpetrator would be expected, either because the DVPO was not issued [Case Studies 1, 9 and 16], the perpetrator was detained for periods under the Mental Health Act [Case Study 3] or imprisoned by virtue of breaching the current DVPO [Case Studies 4 and 10].

Figure 28: ‘Successful’ perpetrator contacts during case study observations (n=16) in Freyburn (2022)

SUCCESSFUL PERPETRATOR CONTACTS																													
Case Study	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7	Day 8	Day 9	Day 10	Day 11	Day 12	Day 13	Day 14	Day 15	Day 16	Day 17	Day 18	Day 19	Day 20	Day 21	Day 22	Day 23	Day 24	Day 25	Day 26	Day 27	Day 28	
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2																													
3					*		**																						***
4																													
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10	█																												
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13											█																		
14																													
15																													
16																													

\*Address error on DVPO – Matter re-listed Day 6

\*\* P was detained under the Mental Health Act (1983)

\*\*\*DVPO was not served on perpetrator

The data above indicates six perpetrators (46%) had no actual interaction with the police during their live DVPO [Case Studies 2, 3, 7, 11, 14 and 15]. Additionally, Case Study 5

involved one [successful] telephone contact on Day 1 by the local policing team.<sup>136</sup> Throughout active policing of all the orders five breaches are identified across four cases, indicated in red [Case Studies, 4, 8, 10 and 12]; one order was breached twice [Case Study 8]. In the breached cases the perpetrator and victim were in current relationships; three out of the four couples were cohabiting. This equates to a 31% breach rate (4 out of 13 DVPOs). Illustrating the exceptionally low breach rate (1%) identified (and acknowledged) in the original Home Office pilot (Kelly, et al., 2013).

Kelly et. al's (2016) national follow up, later captured an 18% breach rate (Home Office, 2016a), whilst more recently Blackburn and Graça's (2020) study revealed an 8% breach rate of DVPOs in the Metropolitan Police Service (MPS). Following national FOI requests, Ewin et. al's (2020) study reveals a 12% average breach rate<sup>137</sup>. The data in this thesis offers a more refined breach analysis in terms of number of times an order is breached, whether a victim was supportive of an order at the outset and whether the breach was discovered through active policing or via a victim self-report or third-party.

The critical point is none of the breaches in these case studies arose through a victim report to the police. Furthermore, three of the four victims [Case Studies 4, 10, 12] did not support a prosecution or a DVPN. This underscores the importance of active policing and robust enforcement to assist with the overall effectiveness of the orders. As mentioned in the previous section the victim in Case Study 8 was onboard with the DVPN initially, she subsequently changed her mind during the order.

Whilst engagement with the victim is critical, equally important is keeping sight of the perpetrator during orders. It has long been established that 'a piece of paper' will not keep a victim safe (Barron, 1990; Logan and Walker, 2010; Spearman et al., 2024) however, if orders are to have any protective effect, their symbolic power of deterrence must be reinforced. This includes 'setting the stall out' for perpetrators at the start of orders, making

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<sup>136</sup> This perpetrator had been personally served with a copy of the DVPO when he attended the hearing earlier in the day.

<sup>137</sup> Taken from their 2018 data which included information from Across 27 forces in England and Wales.

sure perpetrators experience some accountability for their actions, as well as clarity for non-compliance with the order; the 'Sword of Damocles'.

An additional facet of the DVPN-O system is the ability of a perpetrator to contest the making of an order at court. Returning briefly to the 2019 DVPN-O dataset (n=535) in Chapter Four, less than 2% (n=10) of DVPN-Os were recorded as contested. One order was withdrawn by the police [the perpetrator was remanded in custody on unrelated matters], three were refused by the court [the court was not satisfied the perpetrator was aware of the court date or because the 'necessity' criteria had not been met]; 60% (n=6) of contested orders went on to be granted. Returning to the case studies in this chapter, only two perpetrators attended at court [Case studies 5 and 10]. Both had come to contest the making of an order. The perpetrator in Case Study 5 wanted to maintain contact with his child. When the DVPO officer explained the DVPO would not prevent this, he was less concerned with contesting, especially when informed of the potential financial costs of doing so. The perpetrator in Case Study 10 is discussed further below.

#### *Case Study 10*

Looking at Case Study 10 in more detail, a Section 47 assault involving a 19-year-old perpetrator and a 15-year-old victim, reported by a member of the public who witnessed the assault through a window. There are no previous recorded incidents between the couple. The police risk-assessed the incident as high. The victim did not want to prosecute. The file was prepared as an ELP awaiting the arrest of the perpetrator, who could not be located at the time of the incident and failed to attend a voluntary interview at the police station. The perpetrator was arrested a month later, on warrant, at the victim's address. A DVPN was authorised by a Chief Superintendent. The victim was not supportive of the DVPN, neither was the victim's mother, whose views were captured on the DVPN, she believed the 'victim had started the incident'. The perpetrator attended court to contest the police DVPO application.

The perpetrator was young and visibly shocked when informed of the potential financial ramifications of contesting<sup>138</sup> and changed his mind. The DVPO hearing took place, and an order was issued for 28 days. The perpetrator was subsequently arrested in breach of his DVPO on Day 16 and sentenced to 21 days imprisonment. His first period in custody. During interview with an authorising Superintendent, the perpetrator's background revealed he had been raised in a domestically violent household having been registered on police systems since the age of 3 years old. Whilst having no previous convictions he did have a recent short history of arrest for being domestically abusive towards his mum. Case Study 10 was one of the most policed of the case studies. Whilst there were several unsuccessful attempts to contact the victim, there were in addition, several entries which recorded 'passing attention' being given to the victim's address. The only perpetrator contact was his arrest at the victim's address on Day 16 in breach of the DVPO.

Interestingly, the Home Office pilot suggests victim-survivors under 18 are ineligible for the instrument (Kelly et al., 2013:42)<sup>139</sup> - although the legislative criteria appears to stipulate only the perpetrator needs to be aged over 18<sup>140</sup>. Additionally Case Study 10 raises questions around the sentencing of breaches, a concern highlighted by the Home Office DVPO pilot (Kelly et al., 2013:39). This Case Study snapshot illustrates three out of four breach cases [Case Studies 4, 8, and 12] were chronic offenders, yet only one of these offenders received a custodial sentence for breach [Case Study 4; 42 days], in Case Study 8, which breached twice, a fine was issued each time: £100 and £300 respectively. Whilst in Case Study 10, the perpetrator's first DVPO, first breach, and first ever period in custody, he received 21 days imprisonment for an order he intended to contest but changed his mind when faced with the risk of a high financial penalty.

Whilst in no way excusing the perpetrators behaviour, Case Study 10 highlights potential issues in due process and the rights of perpetrators in civil protection order systems. Brown, (2017) highlights how financial penalties encourage individuals not to challenge allegations

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<sup>138</sup> The figure quoted to him at the time was £900.

<sup>139</sup> Under the forthcoming DAPO regime victims of DVA are categorised as being over 16. The victim in Case Study 10 would not be eligible for protection under the forthcoming mechanism.

<sup>140</sup> Section 24, CSA (2010).

in court illustrating minimal judicial oversight and potentially arbitrary enforcement and sentencing practices in operation. The lack of scrutiny around consequences of civil protection orders (JUSTICE, 2023), the expansion of state powers (Carvalho, 2017) and inconsistent enforcement of DVPOs warrants further investigation. This has wider implications especially in cases such as Case Study 10, where there are clear victim-perpetrator overlaps and variations in the handling of breach proceedings when those named in orders are also deterred from challenging them.

### Assessment of Freyburn’s Enforcement Protocol

Overall, the case study snapshot suggests perpetrator’s lives are interrupted infrequently during the 14–28-day window of a live order, and that enforcement, or [pro]active policing, largely obscures the perpetrator. The intended aims of DVPN-Os are to create ‘space for action’ to allow victims to make decisions about longer-term safety during, and post DVPO expiry, whilst addressing meaningful behaviour change in perpetrators. The data in this chapter reveals actual perpetrator contacts at the start, during or towards the end of the orders were very limited.

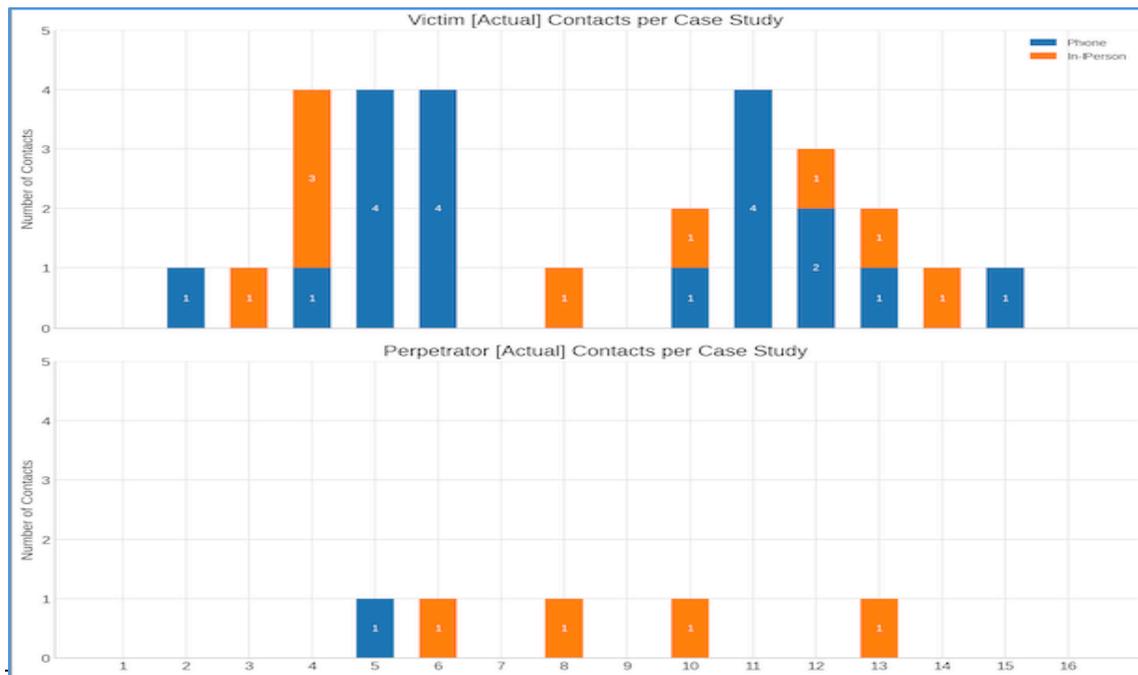
Table 27: Overview of active policing contacts (n=91) during Case Study DVPOs (n=13)

CONTACT TYPE	PERPETRATOR	VICTIM	TOTAL
Unsuccessful phone contacts	7	21	28
Unsuccessful in-person contacts	9	16	25
Actual contact	5	28	33
Breaches Reported	0	0	0
Breaches discovered	5	-	5
Total contacts	26	65	91

Table 27. above summarises the ‘work done’ in Freyburn during this enforcement snapshot and illustrates across the 13 DVPOs successfully applied for and issued at court, 91 contacts are recorded. This suggests an average of 7 contacts per order. When the data is

disaggregated, a clear distinction between victim (71%; n=65) and perpetrator (29%; n=26) contacts emerges, additionally less than half (42%; n=38 [33+5]) of all contacts result in ‘successful’<sup>141</sup> contact. Indicating the majority (58%; n=53) of all enforcement contacts are unsuccessful, meaning nearly 60% of the manpower and resources involved in policing the orders result in no actual contact being established with either party.

Figure 29: ‘Successful’ active policing contacts during live orders by modality (phone vs in-person)



The data above in Figure 29. provides new insight demonstrating the disparity between victim [top] and perpetrator [bottom] contacts whilst highlighting successful contacts do not always occur in-person (orange), indicating a potential over-reliance on telephone methods (blue). Of note, there were instances of contact being registered when voicemails had been left. For example, in Case Study 3 on Day 9 a voicemail was left for the victim asking them to call the police regarding the DVPO prohibitions that have been put in place. Whilst there are 33 actual victim and perpetrator contacts recorded across the live DVPOs, the majority (61%; n=20) of active policing occurs over the telephone (blue); just 39% (n=13) of the case studies had in-person contact (orange), with some cases only receiving ‘successful’ active policing via telephone [Case Studies 2, 5, 11, and 15].

<sup>141</sup> ‘Successful’ here is defined as the victim or perpetrator being spoken to in-person, via telephone or arrested for breach proceedings.

## Finalisation Visits and Finalisation of DVPOs

The expiry of an order represents a critical change in circumstances; ‘a risky moment’ (Benitez, McNiel and Binder, 2010; Niemi, 2023). Order expiry is also an important policing touchpoint to gather intelligence on the status of the relationship, reassess future risk, [re]engage with the victim and perpetrator, and continue to problem solve potential future demand. Finalisations, both in terms of enforcement protocols - end of order visits - and more broadly in terms of accurate recording of police outcomes, offer pivotal data catchment. Arguably, any absence or errors represent missed opportunities. Freyburn’s enforcement protocol indicates a finalisation visit should be conducted five days prior to order expiry. This occurred in 46% (n=6) of the victim case studies [Case Studies 3, 4, 5, 6, 8, 13]. Whilst not part of the protocol, it was observed none of the perpetrators were successfully contacted within the last five days of their order.<sup>142</sup>

Since 2019 the National Police Chiefs Council (NPCC) state the finalisation code for a DVPN-O is Outcome 22.<sup>143</sup> However, the researcher argues Outcome 22 usage for DVPN-Os is disingenuous, is not victim focussed and should never have been used. This argument, alongside possible solutions, is developed further in the Discussion Chapter, for now, the problematic issue of police outcomes and the finalisation process relating to DVPN-Os is briefly explored. Outcome 22 is an out of court disposal (OOC)<sup>144</sup>. The defining criteria for Outcome 22 states: ‘Diversionary, educational or intervention activity, resulting from the crime report, has been undertaken and it is not in the public interest to take any further action’<sup>145</sup> (NPCC, 2019:1). For an Outcome 22 finalisation to be adopted ‘decision-making should be clearly documented as to what education and diversionary activity has been put in

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<sup>142</sup> Except for Case Study 8 whereby contact occurred three days prior to expiry relating to arrest for the second breach of the order.

<sup>143</sup> This was a voluntary outcome in 2019-2020 across all forces however, it was made a mandatory outcome from 2020-2021. In line with that Guidance, Freyburn’s DVPN-O policy asserts DVPN-Os are to be finalised by way of Outcome 22.

<sup>144</sup> Also more recently referred to as: OOCR ‘Out of Court Resolution’  
<https://www.npcc.police.uk/SysSiteAssets/media/downloads/publications/disclosure-logs/criminal-justice-coordination-committee/2023/out-of-court-disposals-resolutions-national-strategy-2022-v.2.2---npcc-publication.pdf#:~:text=The%20new%20legislation%20will%20change%20the%20framework,victims%20and%20offenders%20can%20expect%20similar%20outcomes.>

<sup>145</sup> [https://justiceinnovation.org/sites/default/files/media/document/2021/outcome\\_22\\_-\\_npcc\\_briefing\\_note\\_v1\\_march\\_2019.pdf](https://justiceinnovation.org/sites/default/files/media/document/2021/outcome_22_-_npcc_briefing_note_v1_march_2019.pdf)

place to address the suspects offending behaviour and why the OIC believes this is a more effective outcome than out of court disposals or charge' (NPCC, 2019:1).

This chapter has already highlighted there is little by way of police intervention (or interaction) to 'address the suspects offending behaviour' in the DVPN-O cases studies presented. Additionally, the police finalisation element of the data in this snapshot is largely inaccurate. By way of example, Case Study 1 is recorded as an Outcome 22 finalisation (Table 25.) however, no DVPO was ever issued, so no interaction or intervention with the perpetrator occurred. Restating Superintendent 2 said: *"It shouldn't have an Outcome 22, should it? This one's a disaster!"* further discussion with Superintendent 2 around finalisations revealed:

*"We know as a force currently we're not using the correct outcomes...something we are looking at...[Outcome]8 was the big one we were using as 'Community Resolution' when, it wasn't... So we've chipped away at those. We've reduced those greatly. We shouldn't see those getting misused. But [Outcome]15 and 16 is a big one. And for all forces 15/16, because this is where, 'cause, I guess, it's not just us. It's not just, when you're looking at the wider sorts of criminal justice elements, trying to pick out, why aren't we getting more positive outcomes, that if we're not getting 15, 16 right, it skews the figure out across the board doesn't it? So, we do know that...we're really trying to get into that but the data we will have around that won't be giving you a true picture because of those reasons..."*

There are clear inaccuracies peppered throughout the 16 case studies highlighted in this chapter. Misleading and inaccurate outcomes were utilised such as: 'Outcome 8 - Community Resolution,' (which can only be issued once the threshold of charge has been reached) was applied [incorrectly] in Case Study 5. Case Studies 4, 12 and 16 where Outcome 15'd, when the victim clearly did not support a prosecution (therefore should be Outcome 16). Case Study 9 was cautioned (Outcome 3 / 3A) but a charge or summons is recorded (Outcome 1) instead. Therefore, we can see the issue of data integrity and [in]accuracy is problematic within this snapshot. This reinforces the need for accurate data collection to help better inform policing and policy responses and contribute to a robust evidence-base as well as aiding compliance with Article 11 of the Istanbul Convention (Walby, 2016).

## Chapter Summary

This chapter presents findings from 16 case studies examining the operation of DVPNs and DVPOs, following cases from initial authorisation through to expiry of the order. In contrast to previous research relying on administrative data, this study offers a unique live-process insight into both the authorisation and enforcement stages of these protective tools. The chapter was divided into two core sections. The first explores the barring phase presented through the lens of one of the statutory criteria in the Crime and Security Act (2010), framed around whether cases involve violence or the threat of violence. Findings reveal 75% (n=12) of cases involved 'actual' violence compared to 25% (n=4) of threatened violence. Of the 16 cases under study, 13 progressed to DVPO through the courts; two were refused at the authorization stage in favour of evidence-led prosecutions (both later discontinued), and one DVPO did not progress due to an administrative oversight. Furthermore, this first section reveals how decision-making plays out in practise - including which victims were granted protection and the types of incidents considered whilst highlighting the importance of the DVPO Officer role. This section also raises questions around early intervention and/or last resort usage of DVPN-Os.

The second section turns to the enforcement of DVPOs post issuance. This section presents Freyburn's local policing protocol followed by analysis of victim and perpetrator contacts during the order period. These findings reveal notable variations: some victims experience no contact at all, while others receive multiple engagements. In contrast, contact with perpetrators was [even] less frequent. In addition, DVPO breaches were explored. Four (31%) out of the thirteen [successful] DVPO cases were breached. Case examples were used to demonstrate the variation in sentences following a breach. A critical finding was the limited adherence to local force enforcement protocol: victim finalisation visits occurred in less than half of cases, most contacts were unsuccessful, and of the successful contacts, most were conducted by telephone rather than in-person. Whilst there were examples of proactive enforcement, the data suggests that the policing of DVPOs is uneven, and that force protocol may be more aspirational than routinely operationalised.

Other commentators have already underscored the lacuna of evidence around understanding the policing practices associated with civil protection orders, including DVPN-Os (Rodgers, 2023). Taken together, the findings in this thesis shed light on the discretionary and variable nature of DVPN-O use, from the role of the authorising officer to the realities of frontline enforcement. This chapter highlights not only the importance of local practices and resourcing but also raises questions about how policy intention translates into actual protection on the ground. 'Best practice' is established when orders are viewed as procedurally just, neutral and fair, therefore the findings in this chapter, taken together with the previous two chapters create an evidence base which can contribute to understanding the legitimacy of Sections 24-33 of the Crime and Security Act 2010 and the operationalisation of DVPN-Os. The Discussion Chapter situates the tensions presented in the findings into wider debates on preventative justice and gendered violence.

## CHAPTER EIGHT - DISCUSSION: Safeguarding in the absence of a conviction

This thesis set out to understand the DVPN-O landscape in one metropolitan police force in England and Wales and explore how domestic violence protection notices and orders (DVPN-Os) are operationalised. It is timely to consider whether the ‘protective gap’ upon which the orders are premised has been realised by the Crime and Security Act (2010) a decade post-implementation. This chapter will highlight and summarise the key findings of this research making visible the contributions this thesis advances by offering a synthesis of the data. This synthesis will take the form of a critical interpretation of the empirical data and qualitative findings; contextualising this within the current body of knowledge, before providing a critical evaluation of the implications and limitations in due course. This thesis presents the following contributions: original empirical police data on DVPN-Os; a critique of the naming, framing and use of DVPN-Os; methodological insights on researching the police; a proposed new police outcome recording methodology to make civil orders (DVPN-Os/DAPN-Os) visible and finally, proposals for a [amended] unified protection order regime. Whilst several themes relate to more than one question, Table 28. below outlines the primary alignment:

Table 28: Table of Thesis Contributions

Contribution	Theme	Explores	RQ
1	Conceptual and Operational Narrowing of DVPN-Os	Naming, framing and use. Disconnect between policy and practice.	1, 1a
2	Data, Knowledge and Obfuscation	Data silences, inertia and injustices	1, 1a, 1b, 1c
3	Procedural and Symbolic Enforcement	Enforcement. Are perpetrators ‘relentlessly pursued?’	1, 1b
4	Implementation, Drift and Multi-Agency Working	The importance of communication relays / relationships. [Expanding] Space for action.	1, 1c

The chapter is structured thematically around four core contributions. Each theme draws together evidence from multiple data sources and connects back to the studies overarching research question and/or sub-questions.

## The Conceptual and Operational Narrowing of DVPN-O Use

This research makes an original contribution to knowledge by revealing how Domestic Violence Protection Notices and Orders (DVPN-Os) have become both conceptually and operationally narrowed in practice. Drawing on unique police data, case studies and qualitative interviews, the thesis shows how institutional structures, cultural framings, and practical constraints have shaped the selective deployment of these orders, with implications for victim protection, strategic resourcing, and systemic legitimacy.

### Conceptual and Operational Narrowing

Nationally, DVPN-Os are often regarded by officers as bureaucratic and burdensome contributing to their underuse (Kelly et al., 2013). Casey (2023:155) illustrates frontline officers 'didn't have time to use protective measures such as DVPN-Os' whilst Harrison (2021) highlights 'domestic abuse fatigue' can impact DVPN initiation amongst frontline officers. In Freyburn, frontline officers do not initiate DVPNs; instead PIP2-accredited officers in specialist Protecting Vulnerable People Units (PVPUs) tend to initiate the bulk of the notices. This structure, designed to address wider demand (Seddon, 2008; Lewis, 2014), may differ from other forces and mitigate some critiques around bureaucracy and frontline resistance (CWJ, 2019).

Yet it also creates a bifurcation: PVPU officers typically handle medium/high-risk cases, while 'lower-risk' incidents are dealt with by non-specialist officers whereby [repeated] lower-risk cases may slip through the [DVPN-O] net. The national critique of limited DVPN-Os in standard-risk cases persists (HMICFRS, 2017; Smith, 2017; CWJ, 2019; Ewin, Bates and Taylor, 2020). Freyburn had notably fewer standard risk compared to medium/high risk DVPN-Os, highlighting some of the complexity around demand, risk and safeguarding (Walklate, Fitz-Gibbon and McCulloch, 2018; Turner, Medina and Brown, 2019; Hagemann-White, 2019b).

Freyburn's relatively high annual DVPN-O use may be attributed to clear processes, robust legal support, a centralised court system for DVPO hearings, and consistent personnel managing and presenting applications. However, external connections are weaker.

Interview data (Chapter Six) reveals weaker relays with non-statutory partners such as IDVAs, limiting multi-agency effectiveness (Home Office, 2016b; 2020b). Therefore, narrowing occurs in two ways: operational filtering determines which cases reach DVPN consideration, while organisational routines and cultural understandings shape how the instrument is perceived and applied.

### DVPN-Os or Intimate Violence Protection Orders?

Narrowing is evident in the demographic and relational patterns observed in Freyburn's data. In 2019, 90% of DVPN-Os were issued in intimate partner violence (IPV) contexts; only 10% were familial despite statutory eligibility under the Crime and Security Act 2010<sup>146</sup>. Orders typically involved [heterosexual] physical assaults (Section 39 or 47), reflecting institutional scripts of what counts as 'serious' or 'actionable' domestic abuse (HMIC, 2014a; HMICFRS, 2017; 2019; CWJ, 2019).

Gendered and age patterns also emerged. Familial cases showed greater male victimisation and elder abuse visibility than IPV cases. A key finding shows familial victims (69%) were more likely to support the DVPN than IPV (44%) victims. Higher recorded breach rates in familial cases (26% vs 20%) may reflect either stronger willingness to report or lower deterrent effects. Conversely, unsupportive familial victims reported fewer breaches (11%) compared to IPV victims (22%), possibly due to underreporting, or a higher tolerance for [low-level or technical] violations, or reduced police monitoring (Hotaling and Buzawa, 2003; Hefner, Miller and Fleury-Steiner, 2022). These contrasts require further scrutiny but highlight issues around enforcement equity, gender, and victim experience. The findings also speak to the framing of the instrument within police culture and its potential for [increased] use in familial violence incidents.

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<sup>146</sup> Under Section 24, CSA 2010 a DVPN may be issued if the perpetrator has been violent towards, or has threatened violence towards, an '*associated person*' defined under section 62 of the Family Law Act 1996. 'Associated person' includes 'relative', parent, someone with parental responsibility as well as [non]cohabiting intimate partners.

## Framing the Instrument: Victim 'Willingness to Support', Relationship Type, and Strategic Intent

Victim 'willingness to support' is one of the critical (and controversial) factors shaping DVPN use. Although legally not required, victim 'consent' is frequently used as a proxy for risk, victim credibility and outcome potential (Christie, 1977; 1986; Ewin, Bates and Taylor, 2020). DVPO Guidance suggests overriding victim consent may be necessary where coercive control is suspected (Home Office, 2016b; 2020b) yet in Freyburn only 3% (n=17) of DVPNs recorded an offence of coercive and controlling behaviour (CCB). Of these, most (65%; n=11) victims supported the order, suggesting that whilst CCB cases may be under-represented, overriding consent on the grounds of coercion was largely unnecessary in this sample.

At least 15% of cases in Freyburn had no victim view recorded, an omission that obscures how perspectives shape outcomes and silences those views at the systemic level (Fricker, 2007; Merry, 2016). Importantly, this thesis provides the first known disaggregated analysis of victim consent across DVPN-O cases, which speaks to addressing such silences. It reveals familial victims were more likely to support DVPN-Os (69%) than IPV victims (44%). This is an important distinction often obscured in the extant literature (van der Aa et al., 2015; Dowling et al., 2018; Jones, 2020; Meyer and Stambe, 2021). Familial victims' higher rates of support for DVPN-Os suggest they may align better with non-criminalising protection needs in these contexts, echoing recent research around victim disengagement (Hefner, Miller and Fleury-Steiner, 2022; Bates et al., 2025).

In IPV cases absent a 'high' risk assessment or child-related levers (e.g. MARAC, child protection plans), victim willingness to engage becomes critical. Yet only 51% of protected persons with children supported DVPN-Os, this was less (45%) where no children were present. DVPN-Os present the state with the power to override a victim's wishes under the auspices of protective paternalistic policing (Buxton-Namisnyk, 2022) raising tensions with 'empowerment' frameworks such as 'space for action' (Kelly et al., 2013). Victims tend to fare best when pursuing their own goals (Cattaneo et al., 2016; Nichols, 2013; Cattaneo and Goodman, 2015). This thesis therefore contributes to ongoing debates around victim

agency, criminalisation, and the [mis]alignment of police strategies with victim goals (Hoyle and Sanders, 2000; Bates *et al.*, 2025).

### From Last Resort to 'Plan B': [Re]Framing Strategic Usage

Superintendent interviews consistently framed DVPN-Os as a 'last resort' - used when all else fails. This sits uneasily with their policy rationale as early interventions bridging evidential gaps and offering rapid [earlier] safeguarding (Ashley, 2013; CoE, 2011a; De Vido and Frulli, 2023; Niemi, 2023). Framing matters: if seen only as reactive, opportunities for early protection may be missed. In practice, DVPNs are often tethered to arrest and custody pathways, despite legislation not requiring an arrest.

In Freyburn, less than 1% of DVPNs are refused and DVPOs are granted by the courts in over 90% of cases. Most DVPN NFA decisions (92%) are made by police decision makers (PDMs), compared to 8% by the CPS reinforcing the embedded internal [custody] police workflows, yet few DVPNs arise from other pathways. Additional avenues include upon return from CPS charging-decisions ('slow-time'), third-party requests, MARACs, or where arrest has not taken place.

Overall, this suggests the need for a strategic shift: reframe DVPNs not as a site of failure ('we couldn't charge') but as a proactive 'Plan B', an intentional, complementary route to prosecution ('Plan A'). Language is central: internal rebranding could help challenge the perceptions DVPNs are only pursued in weak cases; improve institutional engagement and highlight their strategic value (Groves and Thomas, 2014; Heydari, 2025) whilst contributing to their symbolic capital as protective tools (Hefner, Miller and Fleury-Steiner, 2022).

Case Study analysis in Chapter Seven reinforces this point: while only one of the 16 victims supported a prosecution, safeguarding measures (DVPN-Os) were put in place in 13 of the cases, including two perpetrators receiving prison sentences. Most victims declined to prosecute however more victims were supportive (rather than unsupportive) of a DVPN-O, offering police a 'positive outcome' in the criminal attrition space. Orders are short-term, time-bound, and well-suited to the operational rhythms of policing. While not designed to replace prosecution, they can prove useful in low-evidence, risky contexts where speed and safety are paramount.

Following initial DVPN-O roll-out in Freyburn, misconceptions circulated about DVPN suitability e.g. excluding low-risk or non-cohabiting cases [Fieldnote: April 2019]. Training and cultural embedding has since expanded their use. Case Study 1 in Chapter Seven is a good example of the instrument being used preventatively, however dominant ‘last resort’ framings persist. This thesis demonstrates how operationalisation is shaped less by statutory limits but by institutional logics, cultural framings, and resource constraints. Despite their wide legal applicability, DVPN-Os are used primarily in heterosexual IPV cases involving actual [physical] violence, following arrest and processing through police custody. Familial, same-sex and coercive control cases remain underrepresented in DVPN-O data. A reframing is required: DVPN-Os should be seen as flexible, protective, and potentially transformative not bureaucratic stopgaps (Seddon, 2008).

### [Re]Framing the Instrument: Wider Policy Implications

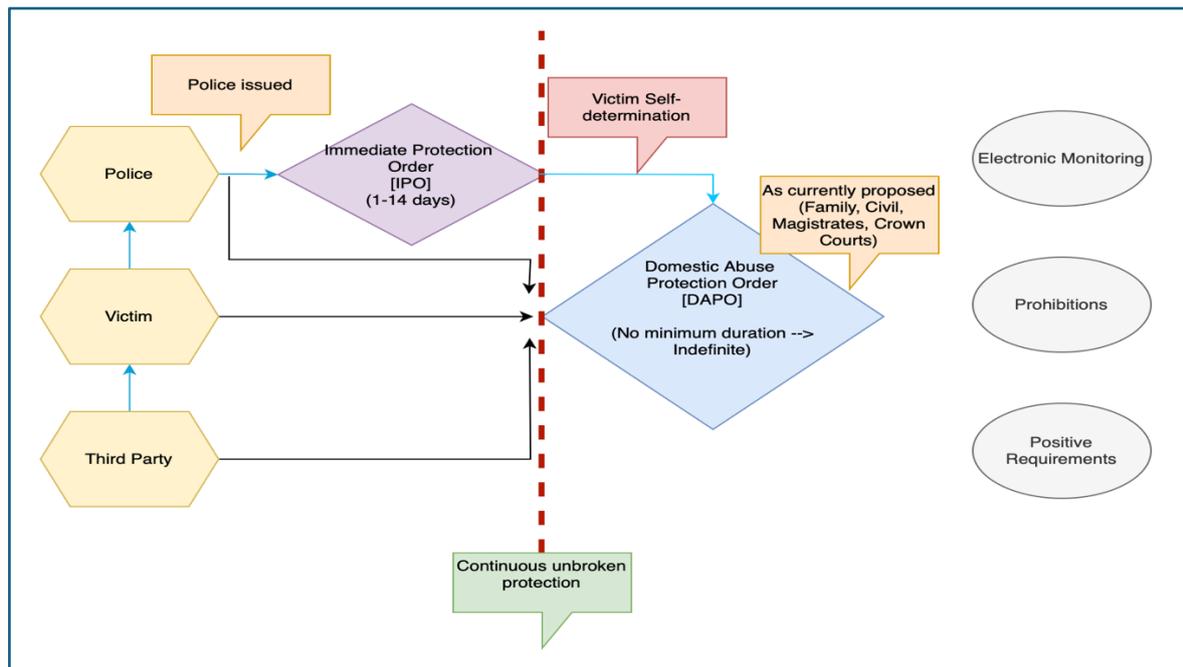
This thesis argues for repositioning DVPN-Os within a ‘continuum of protective action’ rather than a stand-alone intervention. Their immediacy and short duration arguably are their defining strengths, distinguishing them from other orders in the UK whilst aligning them with international instruments (Niemi, 2023). Victim willingness to support remains central, overriding self-determination risks disempowerment (Friedman, 2010). Short-term orders may strike a balance, provide immediate safety while leaving options for longer-term remedies. The umbrella term ‘emergency barring order’ [EBO] may be unhelpful particularly as not all cases involve cohabitation.

This thesis proposes alternative nomenclature: ‘Immediate Protection Order’<sup>147</sup> (IPO). IPO delineates an order by time and space rather than risk and perceived severity of violence. This new framing may increase their use and fit with the instrument’s policy intentions (CoE, 2011a; Ashley, 2013; Logar and Niemi, 2017; Herring, 2020; De Vido and Frulli, 2023; Niemi, 2023; EHRC, 2024). Figure 30. below presents the proposed regime.

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<sup>147</sup> Defined as incorporating immediate protection, exclusion options and no contact provisions.

Figure 30: Proposed re-framing of civil DVA order regime in England and Wales



At the policy level the orders do not require life-threatening, ‘serious [physical] violence’ in cases with previous histories of recorded abuse to be used (Logar and Niemi, 2017). The risk [threat] of harm is valid enough reason to issue (Römkens and Lünemann, 2008). ‘Immediate Protection Order’ (IPO) better conveys the essence of these orders offering greater conceptual clarity which could help to normalise ‘everyday’ use. The proposed regime aligns with Article 52 [IPO] and Article 53 [DAPO] of the Istanbul Convention allowing for continuous unbroken protection (Niemi, 2023).

## Data, Knowledge and Obfuscation

This contribution examines how institutional data practices shape what is and can be known about DVPN-Os and what remains hidden. Placing DVPN-Os within debates on attrition in the criminal justice system is timely given their imminent extension under the Domestic Abuse Act (2021). The data presented here highlights missed opportunities, the phenomena of ‘double attrition’ (discussed below), and the need to better understand how emergency barring orders are operationalised, the role(s) they play, and their current low levels of use. Silences across forms, IT systems, workflows, and outcome measures are not incidental. They are consequences of institutional design. In line with Fricker’s (2007) notion of hermeneutical injustice, Mathiesen’s (2005) account of institutional silencing, and Merry’s

(2016) work on ‘datafication’, this section argues that administrative architectures embed epistemic injustice: survivors are rendered peripheral to the knowledge flows and decision-making, while the institutional record obscures what arguably matters most.

### The ‘Problem’ of Attrition

Attrition describes cases failing to progress through the criminal justice system (CJS). In domestic violence and abuse cases, early victim disengagement remains the dominant reason (Hester, 2006a; Jacobs, 2025; Bates et al., 2025). The safeguarding vacuum this creates is precisely where Sections 24-33 of the CSA were designed to operate (ACPO, 2009). This thesis introduces the concept of ‘double attrition’: cases that fail to progress not once, but twice on the same journey through. For example, a DVA case without charge resulting in ‘no further action’ (NFA) is typically finalisation as either an Outcome 15 (O15) - victim supportive - or Outcome 16 (O16) - victim unsupportive - of prosecution. If safeguarding concerns remain, a DVPN authorisation can be sought. If that DVPN is refused (i.e. Case Studies 9 and 16); authorised but no DVPO applied for (i.e. Case Study 1); is withdrawn or refused at court, then protective measures fail to materialise a second time, leaving safeguarding concerns unaddressed.

Making ‘double attrition’ cases ‘visible’ [i.e. Outcome 15d/16d, explained shortly] may help forces to monitor attrition more closely, identify ‘problem cases’ earlier, take remedial action and acquire further learning. Domestic Homicide Reviews (DHRs) consistently show many touch points with the police and other services where victim contact occurs, alongside missed opportunities to intervene including utilising DVPN-Os effectively (IOPC, 2019; 2022; 2024b). Current data practices render these opportunities invisible, sustaining institutional silences (Mathiesen, 2005; Merry, 2016).

### The ‘Problem’ of Obfuscation

Alongside ‘double attrition’ sits a wider problem of data obfuscation. Police outcome codes are central to national monitoring. The VAWG Strategy (2021)<sup>148</sup> and Domestic Abuse Plan,

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<sup>148</sup> ‘Tackling Violence Against Women and Girls 2021’ is the previous strategy. At the time of the Thesis submission [October 2025] the new strategy was due to be published.

(2022) track changes in charges, prosecutions and protection order volumes as well as any decrease in the number of victims withdrawing from criminal justice proceedings (NAO, 2025). Currently O15s and O16s are used as a proxy to broadly illuminate victims' preferences regarding criminal prosecution, but victims' preferences around DVPN-Os remain invisible.

Since 2019, DVPN-Os have been recorded under Outcome 22 (O22): 'diversionary, educational or intervention activity, resulting from the crime report, has been undertaken and it is not in the public interest to take any further action'<sup>149</sup> (NPCC, 2019:1). In practice, this obscures rather than illuminates (Mathiesen, 2005). Any identification of or understanding about the victim, or instrument, is removed. Outcome 22 obfuscates any context from the victim's journey, for example their support or otherwise for police action, homogenising both the instrument and all victims (Lewis, 2014). As Burton (2015) observed we still cannot tell whether DVPN-Os reflect poor investigations or other reasons.

Outcome 22 creates the appearance of a perpetrator-focussed intervention being put in place. However, this thesis has demonstrated (Chapter Seven) perpetrators do not always receive meaningful enforcement or active policing when a DVPO is in force. This speaks to Merry's (2016) concerns around the fact data does not always reveal the truth, rather it constructs it, serving bureaucratic or performance-based goals. These metrics privilege the institution whilst erasing the victim from view, all of which has epistemological implications. This is particularly pertinent when placed alongside the fact some of the key data for the 2019 dataset in this thesis had to be manually extracted by the researcher. This data is not extractable at scale and not visible to strategic decision-makers remaining structurally excluded from systems of knowledge production (Mathiesen, 2005).

## A New Methodology: Making DVA Protection Orders Visible in Police Outcomes

There is no national database to capture, monitor or enforce protection orders (CWJ, 2019; Bates and Hester, 2020; JUSTICE, 2023; Burton et al., 2024). This thesis therefore proposes a

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<sup>149</sup> [https://justiceinnovation.org/sites/default/files/media/document/2021/outcome\\_22\\_-\\_npcc\\_briefing\\_note\\_v1\\_march\\_2019.pdf](https://justiceinnovation.org/sites/default/files/media/document/2021/outcome_22_-_npcc_briefing_note_v1_march_2019.pdf)

new recording methodology as a workaround. Table 29. below presents a snapshot of the 2022 case study data as an illustrative framework. Table 29. highlights the limitations of the current codes and the value of the proposed new illustrative framework from six contrasting cases studies in Chapter Seven. The full mapping of all 16 case studies is available at Appendix 20. Table 29. shows how existing practices flatten victim perspectives and obscure the use of DVPN-Os. The new framework is more nuanced. Column 2 shows the actual recorded outcomes in Freyburn. Column 3 shows the ‘correct’ NPCC codes applicable between 2019-2022. Column 4 shows accepted practice before and after the NPCC directive. Column 5 presents the new proposed framework. Finally, column 6 shows what the framework makes visible – such as ‘double attrition’, victim support (or otherwise) for the DVPN-O instrument in the absence of a prosecution (‘positive attrition’), and breach data.

Table 29: Illustrative framework of proposed new methodology incorporating DVPN-Os in police outcomes

CASE STUDY	Recorded outcome (Freyburn 2022)	NPCC ‘Correct’ code (2019-2022) <sup>150</sup>	Accepted Practice pre/post (2019-2022)	Proposed Framework Code	What Becomes Visible
1*	Outcome 22	Outcome 16	Outcome 16	Outcome 16  Outcome 16d	Victim unsupportive of prosecution.  DVPN considered/authorised but no DVPO granted  <b>Safeguarding failure [Double-Attrition]</b>
2	Outcome 22	Outcome 22	Outcome 15	Outcome 15  Outcome 15b	Victim supportive of prosecution. <b>Civil order put in place unsupported by victim</b>
3	Outcome 16	Outcome 22	Outcome 16	Outcome 16  Outcome 16a	Victim unsupportive of prosecution. <b>Civil order put in place supported by victim [Positive attrition]</b>
8	Outcome 20	Outcome 22	Outcome 16	Outcome 16  Outcome 16a  Outcome 16c	Victim unsupportive of prosecution. <b>Civil order put in place supported by victim.</b>

<sup>150</sup> The NPCC guidelines were reversed in 2023.

					<b>[Positive attrition]</b> <b>Civil order breached</b>
14	Outcome 22	Outcome 22	Outcome 16	Outcome 16 Outcome 16b Outcome 16c	Victim unsupportive of prosecution. <b>Civil order put in place unsupported by victim</b> <b>Civil order breached</b>
16*	Outcome 15	Outcome 16	Outcome 16	E2  Outcome 16d	Victim [un]supportive of prosecution. Evidence led prosecution – unsuccessful  DVPN considered/authorised but no DVPO granted <b>Safeguarding failure</b> <b>[Double-Attrition]</b>

\*No DVPO granted in Case Studies 1 and 16;

- Outcome 15 prosecution supported / Outcome 16 prosecution unsupported
  - a - civil order in place – supported
  - b - civil order in place – unsupported
  - c - civil order breached
  - d - civil order sought but not put in place [double attrition]
- E1- ELP pursued – successful
- E2- ELP pursued – unsuccessful

Whilst Outcome 22 was the finalisation code between 2019-2022, in 2023<sup>151</sup> the National Police Chief’s Council (NPCC) did a ‘U-turn’ stating: “[Outcome 22s] Not for use with DVPN/DVPO/DAPN/DAPO cases. But DAPN/DAPO will be reviewed after the pilot stage” (NPCC, 2023a:9). This indicates Outcome 22 is likely to be resurrected. More broadly, national police outcome data has been problematic for decades, not just in Freyburn.

Ongoing data accuracy issues were raised during the Superintendent interviews:

*“...you can imagine what that brings can't you in terms of, you know, a metropolitan force, high volume. Officers, well, the Sergeants are responsible for it... We're very much around, getting the right outcomes, getting that real quality applied to which we could see, you know what we are dealing with but having 22 different ones is causing us a problem. So, we are starting to chip away at that and we are getting a little bit better...” [AO2]*

*“...we didn't have 22 outcomes when I was a DC or a DS, I think we had four! We do have issues...it is a bit of a nightmare trying to pick up some of the crime - the outcomes because, you know, some of them are quite close together...but on the face*

<sup>151</sup> Post Fieldwork

*of it, that one [Case Study 12] should have been, clearly should not have been a 15 because there was no victim co-operation on this was there?" [AO5]*

Whilst officers speak about the complexity around there being 22 different Home Office finalisation codes to choose from, this portrays a technical limitation too embedded to address, sustaining institutional [data] inertia (Merry, 2016). In practice, only a handful of outcomes are relevant or applicable in DVA cases. Historically, the two key ones are Outcome 15 and Outcome 16. By integrating DVPN-Os into existing Outcome 15/16 structures (with sub-codes to capture [lack of] support, breaches and double attrition) the framework makes visible patterns that current coding suppresses. This allows forces to 'see' civil orders in their data, rather than leave them buried in narrative fields or in off-system spreadsheets.

Importantly, this framework aligns with Article 11 of the Istanbul Convention (Walby, 2016), and would allow more sophisticated analysis of victim preferences and protection order use at local and national levels. It highlights hidden police work, enables monitoring of civil order breaches and strengthens transparency and accountability (Phoenix, 2023; JUSTICE, 2023; Rodgers, 2023; Pullerits and Phoenix, 2024).

### Mindlessness and Fragmentation – The System, Not the Individual

Freyburn processes DVPNs through disjointed systems: Niche; a DVPO spreadsheet; and a separate court statement folder, none are interoperable. In Case Study 1, Superintendent 2 authorised a DVPN, but no DVPO was listed because of a Niche 'tasking error.' This failure went undetected. The problem was not negligence, but human error, compounded by the fact no one was looking for a task they were not expecting. This institutional tasking culture can result in fragmented protection. Superintendent 3 explained: *"...the actual Niche task pots, it's not like, you know, you don't get notifications, you don't get anything, it's not like a phone call is it, or text message or something that you look at."*

The system performs as designed, but it is a design that obscures rather than enables victim-centred safety. The researcher, as an outsider, found Niche challenging to navigate. Senior (2018), an insider, also evidences difficulties searching Niche to see if DVPNs have been considered or obtained. Police IT systems are designed in a linear, incident by incident

interface, yet many DVA cases form part of a series of [ongoing] events. DVPN-Os were rolled out in 2014 without any additional police funding (Ashley, 2013). IT systems were not updated to accommodate the new instrument. Key data - such as 'willingness to support', remains buried in non-extractable narrative fields. This is not a technological inevitability, but arguably a design choice with political consequences (Symons and Alvarado, 2022). As Merry (2016) argues, institutional data systems often privilege metrics that serve performance over nuance. The result is what Mathiesen (2005) terms silently silencing: even when testimony exists [i.e. victim's views], it is structurally excluded from systems of institutional learning. It is not systematically recorded in an analysable way.

Whilst the above speaks to fragmentation, Superintendent decision-making may also illustrate this dynamic. Authorising a DVPN hinges on legal criteria - *necessity* and *proportionality*. Authorising Officers disclosed in their interviews that DVPNs are 'easier' to authorise when there has been a known history. Referring specifically to multiple DVPO usage a Superintendent from a different force noted: *"if the necessity, proportionality and the justification is there, then it would be a very brave authorizing officer that would say I'm not doing it because it didn't work last time."* [AO1] This tension may be indicative in the low DVPN [and DVPO]<sup>152</sup> refusal rates (Kelly et al., 2013; HMICFRS, 2017; Blackburn and Graça, 2020). In this way, the DVPN-O can also function as a tool of institutional legitimacy, a way to 'show something has been done' even if follow-through is weak or absent.

Superintendent 1 explained the sense of putting in a DVPN as: *"gives you a nice warm feeling,"* meaning it creates a record that something has been done, safeguarding in place within a risk-averse police culture:

*"I've done my bit. You know, I've put that in place. So, if anybody ever comes looking. I've considered it. I've looked at the history. Yes, they've been used before, but, when I'm standing in the box at some future review, I did everything that I possibly could and that's genuinely the sort of feeling and the rationale behind it...making sure it's not on my watch type of thing..."*

However, pertinently AO1 remarks: *"You'd be hard pushed to argue to have it for longer than 28 days when we are not maximising the current 28-day window"*. Arguably a critique

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<sup>152</sup> DVPNs were refused by a superintendent in less than 1% of cases in Freyburn.

which could be levelled at many forces across England and Wales (Senior, 2018; CWJ, 2019; Moroz and Mayes, 2019; Jones, 2021; HMICFRS, IOPC and CoP, 2021; Jacobs, 2025). This speaks to the Langerian (1997) philosophy that in contexts of uncertainty, there are no definitively right or wrong decisions, only the responsibility to make decisions *right* once taken. In the case of DVPN-Os, this would imply robust enforcement and institutional follow-through once issued (Hagemann-White, 2019a). However, there is little international or governmental guidance on what that should look like (CoE, 2011a; 2011b; Home Office, 2016b; 2020b; Logar and Niemi, 2017; De Vido and Frulli, 2023).

## Enforcement: A Procedural and Symbolic Practice.

Emergency barring orders (DVPN-Os) in the UK, allow the police to place restrictive measures on perpetrators including exclusion from the home and no contact prohibitions. The enforcement of these prohibitions in practice is variable, inconsistently monitored (CWJ, 2019; HMICFRS, 2017; HMICFRS, IOPC and CoP, 2021; Jacobs, 2025) and as this research highlights, structurally constrained. The extant protection order (PO) literature is clear, enforcement is a key driver in effectiveness (Dowling et al., 2018; Logan and Walker, 2009; Fleury-Steiner, Fleury-Steiner and Miller, 2011). Additionally, 'apart from GPS monitoring [not currently available in the UK] no pro-active, cost effective forms of monitoring are available' (van der Aa *et al.*, 2015:167).

Lacking robust national guidelines (Home Office, 2016b; 2020b) police forces are left to adopt local protocols, creating 'grey areas' around what and who 'active policing' involves (Jones, 2021). Whilst national VAWG rhetoric increasingly emphasises the importance of 'relentlessly pursuing perpetrators' (NPCC, 2024; Labour Party Manifesto, 2024; NAO, 2025), very little is known about the enforcement and policing practices around DVPN-Os. The case studies and interview data in this research suggest such rhetoric and commitments are often symbolically enacted rather than substantively realised.

## Active Policing

Whilst the number of case studies are relatively small in this research, the snapshot does provide the first known 'real-time' capture of the enforcement process allowing us a rich

insight into the wider process and practices within one metropolitan police force. Across 13 [granted] DVPO case studies, the majority (58%) of active policing contacts were unsuccessful. Victims and perpetrators were frequently unreachable, in some instances, no actual enforcement contact was made across the duration of the order. However, one clear pattern did emerge. Victims' addresses were visited more frequently than those where the perpetrators were situated. The orders were effectively policed through the victim's space rather than the perpetrators movements; 71% and 29% of contacts respectively – a contradiction which undermines the rhetorical emphasis on perpetrator accountability. This contradiction is further supported in Case Study 14 involving a repeat perpetrator named in 10 previous DVPOs. During the monitoring period only one successful contact occurred across the 28-day order - this was with the victim.

A further example of mismatch between rhetoric and practice is the contradiction(s) involved in what constitutes 'active policing' illustrated in discussions with and observations of the DVPO officer(s). The notion on the one hand that procedurally, victim-survivors were always kept informed yet, on the other, a general acceptance there were always 'a few hiccups.' When the phenomena referred to as 'victim-contact' was observed real-time by the researcher, it was clear contact with the victim from court to update them of the outcome of the DVPO application was always attempted. However, in practice, often few victims were successfully spoken to directly from court and voicemails were left or tasks raised with other departments within the police to follow-up contact. Therefore, a tension arises here as to what constitutes [successful] contact and what does 'relentless pursuit' look like?

Where successful enforcement contact was established, this was commonly via telephone rather than in-person. This pattern not only reflects possible attempts at administrative compliance but also signals underlying resource constraints and a preference for low-contact, low disruption enforcement modalities. Whilst telephone contact may serve to 'check a box' within internal tracking systems, it raises important questions about the effectiveness, credibility and enforceability of the instrument – especially when perpetrator compliance relies on robust visibility and perceived consequence – the Sword of Damocles. The findings in this thesis suggest that whilst victims remain central to monitoring processes,

perpetrators are managed at a distance, often invisible or tangential to the protection process designed to regulate their behaviour. In this context, enforcement of DVPN-Os becomes a symbolic act of protection rather than a substantive guarantee: the proverbial 'just a piece of paper' (Barron, 1990; Logan and Walker, 2010).

A protection paradox is created and reinforced. A lack of robust enforcement undermines policing's ability to do as it states: protect. In turn this reduces legitimacy in the instrument, and the institution tasked with enforcing it. Thus, creating a symbolic enforcement of the instrument. Concomitantly the same instrument has symbolic power for victims. The literature indicates, even without breach or enforcement, having a civil protection order in place can increase a victim's sense of validation (Chaudhuri and Daly, 1992; Garcia-Jimenez et al., 2019; Hefner, Miller and Fleury-Steiner, 2022; Logan, 2020), and feelings of safety (Kaci, 1994; Fischer and Rose, 1995; Brame *et al.*, 2015; van der Aa *et al.*, 2015; Douglas, 2018) as well as signalling to perpetrators their behaviours will no longer be tolerated (Fischer and Rose, 1995). These psychological and emotional factors speak to increased quality of life and potential greater victim co-operation with the order and the criminal justice system (Garcia-Jimenez et al., 2019; Hefner, Miller and Fleury-Steiner, 2022). Without robust enforcement the tool is neither substantively protective nor symbolically reassuring, undermining police legitimacy and the value of the instrument itself.

Furthermore, for some victims, especially those who wish to separate or want the space for reflection, a DVPN-O which is visibly monitored and enforced may offer both psychological security and material protection (van der Aa et al., 2015). Whereas for those who do not support an order, and/or remain in complex entangled relationships, enforcement may feel disempowering, intrusive and may even potentially increase risk (Mahoney, 1991; Fischer and Rose, 1995; Spitzberg, 2002; Messing et al., 2021; Hefner, Miller and Fleury-Steiner, 2022). The states protective actions in these contexts may displace a victim's agency in favour of procedural certainty, that they are acting correctly and defensibly (NPCC, 2024). Such a tension reflects the epistemic concerns raised by Fricker (2007) that experiential knowledge is often devalued or substituted within state responses (Walklate and Fitz-Gibbon, 2019).

In tandem with this, the qualitative interview data illustrates IDVAs expressed a lack of awareness that active monitoring was taking place at all. For many, police enforcement was seen as reactive, triggered only by further harm or a victim/third-party complaint:

*“If we've got a victim who isn't reporting breaches, I don't know how, if, what the police process is around policing to be honest? I've heard they will put the DVPO in place and then police will spot check. And if perpetrator is there, they'll make an arrest. But, that's really rare. I've not seen that often. Like, it's more back on the responsibility of the victim, I would say, to report that” [IDVA1].*

This disconnect between what the police are doing and what partners perceive them to be doing points to a deeper issue of misaligned multi-agency working arrangements. In the absence of joined up information sharing technologies, the importance of close professional inter-agency working relationships becomes even more critical (Bradley et al., 2020). Without clear follow-up, structured information-sharing or consistent cross-agency engagement post-issuance, the burden of safety subtly shifts back to the victim – who must stay put, stay reachable and hope the order works (Römkens, 2006).

The above enforcement pattern reflects both structural under-resourcing and gendered institutional logics. Despite the instrument being framed as protective and victim-centred, enforcement remains place-based, tethered to the home and reliant on victim's remaining reachable, whilst perpetrators are largely absent from the enforcement landscape. They are not 'relentlessly pursued' as national rhetoric suggests; instead, they are often rendered invisible within the system, left to comply, or not, on their own terms. Given that the main goal of protection orders is to prevent future harm by ultimately changing perpetrator behaviours, having mandated wraparound support would seem sensible. Meyer and Stemple (2021) argue greater perpetrator support, intervention and monitoring should be viewed as an 'investment' and opportunity to take a holistic approach rather than a punitive approach to improve compliance and order effectiveness (Römkens and Lünemann, 2008). Furthermore, such an approach may also contribute to the symbolic protective effect of civil orders for victims (Buzawa and Buzawa, 1996; Burton, 2016).

## Breaches

Adding to this policing picture, a positive finding in Freyburn reveals five separate breaches across four of the 13 case studies<sup>153</sup> were discovered through [pro]active policing. The extant literature shows most protection orders are breached shortly after imposition, usually within 3-months (Benitez, McNeil and Binder, 2010; Morgan, Boxall and Brown, 2018; Buzawa and Buzawa, 1996). Such orders usually have a minimum duration of 6-12 months or longer, most are victim-initiated and situated in intimate-partner contexts. Part of the utility of DVPN-Os is their flexibility to be used in cases where parties wish to separate *or* remain together, whether cohabiting or not, in instances where victims are both [un]supportive. Other research has looked at revictimisation rates following DVPO expiry, (Senior, 2018), looking at their 'protective effect' (Kothari *et al.*, 2012).

This thesis provides an additional layer of understanding and visibility around DVPN-O breach data which can be disaggregated by situational dynamics. In general, EBOs appear to be an accepted intervention by perpetrators, few are contested (Kelly *et al.*, 2013). Römken and Lünemann (2008) highlight one in ten perpetrators violated Austrian EBOs in the first ten days post issuance. However, there is little data available on police monitoring and enforcement in the UK context. The identified breaches in the Case Studies in this research were not 'close' in time to issuance *per se*; one occurred on day 7, the rest on Days 16, 17, 22 and 26, although overall, DVPOs are time limited short-duration orders (14-28 days). However, this thesis reveals the importance of robust enforcement. None of the victims in the breached DVPO Case Studies continuously supported a prosecution or DVPN-O, therefore potentially less likely to report a breach (Burton, 2015; Garcia-Jimenez *et al.*, 2019). All were in current relationships and three of the four cases had chronic DVA histories. The operationalisation of DVPOs in these contexts supports the police being able to fill a protective gap and 'manage' couples who remain together (Bates, Hester and Justice Project Team, 2018).

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<sup>153</sup> Case studies 4, 8, 10 and 12

Additionally, the short delineation of the order may be a contributing factor in DVPO effectiveness. IDVAs spoke about the fact in their experiences DVPOs were complied with, possibly due to perpetrators knowing the order would expire soon:

*“...with the DVPO, because it's been issued at court, you do find a lot of the time, people do stick to them. But again, I think that's because people think it's just 28 days. It'll be over soon. Where we get, like, people, you know, keep breaking restraining orders all the time. But with the DVPO, I think people, in my experience, people do tend to stick to them...” [IDVA2]*

Whilst a short duration may be easier for a perpetrator to comply with, concomitantly, enforcement of the orders may be more effective too. The police are used to working under ‘intensification’ periods or ‘weeks of action’ where specific aspects of policing are spotlighted over a set period, increasing focus and targeting resources. Conversely, it may be harder to sustain ‘proactive policing’ or strategically plan for longer-term monitoring of the ever-widening scope of civil orders<sup>154</sup> which last for significant/indefinite durations (JUSTICE, 2023; Rodgers, 2023).

In practice, lengthy orders may lead to challenges maintaining focus and monitoring, in the absence of a coherent and well-resourced strategy resulting in organisational drift and ad hoc protection. The bounded, short-duration of the DVPN-O may be a key strength. In addition, the fact Freyburn uses DVPN-Os multiple times with the same dyads also points to the [short] disruptive potential the orders can impart. However, keeping the perpetrator front and centre remains fundamental. Whilst the average breach rate in Freyburn was 22%<sup>155</sup>, this could indicate that four out of five orders are effective; or at least have no recorded breaches.

When enforcement is weak or inconsistent both the symbol and the system lose traction (Hefner, Miller and Fleury-Steiner, 2022). This is especially significant when orders are put in place when victims have not initiated them and are not supportive of them. The symbolic value of the DVPN-O is highly contingent on the positionality of the victim. Furthermore, when the police fail to enforce orders robustly, when protocols are inconsistently followed,

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<sup>154</sup> For example: football banning orders (FBOs), forced marriage protection orders (FMPOs), stalking protection orders (SPOs) and non-molestation orders (NMOs) to name a few...

<sup>155</sup> In 2019

finalisation visits are minimal or absent, and outcomes are applied inappropriately or are inaccurate, that symbolic value is hollowed out. The tool becomes symbolic not of protection but of institutional ambivalence undermining both the legitimacy of the police, who promise to protect but struggle to deliver, and the perceived value of the instrument itself.

The protective meaning of a DVPN-O is not fixed, rather it is constructed relationally, negotiated at the intersection of state power, practitioner discretion and situated realities of victims themselves. Taken together the evidence presented in this thesis points to performative policing, highlighting a gap between institutional logics, real-world protective effects and perpetrator accountability. DVPN-Os are designed to be a disruptive measure, that disruption should largely be felt by the perpetrator rather than the victim.

## Implementation Gap, Drift and Multi-agency working

Emergency barring orders (EBOs) have been hailed a success in other jurisdictions, however Goodmark (2015) warns interventions may not always transfer elsewhere successfully. In the UK, our emergency barring order (DVPN-O) system is premised on the Austrian model, hailed as 'best practice' (ACPO, 2009; CoE, 2011a). Yet vital elements of Austria's process have not been adopted across England and Wales. One fundamental missing element is the mandatory referral of all victims and perpetrators to [government funded] specialist support services ['Intervention Centres']<sup>156</sup>. Taken together with current evidence of the underuse of DVPN-Os (CWJ, 2019; HMICFRS, IOPC and CoP, 2021), the partial adoption of the Austrian EBO model suggests an implementation gap.

This gap needs addressing in light of further imminent expansions to the UK instrument advocated for in the DAA, 2021 (Poulantzas, [1978], 2014; CWJ, 2024). These expansions appear to run counter to the Istanbul Convention. The DDA (2021) is shifting to a more punitive focus on perpetrators, through the criminalisation of breach of DAPOs, yet the primary goal of protection orders is the safety of the victim (CoE, 2011a). Whilst mandated

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<sup>156</sup> Intervention Centres (IC) are part of a coordinated community response in Austria designed to empower victims. The ICs are gender-sensitive specialist support centres available in all regions. The police are obliged to notify the IC within 24 hours of every EBO.

government support may achieve a more egalitarian protection order process, it is imperative in that absence, that close working relationships between partner agencies are fostered and maintained. Space for action will not occur in a vacuum. Arguably one of the most important safeguarding relationships is the police-IDVA dynamic.

## The Police-IDVA Dynamic

During conversations between the Superintendents and the IDVAs it was clear that neither was properly aware of what the other was doing or sometimes how it was done.

Superintendent 3 had responsibility for local policing arrangements and stated:

*“...It’s that general conversation. How are you gonna keep yourself safe going forwards? And it may not lead to anything, but its more of an awareness, potentially and hopefully, for the last 28 days you’ve had police visits quite regularly. Those visits may now stop, we haven’t got capacity to visit every victim of DVA all the time...they may want to be back together, that’s why it’s important that we have that discussion [finalisation visit] and also in the 28 days when they haven’t had [perpetrator contact], we’ve got that IDVA support. The IDVA should be telling them or whoever the child support workers should be trying to give them those ways to stay safe.” [AO3]*

The role of the police during a live DVPO order is undefined, save to say they are to monitor and enforce orders, and provide support. Whilst force protocol in Freyburn stipulates a designated officer be assigned to have oversight whilst orders are live, there appears to be little cross-over or exchange between a designated officer and an allocated IDVA to facilitate close(r) co-operation and partnership working:

*“So, if I’m saying to an officer in charge of a busy caseload: ‘Look, I’m the IDVA. I’m gonna help you keep this victim on board. I’m gonna help you keep the survivor safe. Work with me. Co-work with me and I can approach and keep the survivor on board to make that, if needs be with assistance, to make a statement, to support a prosecution and see it through attrition, and the sentence at the end.’ And I think, if I was a busy officer in charge, I would grab the hand of that person making that offer. But that’s not our experience of our take up here, and then we can almost tell that in six-month’s time, there’s a new wave of officer in charge, come into the PVPU and the relationships that we’ve built up are gone, and then we start building them up again.” [IDVA3]*

Given the nature of DVPN-O cases, initial investigation, no further action and a 14-28 day order window, they are often short in duration. However, if the designated OIC details

were shared with the IDVA service and vice versa, direct contacts could be facilitated. Currently both remain nameless and faceless. Sharing of safeguarding information between specified individuals creates stronger gateways to access and support victims to expand space for action and reduce the current disconnect between police and support services (Jones, 2020).

### Expanding space for action?

The Home Office DVPO Guidelines (2016; 2020) do not define 'space for action' or explain how it is to be achieved and who is responsible for it, but order success is premised on effective multi-agency working. This raises questions about the 'supportive' role the police and IDVAs are expected to undertake, how 'space for action' can be facilitated, and how victims' capacity to make meaningful use of any space generated by DVPOs can be expanded. Space for action is a concept that recognises the constraints on women's agency, not just by perpetrators but by 'social entrapment' - a wider inability to resist or escape abuse through a lack of financial or emotional resources, recourse to the law, or a lack of community response (Ptacek, 1999; Stark, 2007; Ptacek, 2023). Ptacek (2023) connects private violence to public responses.

Whilst women often seek support initially from informal networks (Kelly, Sharp and Klein, 2014), more formal avenues such as policy, policing and coordinated community responses and interventions should expand victim's space for action, but this is not always the case. Beddows (2022) explores 'space for action', 'space to talk' (Wilson, 2016) and 'space to be' highlighting the importance of services avoiding 'responsibilising' victims (Hadjimatheou, 2021). Beddows (2022) advocates services should take more responsibility themselves, to ensure victims have the information, time, support and resources to make considered choices. A lack of such resources narrows victims' choices and their space for action.

Data in this thesis illustrates how the police and specialist support services in Freyburn experience challenges coordinating their responses (explored in Chapter Six) when DVPN-Os are in place and that hierarchical arrangements preclude some victims from the spaces to speak, time to think, and space to breathe. In Chapter Five, Superintendent 3 highlights the

expectations of local policing officers whilst enforcing live DVPOs and is clear the responsibility for victim-welfare should not lie with the victim, but with the police and their partners to support. There is evidence police officers attempt to lift some of the burdens of responsabilisation from victims by attempting to signpost them to other services.

In Case Study 4, the same officer visited the victim on multiple occasions during the live DVPO for ad hoc monitoring visits but also welfare support following the perpetrator's arrest and imprisonment for breach. Niche entries record the victim was very upset, lonely and lacked any support networks from family and friends. The officer spent a long time with the victim and referred her to NCDV<sup>157</sup> re-visiting her the following day and signposting to specialist DVA services. Positive policing interactions with victims such as this can increase the likelihood victims will contact the police again. Validating victim experiences of abuse as unacceptable, grounds those experiences in reality. Additionally, extending a supportive hand in a time of crisis can reduce the sense of overwhelm associated with separation (temporarily or more permanently). 'Space to speak' (Wilson, 2016) was created by the compassionate actions of this officer.

The DVPN-O intervention is part of a relational process which has the potential to connect victims to support systems, reducing isolation and mitigate potential future risks by reducing help-seeking barriers (Kothari *et al.*, 2012). Superintendent 3 recounts that for this process to work, the police must engage (with) victims. IDVA 3 recalled a stronger police presence on the streets when DVPOs were first rolled out. More recently, IDVAs are told the police no longer have enough officers on the street, she concludes: *"So, it's a DVPO which largely our survivors are having to police by themselves and report by themselves...that's a hefty burden."*

Concomitantly, 'leaving leaflets', poor enforcement practices, and a lack of welfare and finalisation visits may contribute to responsabilising victims, rather than expanding their space for action. In Case Study 8, upon arrest of the perpetrator for breach, the designated

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<sup>157</sup> National Centre for Domestic Violence (NCDV) can assist victims to apply for emergency injunctions. They also provide free training to assist police forces in understanding the civil injunction procedure.

officer is recorded on the OEL as stating: 'Force systems show perpetrator is in custody for a breach of a DVPO due in court today. Due to this I will not be checking at the aggrieved's address today.' When speaking some weeks later to the authorising Superintendent in this case they stated:

*"...So, there is a fundamental issue around how we deal with victims. But if you can't look somebody in the eye who's been a victim, you could have caught her on a good day. She could have said, 'right, I've had enough of this, and I want to do something about it' and get a statement...we have lost a bit of the human touch...a lot of the stuff is on the phone or..."* [AO4].

The data in the previous chapter (Chapter Seven) speaks to this lack of personal touch around victim and perpetrator contacts.

Likewise, long waiting lists at support services, a lack of established contact or a refusal of support can result in closing referrals following no-contact after the 28-day time limit. This presents missed opportunities and potential for reduced space for action:

*"It's the next available IDVA, there's like a bit of a waiting list, which isn't ideal, but obviously you'd think within 28 days then it'd be allocated. Or sometimes we might not be able to contact the victim..."* [IDVA1]

*"...if they're adamant and it's absolutely no, well, we are limited in what we can do, we have to, to close it down."* [IDVA5]

*"If my client was going to MARAC, I would keep their case open until they've been heard at the MARAC and any actions have come back, whether they wanted to engage with me or not, because I'd have to. But with the outreach ones, if they say to me, I don't want any more support, we close them straight away."* [IDVA8]

Taken together, police make referrals for support, but many victims do not provide consent for a referral. One of the main forms of safeguarding assumed in the Statutory DVPO Guidance, is IDVA support, (available only for the highest risk cases). If this cannot be accessed, or is assumed to automatically activate post referral, there appears to be remaining gaps in protection and victim safety.

Those tasked with providing support can sometimes make victims responsible for their own safety in the absence of [being able to] providing support mechanisms, adequate resources

and/or trauma informed responses, often due to limited training<sup>158</sup> and resources themselves. Under these conditions, ‘breathing space’ or ‘space for action’ become rhetorical when not statutorily prescribed. In the words of one Superintendent:

*“It's whether that sort of tertiary support is there. If it's not, then I think it'll just be a process, which is what I fear, but at least it's something, I suppose...”* [AO4]

Currently DVPN-Os appear to lack the impetus and framework as a starting point for meaningful multi-agency intervention (Römkens and Lünemann, 2008). Institutions need to do more to create the conditions conducive for meaningful change for victims and perpetrators. The decision to put a DVPN-O in place must be supported with robust enforcement and robust [ongoing] adequately funded support.

## Study Limitations<sup>159</sup>

During fieldwork access to several variables was not possible, reducing the breadth of analysis which could be conducted (Hefner et al., 2021) mirroring some of the obstacles encountered by the original Home Office pilot<sup>160</sup> (Kelly et al., 2013). Additionally, capturing the victim-survivor’s ‘willingness to support’ variable was more challenging than anticipated. The DVPN application and authorisation forms are stored as word documents/templates within Niche (the police record management system). However, data contained in these documents is not extractable by management information systems. Additionally, a victim’s view may be recorded in free text fields within Niche under an occurrence entry log (OEL) but there is no specific requirement for officers to do so (Phoenix, 2023). The bulk of the DVPN-O data is held on a standalone Excel spreadsheet operated and maintained by the specialist DVPO officers. The perpetrators views are captured here but not the victims. The fact one of the key variables required to answer the research question(s) was not recorded or easily extractable is a finding in and of itself.

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<sup>158</sup> During fieldwork, the researcher observed new police recruit training on civil injunctions. The session was delivered by an external agency (NCDV) and last approximately 45 minutes.

<sup>159</sup> Gaining access to and working with police systems and data raised significant challenges in the thesis. These were addressed in numerous, innovative ways, a full examination of which is outside the scope of this thesis; these methodological challenges and their solution will be the subject of a separate dedicated article currently under construction.

<sup>160</sup> Different data recording systems between the pilot sites created obstacles in the matching process; some desirable criteria, such as, ethnicity and number of previous incidents, could not be utilised. (Kelly, 2013:56).

A further compounding feature relates to the supplementary contextual details which ordinarily are abstractable from Niche. DVPN-Os in Freyburn, generate 'standalone' occurrence numbers with the link to the associated crime occurrence on Niche (where the variable data is located) not always being captured or recorded in a consistent method. To identify and link centrally held records and standalone DVPN-O data between systems, to obtain the required data for the thesis involved a manual data collection exercise. This was an unanticipated and extremely time-consuming constraint which limited the number of records which could be collected.

Whilst the curated 2019 dataset is original and rich, given more time - or less involved data collection methods - the researcher could have extended the number of years of contextual data obtained to improve the sample size and generalisability (Hotaling and Buzawa, 2003). Furthermore, this study was conducted in one police force. Whilst this was a deliberated design choice, it may be considered a limitation. Although the aim of the thesis was not about generalisability, a larger study, which includes multiple sites, may address this issue. Additionally, studies which adopt mixed methods approaches can be more difficult to execute than single method approaches particularly for lone researchers given the multiplicity of components requiring collection, analysis and integration. The COVID-19 pandemic significantly reduced the time available in the field. This compression added additional complexities and time pressures to the study, particularly when the pandemic also reduced the capacity for the police analysts to provide support regarding data extraction.

## Chapter Summary

This thesis argues that the symbolic capital of DVPN-Os, intended to create space for action (Kelly et al., 2013), is undermined by bureaucratic architectures that do not enable reflective, responsive practice. 'Data inertia' acts as 'administrative handcuffs' making it difficult to move beyond rigid success metrics (i.e. number of orders authorised, number of orders breached). To assess 'effectiveness', rather than relying on the current flattened metrics of whether an order is breached or not, given that many breaches will go undetected and/or unreported, a feminist response demands not only that survivors be heard, but that institutions be reconfigured to listen.

Whilst the police may initiate DVPN-Os, they are one part of an inter-related process. Strong communication relays are essential to improve inter-agency relationships to provide meaningful support to victims. Support which expands victims' space for action, whilst simultaneously reducing perpetrators' abilities to constrict a victims' space for action (Kelly *et al.*, 2013). We need to capture diverse experiences from victims and perpetrators. This requires data reforms, including integrated IT systems, and new finalisation codes that allow survivor voices to shape the knowledge and practice of domestic abuse governance, prevention and protection. Until then, DVPN-Os will remain suspended between their empowering potential and their narrowed operationalisation. Ultimately, the wider infrastructure - lack of mandated support, under-funded support services, hierarchical risk assessment and resource allocation - currently compounds this liminality.

## CHAPTER NINE: CONCLUSION

This thesis does not seek to categorise domestic violence protection notices and orders (DVPN-Os) as inherently [in]effective. Instead, it argues these legal tools are shaped by the conditions in which they are activated, the meanings assigned to them by institutional actors, and the infrastructures that support, or fail to support, their implementation. In this regard DVPN-Os are not protective in and of themselves; they only become protective when institutions make the decision to issue them right – by ensuring follow-through, enforcement and learning.

DVPN-Os are not standalone instruments; they are embedded within wider social, procedural and institutional systems. These include legal frameworks, policing policy and multi-agency safeguarding practices constituting complex open and nested systems frequently in flux and in tension with one another (Reiner, 2012; Hall et al., 2013; Grieve, 2014). For example, key variables necessary to understand how DVPN-Os are used, and experienced, are not visible or easily accessible, due to incomplete, non-recording, or inconsistent data practices. Whilst these are technical hurdles, they are also symptomatic of broader epistemic silences within the field of domestic abuse governance (Fricker, 2007; Mathiesen, 2005; Merry, 2016). Furthermore, the thesis has demonstrated the disconnect between policy and practice. In the absence of robust government guidelines, and notwithstanding comprehensive local active policing protocols (in Freyburn), frontline enforcement is uneven during the operationalisation of the instrument. Similarly, support for victims is also uneven in the absence of a mandated government funded framework.

The thesis findings make a significant contribution to the extant protection order literature. The empirical data in Chapter Four adds depth and richness to the official data available from the Home Office, HMICFRS and individual local forces which is largely restricted, in the public domain, to the number of DVPN-Os issued, granted, and breached. A much clearer nuanced picture is now visible to develop our understanding of how they are applied in one metropolitan force and garner wider learning for other forces across England and Wales. This research demonstrates there are differences between DVPN-O usage in intimate and familial situations; supported and unsupported incidents; in circumstances where children

are present; the types of offences they are used in, and how they are used multiple times. However, it is less clear whether they are being used as intended. Are they an early preventative intervention or a last resort? The data presented in Chapters Four, Five, Six and Seven suggests potential for a more bespoke approach to the way barring orders are utilized and highlights the need to monitor and track 'effectiveness' during and post issuance, to understand when and how DVPN-O safeguarding is best situated. This thesis has considered and addressed the following research questions below.

## How Are DVPN-Os Operationalisation in Practice

The efficacy of DVPN-Os cannot be established with the current evidence base. A lack of information exists to robustly answer any question of 'effectiveness' of these orders. This is because different forces across England and Wales operate the instrument in a variety of ways, including in the level of frequency in which they are deployed, monitored, and enforced therefore the data is inconsistent. In specific regard to Freyburn, the evidence base generated in this thesis indicates despite significant improvements over time in the evolution of the DVPN-O process(es) in this metropolitan force, the strategic manner in which DVPN-Os are deployed is unclear in terms of how any intended goals and outcomes are translated to frontline policing and how they are to be achieved. There does not appear to be a civil or hybridised mindset more broadly. A charge and prosecution focus on DVA cases was evident, despite decades of data which illustrates this is often contrary to how victims wish to resolve the abuse they experience, especially in familial violence cases (Hoyle, 1998; Chopin, Aebi and Rigoni, 2025; Bates *et al.*, 2025). There exists little, if any, feedback mechanism by protected persons or from perpetrators issued with the orders. It remains unclear whether a DVPN is a 'last resort' or 'early preventative' mechanism.

However, on the evidence available in this thesis the following observations are drawn. Whilst overall support for DVPN-Os was mixed, when the data is disaggregated, familial victims report the highest 'willingness to support' for DVPN-Os, albeit the data is limited. Additionally, familial violence DVPN-Os are issued predominantly in cases of child-to-parent violence - 67% of the sample were adult children using violence against a parent, mainly sons abusing their mothers in 73% of the CTP incidents. This thesis also makes visible 'older

abuse' in both intimate and familial incidents. As well as these hidden forms of violence the data in this thesis reveals DVPOs are consistently used multiple times within the same dyads. This appears to be accepted practice within Freyburn and with the courts who ratify multiple DVPOs on average at a similar rate to single issue orders (90% vs 92%). Overall, criminal justice practitioners largely support the use of DVPN-Os to assist in risk management obligations.

### What Are the Characteristics of DVPN-O Cases?

Perpetrators were male in 87% of orders and females were named as protected persons in 86% of orders. Most (92%) DVPOs are granted for the full 28-days. DVPN-Os are used predominantly in cases of physical violence. Mainly in intimate relationships (90%) rather than familial (10%), following an arrest and detention in police custody. DVPN-Os appear most often in cases where children are not present (66%); in cases risk assessed predominantly as medium (or high), with current rather than ex partners. As mentioned above, victims in familial violence incidents appear to support DVPNs more readily therefore the orders maybe more successful in achieving victim satisfaction (but not necessarily safety) in this cohort. However, overall, the picture of victim 'willingness to support' a DVPN is mixed in intimate relationships, the complexities appear much more nuanced. [Lack of] Willingness to support may not be problematic if the police issuance is finely attuned to the intended goals and outcomes of safeguarding in the absence of a conviction.

### What Does DVPO Enforcement Look Like?

Clear and comprehensive enforcement protocols are in place in Freyburn. However, there appears to be a disconnect between policy and practice. Some orders are policed robustly, with victims receiving 'regular' visits and contacts, whilst others receive little meaningful interaction from the police. A revealing feature of the enforcement snapshot in Chapter Seven shows nearly 60% of active policing efforts result in no contact with either the victim or the perpetrator. Furthermore, 61% of all successful contacts occurred by telephone and just 39% were in-person. This points to missed opportunities to engage [meaningfully] with victims and ensure their safety whilst orders are live and/or when they are due to expire.

Perpetrators receive little scrutiny, compared to victim visits, alongside little to no intervention. Unless a breach is reported or identified, a perpetrator can remain largely hidden during the DVPN-O process. In Freyburn, one in five (22%) DVPN-Os had a recorded breach. Victims need to remain central in enforcement practices, alongside keeping perpetrators firmly 'in view' (Walklate et al., 2025) to ensure they are 'relentlessly pursued' and held accountable (NAO, 2025). Protecting victims and holding perpetrators accountable is an enduringly complex problem, the paradoxes of which need constant management. Conversely, four out of five orders had no recorded breaches; this could signal order effectiveness.

### How do practitioners perceive DVPN-Os a decade post implementation?

Practitioners perceive DVPN-Os as both useful and limited. Very few orders are issued outside of an arrest and custody context meaning cases where no arrest is made largely fall outside consideration. Once an order is issued, uncertainty persists. Police officers are unsure how far partner agencies engage with victims and perpetrators, while IDVAs report feeling 'out of the loop' about whether active enforcement is taking place or why more DVPN-Os are not used. These perceptions reflect siloed working practices (Wilcox, 2010) identified in Chapters Five and Six where police and external partners operate with partial knowledge of each other's roles. Superintendents also highlighted challenges pursuing evidence-led prosecutions (AO2); delays in charging-decisions (AO5) and strained Police-CPS relations (AO4), all of which further complicates safeguarding considerations around DVPNs.

Addressing this implementation drift requires more than technical fixes. Clearer statutory guidance is necessary, but equally so are robust multi-agency infrastructures, that enable genuine 'space for action' (Beddows, 2022; Beddows and Mishra, 2025). Practical steps for better communication relays include specialised single points of contacts (S-SPOCS) in stable, non-rotating roles to preserve expertise and continuity. Above all, both policing and specialised support services must be properly resourced if 'what works' is to be implemented as intended (Logar, 2005; Dawson and Stanko, 2013; Logar and Niemi, 2017). Ultimately, most practitioners see DVPN-Os as a promising tool arguably constraints such as under-resourcing, siloed working and systemic drift, impact effectiveness.

## Implications: Transforming the Structure

### Domestic Abuse Protection Orders (DAPOs): A 'Go To' Order

The last 25 years has seen legislative changes adopted to improve the criminal justice system's response to DVA. The Crime and Security Act (2010) introduced DVPN-Os and Domestic Violence Disclosure Scheme, whilst the Istanbul Convention (CoE, 2011) and the Serious Crime Act (2015) have attempted to widen the types of offences and behaviours which can be criminalised, whilst adding in governance and accountability measures for state actors and perpetrators alike. Arguably, these legislative changes have not been enough to effect real change; more law is not a panacea (Walklate, Fitz-Gibbon and McCulloch, 2018). Decades of austerity, underfunding of specialist services and police forces has not made women safer or brought more perpetrators to justice. The latest Femicide Census reveals '57% of men who killed women had known histories of VAW and/or were subject to monitoring or restrictions by a statutory agency at the time they were killed' (O'Callaghan *et al.*, 2025).

The landmark Domestic Abuse Act (2021) introduces domestic abuse protection orders (DAPOs) widening the scope of current DVPOs. The DAPO Impact Assessment illustrates how the cost-benefit to the justice system regarding process change and scope widening cannot be properly estimated due to a current lack of evidence and lack of existing outcome data (Home Office, 2021b). Dealing with the criminalisation of breaches is however, suggested to be the costliest element of these new changes.

This author argues one possible way forward is to keep emergency barring orders (DVPN-Os) distinct from other DVA protection orders (see Figure 30. Chapter Eight). Collapsing all orders into one 'go to' order may help to simplify the protection order landscape from a policy perspective, however, in practice the everyday realities and nuance involved in operationalising civil orders is not easily rolled-up into one catch-all order, regardless of how 'flexible' it is touted as being. The increased diversity of order applicants may create a 'two-tier' landscape whereby police orders fair more favourably than third party-initiated orders (Douglas and Fitzgerald, 2013).

This thesis has demonstrated how emergency barring orders (DVPN-Os) have been conceptually and operationally narrowed in practice. DVPNs have been authorised in cases of threats to kill, sexual assault and coercive and controlling behaviour, demonstrating a wide interpretation of the legislative definition of 'violence' (CSA, 2010). However, these types of cases are in the minority compared to traditional understandings of DVA: physically violent incidents, between heterosexual couples. The thesis has also demonstrated the gendered pattern of offending, in both intimate and familial samples. Changing the order name from 'violence' to 'abuse' (DAPOs) does little to distinguish the everyday continuum of women's experiences which often blur into one another (Kelly, 1988; Boyle, 2018; Aldridge, 2020). The data in this thesis challenges the assumption that the evolution (expansion) in design, powers and naming of the new orders (DAPN-Os) will automatically improve practice, protection for victims, and accountability for perpetrators.

Evaluation of the DAPN-O is awaited, but early indications from the pilot are revealing. GMP recently heralded the first police-led indefinite DAPO as a landmark achievement, endorsed by government as a 'powerful step forward' in tackling VAWG (GMP, 2025). On the surface this appears positive, yet it signals a profound shift. The absence of minimum or maximum durations means DAPOs may be positioned as tools for the highest-risk perpetrators, with indefinite orders framed as the 'ultimate goal'. The enthusiasm surrounding such powers echoes the trajectory of Imprisonment for Public Protection (IPP) sentences; once celebrated, later abolished, and widely condemned as unjust (Bowen, 2024).

This trajectory raises critical questions. Long-term or indefinite orders are intended for exceptional cases (Holmes, 2021), yet the above political and operational framing suggests they may become normalised. Already, early (rhetorical) signs indicate conceptual and operational narrowing of DAPOs: prioritising serial, high-risk perpetrators, with electronic monitoring limited to small numbers where local capacity allows (Home Office, 2021b; CoP, 2025; GMP, 2025). This not only risks reinforcing inequalities in protection it also undermines the early intervention potential of the tool. In short, while DAPOs promise flexibility, they may instead replicate the familiar gaps of selective enforcement and uneven protection. This reinforces the need for immediate, urgent safeguarding which does not

become lost within an expansive and blunt instrument. The evidence in this thesis adds value to the preparatory work needed for these new orders.

## Transforming the Ethos

### ‘Immediate Protection Orders’ and ‘Plan B’ Safeguarding

One potential route out of such narrowing may be to keep the format of [police initiated] DVPNs as short, temporary, time-bound orders, but increase their duration (i.e. up to 14 days) whilst reframing them as ‘immediate protection orders’ (IPOs). In effect, a DAPN could become a ‘rolled-up’ DVPN and DVPO, renamed an IPO. Bolstered by a DAPO positioned as longer-term, or an indefinite order, much the same as NMO, OOs and ROs are now. DVA orders, as they operate now, often serve different functions. NMOs and OOs are often used when victims wish to separate, whilst DVPN-Os can also be used when dyads remain connected (Bates and Hester, 2020); a position supported in this thesis. IPOs could remain an administrative police-initiated order with, unlike now, greater emphasis on third parties being able to request, including the victim, with mandated [referral for] support attached for [all] victims (and perpetrators). Critiques of the current system often frame the 14–28-day DVPO duration as a limitation, however, this may be its strength, allowing for clear operational intensification periods for enforcement (Grieve, 2014) alongside focussed victim-safeguarding and perpetrator monitoring.

Following issuance of an IPO the police, as now, would make an application for a longer-term order for a DAPO (of variable duration including indefinitely) as currently conceived (Home Office, 2021a). The proposed approach in this thesis speaks to an unbroken ‘continuum of protection’ whilst allowing IPOs to act as a conceptual label and an analytical category for scholars and practitioners which may permit protection order debates to evolve domestically and internationally. This would allow for comparison across other jurisdictions and better understanding rather than obscuring emergency barring orders or limiting them to 48-hours duration under the proposed current regime (DAPNs). The current DAPN-O regime runs counter to the Istanbul Convention which advocates for EBO duration between

10-days and 4 weeks<sup>161</sup> (Niemi, 2023). Especially in the absence of any empirical evidence on the effectiveness of a 'go to' one-order model.

In seeking to transform the emergency barring order (EBO) ethos 'immediate protection order' (IPO) is argued for, to reduce any conflation between 'emergency' equating to [really] 'serious harm'. 'Immediate' conveys the essence of the order whilst remaining open to a plethora of scenarios for deployment. When aligned with 'a Plan B' mindset discussed in Chapter Eight, this name change [IPO] has the potential to positively impact order usage across all 43 police forces. This shift could facilitate IPO use at earlier intervals in abusive relationships; fostering a context whereby more initiating officers may be likely to approach Superintendents (or Inspectors under the new proposals) for authorisations, removing confusion about whether perpetrators need to be living in the same household (i.e. barred). This re-framing aligns with the feature that emergency barring orders are designed to be protective rather than punitive (Niemi, 2023). Violence, whilst acute, does not need to be physical, a mere threat is sufficient, likewise, a history of abuse (whilst it can be indicative of future harm) is not required (Logar and Niemi, 2017).

In addition, the proposed approach allows for any victim-imposed IPO to be challenged, varied, or removed if no longer required (at the 14-day DAPO stage) increasing the levels of victim self-determination in the UK system and better reflecting the 'best practice' hailed in the Austrian model of intervention on which the system in England and Wales was originally premised (ACPO, 2009; Kitchen, 2018). Whilst a structural and conceptual re-framing of emergency barring orders is argued for (above), the new model presented preserves their immediate, time-bound and [meaningfully] short duration without impacting the DAPO architecture as indicated in Figure 30. (Chapter Eight) showing the suggested IPO-DAPO regime framework. Furthermore, to assist the strategic re-framing of EBOs [to IPOs] across forces in England and Wales, a public [health] campaign<sup>162</sup> to raise police and public

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<sup>161</sup> With the possibility of renewal.

<sup>162</sup> The author has suggestions around the promotion of an awareness raising campaign which builds upon the Austrian model of 'Red Card' to incorporate 'Man-On' widening the football analogy to incorporate a co-ordinated community response.

awareness of these measures and their applicability in both intimate and familial violence should be pursued.

## Chapter Summary

Government policy often requires us to hold contradictory things in tension. DVPN-Os represent one example. We need to recognise victims and address the harms and impact DVA has on them, their families and society, whilst also addressing the impotence of the criminal justice system to resolve the issue. We need to provide protection for victims and families alongside meaningful support to aid recovery journeys, this is often in opposition to simultaneously holding perpetrators accountable and supporting perpetrators at the same time. The criminal justice system needs to be able to balance [contradictory] goals of criminal prosecution and civil protection. In protection order terms, ‘hybridisation’ may be considered a bridging mechanism. However, evidence shows the operationalisation of a hybrid approach with non-molestation orders has been problematic (CWJ, 2019; Bates and Hester, 2020; Holmes, 2021). It is unclear, in the absence of any meaningful structural changes, how expanding the powers of DVPOs and creating DAPOs will improve current enforcement practices and make women and children safer.

Current government proposals to simplify orders without preserving functional diversity may erode victim protection in practice particularly when responding to situations where relationships wish to remain intact. This research is timely given the recent introduction of the DA Act (2021) which gives rise to DAPN-Os currently being piloted in England & Wales. It remains unclear whether a ‘protective gap’ or a ‘prosecution gap’ is filled by domestic violence protection orders (Blackburn and Graça, 2020). However, this thesis highlights in the face of enduring attrition and limited uptake of the DVPN-O instrument, the ‘protective gap’ they seek to fill, coupled with an identified ‘enforcement gap’ means ensuring victim safety remains challenging.

## RECOMMENDATIONS

### PRACTICE

#### RECOMMENDATION 1

Strategically reframe DVPN-Os as a positive and intentional instrument rather than a reactive backstop. Frame the DVPN-O process as a 'Plan B' rather than a 'last resort'. A change in language may help to normalise order use, reduce practitioner stigma, and foster greater alignment with national domestic abuse priorities (NPCC, 2023b; Heydari, 2025). This culture change positions DVPN-Os as 'positive attrition' tools which may increase their profile within the workforce, whilst supporting preparation for the Domestic Abuse Protection Order (DAPO), ensuring continuity between current practice and future regimes.

#### RECOMMENDATION 2

Establish clear protocols and mechanisms to identify, flag and follow through serial perpetrators in receipt of multiple DVPOs (i.e. three or more). These individuals can be flagged as high harm generator (HHG) nominals (Godfrey and Richardson, 2024) and/or referred under MAPPA arrangements to ensure close(r) monitoring and review of these individuals takes place and they are kept firmly 'in view' (Walklate et al., 2025).

#### RECOMMENDATION 3

Create, maintain and nurture multi-agency partnerships and feedback loops (i.e. between police and IDVAs). This can be facilitated by sharing assigned IDVA/OIC details whilst DVPOs are live to aid rapport and foster contexts conducive to safeguarding. Additionally, select and share positive and negative DVPN-O cases/outcomes monthly between agencies, to foster learning and improve communication channels. Ensure agencies understand the roles and responsibilities of the personnel involved and reduce the movement of specialised staff in and out of key delivery roles to maintain expertise, knowledge and strong communication relays.

#### RECOMMENDATION 4

Greater awareness raising of DVPN-O use, especially in family violence cases to offer short term (potentially repeated) respite in situations where relational bonds are likely to remain

long-term, and [re]victimisation is likely. This awareness campaign<sup>163</sup> should be fostered both internally within and across forces and more widely to external agencies and the public.

#### RECOMMENDATION 5

This thesis highlights a large proportion of active policing of DVPOs is conducted with the victim (rather than the perpetrator). Additionally, this contact can often take place via telephone rather than face-to-face. Police forces should ensure face-to-face contacts are made during active policing of live orders wherever possible especially with perpetrators, to increase the deterrence effect of orders.

#### POLICY

#### RECOMMENDATION 6

DVPN-Os (and DAPN-Os once in force) are currently obscured from police Home Office outcome data. This thesis has demonstrated there are a significant proportion of victims that support the use of DVPN-Os (whether they support a prosecution or not) - this [‘positive attrition’] outcome cannot be captured. Additionally, breaches of DVPOs are typically recorded as MC80530 (if a custodial sentence is imposed), and breach of a DAPO is [currently] captured under Outcome 1 (MPS, 2022). Neither of these options make civil DVA orders, or the work done in relation to them, visible. This thesis proposes changes to the Home Office County Rules (HOCR) to incorporate Outcome 15a, 15b, 15c, 15d, and 16a, 16b, 16c and 16d, as outlined in the Discussion Chapter. This allows for victims’ views to be centralised in police data, to capture the work involved in actively policing orders, raise the profile of DVA within policing whilst allowing for better strategic understanding around hybridised policing of civil orders.

#### RECOMMENDATION 7

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<sup>163</sup> The author has suggestions around the promotion of an awareness raising campaign which builds upon the Austrian model of ‘Red Card’ to incorporate ‘Man-On’ widening the football analogy to incorporate a co-ordinated community response.

Keep emergency barring orders (EBOs) as distinct protection orders that are immediate and short term but also capable of being applied for by third parties. This approach affords victims greater autonomy by allowing a review of the protective mechanism after 14 days – particularly important in cases where orders are imposed when victims are unsupportive. This approach allows victims to assert their self-determination to continue with longer (unbroken) protection or seek to vary, appeal or discharge the current order. Renaming EBOs to ‘immediate protection orders’ (IPOs) may help to better reflect their intended use and improve wider adoption.

#### RECOMMENDATION 8

Provide mandated [specialised] support for all victims at the point of issuance of the emergency barring order (IPO), alongside mandatory ‘in-person’ contact with the victim within 3-days of issuance, with regular contact thereafter. The mandated support should be government funded to ensure services are adequately resourced to provide the services needed on a long-term ongoing basis (Sharp-Jeffs, Kelly and Klein, 2018).

#### RECOMMENDATION 9

Increase the remit of CPS Direct for out of hours charging decisions for both custody and non-custody DVA cases to improve immediate safeguarding of victims to prevent delays when perpetrators are released under investigation or on [un]conditional bail, to speed up DVA cases and the ability to put immediate safeguarding in place if charges are not forthcoming.

#### METHODOLOGICAL<sup>164</sup>

#### RECOMMENDATION 10

Improving the quality of data is a significant priority for policing (NPCC, 2023b). Additionally, police data relating to protected characteristics is often incomplete. Understanding and

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<sup>164</sup> Gaining access to and working with police systems and data raised significant challenges in the thesis. These were addressed in numerous, innovative ways, a full examination of which is outside the scope of this thesis; these methodological challenges and their solution will be the subject of a separate dedicated article currently under construction.

responding to the threat of VAWG which makes up a considerable amount of police demand, is essential to reducing high victim attrition rates and improving victim outcomes. Freyburn collects a good range of DVPN-O data as standard - which could serve as 'best practice' for other forces. In the absence of a local/national protection order database the following additional variables should be collected as standard:

- Relationship dynamic: Intimate / familial
- Victim willingness to support
- Children present in household
- Cohabitation and relationship status

Taken together this data can provide a more meaningful snapshot to inform strategic oversight and operationalisation of the instruments and understand who is afforded protection and what circumstances these orders 'work best'.

#### RECOMMENDATION 11

In Freyburn specifically, and for other police forces using Niche, collect the crime reference number as well as the DVPN occurrence number at the point of capture in any standalone system to improve [future] data linkage options allowing for more sophisticated integration of DVPN-O data for strategic purposes.

#### FUTURE RESEARCH

Research which specifically looks at when in the offending cycle a DVPN-O is applied and how 'effective' it is at reducing revictimisation could prove insightful. For example, does a DVPO work best when little or no history is present serving as 'a shot across the bows' [IDVA3] and an early intervention. Is it effective when first used in 'chronic cases? Is it effective when used multiple times in ingrained cases of DVA to manage/disrupt/support couples who remain together? Also, research which adopts a longitudinal approach may also provide valuable insights.

Capturing 'Outcome 16d' data reveals cases which have failed to progress 'twice' through the system. Further analysis of these 'double attrition' cases, may help identify complex, often low-level offending seen (or missed) in Domestic Homicide Reviews (DHRs). Further

research is required to see if earlier intervention and support with these cases could improve longer-term outcomes for victim-survivors.

The criminalisation of breaches of EBOs raises some ethical questions in relation to potential 'net widening' considering criminal convictions in the absence of a finding of guilt for an index offence. Further research regarding the Rehabilitation of Offenders Act (1974) and the enhanced Disclosure and Barring Scheme (DBS) to place guardrails on any unintended consequences post order expiry – i.e. 'double punishment' is raised as a future potential issue worthy of exploration.

The significant finding in this thesis suggesting familial victims of DVA are more likely to support the use of a DVPN-O than an intimate partner victim, requires further investigation to see if emergency barring orders are likely to be more (or less) effective with specific groups of victims-perpetrators. Therefore, further research to understand the different dynamics between DVPN-Os used in intimate and familial relationships is proposed given more women are killed by their sons than by a stranger (O'Callaghan et al., 2025).

The voice of both victims' and perpetrators' is largely absent the literature. In seeking to address this lacuna this thesis initially pursued the victim's perspective, but recruitment was problematic. Ethical clearance was not sought for obtaining the perpetrator's voice as this did not fall within the intended remit of the research. Both perspectives are required to inform future develops around these orders and any future iterations.

## APPENDICES

### Appendix 1: Reflexive Thematic Analysis example framework and coding mapping

Coding Cycle	Analysis Type	Description	Example
First	<u>In-vivo coding</u>  (Strauss, 1987; Saldana, 2016; Braun and Clarke, 2022b)	Favours Participant’s voice / own words	DATA: ‘...We do get quite a bit of ‘lazy policing’...’ [IDVA3]  CODE: <ul style="list-style-type: none"> <li>• IN-VIVO: ‘lazy policing’</li> </ul>
First	<u>Process coding</u>  (Hennink, Bailey and Hutter, 2011; Corbin and Strauss, 2015; Saldana, 2016; Braun and Clarke, 2022b)	Uses gerunds to capture [in]action and interaction in the data.  [i.e. arresting; authorising; decision- making...]	DATA: ‘...for me, they've cut the CPS, the criminal justice system so much, they haven't got the resources, so they say. They haven't got the resources to do it...’ [AO4]  CODE: <ul style="list-style-type: none"> <li>• “RESOURCING”</li> </ul>
First	<u>Emotion coding</u>  (Hochschild, 1983; Saldana, 2016; Braun and Clarke, 2022b)	Identifies emotions, feelings recalled, experienced or inferred.  [i.e. reasoning and decision-making]	DATA: “...the thing that still absolutely shocks me is the volume of domestic abuse and how men treat people they allegedly love. It absolutely shocks me, can't get away from it...” [AO6]  CODE:

			<ul style="list-style-type: none"> <li>• “IN THE NAME OF LOVE”</li> <li>• “UPSETTING”</li> <li>• “SHOCKING”</li> </ul>
First	<u>Versus coding</u>  (Altrichter, Posch and Somekh, 1993; Gibson and Brown, 2009; Saldana, 2016; Braun and Clarke, 2022b)	Identifies dichotomies, conflict, tension.  [i.e. policy/practice; [un]willingness to support; police/victims]	DATA: “...even if you're assessed as high-risk, we still [have] those clients where a DVPO would be relevant as with low to medium...” [IDVA5]  CODE: “VERSUS: ‘NEED Vs RISK’”
Second	<u>Pattern coding &amp; Candidate themes</u>  (Saldana, 2016; Miles, Huberman and Saldaña, 2020; Braun and Clarke, 2022b)	Compacting the data.  Understanding complexity.  Transitioning from codes to emergent theme generation.	PATTERN CODE: “MULTIPLE DVPOS”  CANDIDATE THEMES: <ul style="list-style-type: none"> <li>• “For whose protection?”</li> <li>• “Some couples provoke sleepless nights”</li> <li>• “How many is too many?”</li> </ul>
Third	<u>Central organising concepts</u>	Refining, defining and naming themes.	CENTRAL ORGANISING CONCEPT:

	(Saldana, 2016; Braun and Clarke, 2022b)	Developing higher level themes.	'Multiple DVPOs: There is no cap'
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## Appendix 2: Police Participant Information Sheet (PIS)

Project: Domestic Violence Protection Orders (DVPOs)

For further information about how Lancaster University processes personal data for research purposes and your data rights please visit our webpage: [www.lancaster.ac.uk/research/data-protection](http://www.lancaster.ac.uk/research/data-protection)

Hello. I am a PhD researcher at Lancaster University. I would like to invite you to take part in a study about domestic violence protection notices (DVPNs) and orders (DVPOs). Please take time to read the following information carefully before you decide whether or not you wish to take part.

What is the study about?

This research is predominantly looking at victim-survivor experiences of DVPN/Os. The study positions the victim-survivor as expert and therefore their story is central to understanding the ‘effectiveness’ or otherwise of DVPOs in the UK context. DVPN/Os are not used widely or consistently throughout police forces in England and Wales. Therefore, it is also important to understand the landscape from which the DVPO data is generated and therefore how DVPN/Os are operationalised in practice.

Why have I been invited?

An approach has been made to you because you have an important role in the DVPN/O process either through initialisation, authorisation, processing and/or enforcing. I am interested in understanding what your thoughts, feelings and experiences of your everyday interactions with the DVPN/O process involve. I would be very grateful if you would agree to take part in this study.

What will I be asked to do if I take part?

If you decide to take part, you will be invited to have a conversation with me (‘interview’) on a one-to-one basis, at a convenient time this may involve using an online video/audio platform or be face-to-face at your place of work. The duration of the interview will largely be guided by you but is estimated to be no longer than 60 minutes.

What are the possible benefits from taking part?

If you choose to take part in this study, your valuable insights will contribute to the very limited understanding of the decision making and experiences of police officers involved with DVPN/O process. This knowledge is crucial to understanding whether the intervention can make a victim-survivor’s circumstances better or worse along with any valued insights in regard to safety planning in the short and long-term. Furthermore, your expert knowledge has the potential to impact and shape real world research, which may improve outcomes for your peers’ locally and nationally alongside those of victim-survivors and domestic abuse policy more widely.

Do I have to take part?

No. It’s completely up to you to decide whether or not you take part. Your participation is completely voluntary.

What if I change my mind?

If you change your mind, you are free to withdraw at any time during your participation in this study. If you want to withdraw, please let me know. After 2 weeks of your participation, it is likely data will be already analysed, therefore I will only be able to extract and destroy any ideas or information (i.e. data) you contributed to the study up to 2 weeks after taking part in the study. My contact details

are located below and at the top of the consent form, a copy of which will be provided to you should you wish to go ahead.

What are the possible disadvantages and risks of taking part?

There are no known disadvantages to taking part in this study other than the loss of your valuable time. You will not be identified, and your employer will not be informed of your participation, that is to say taking part will not affect your position in the police force or your relationship with your employer – all data will be anonymised and kept confidential. If you do take part, you are under no obligation to answer any question and can stop the interview at ANY point or skip any question you do not wish to answer without having to give any reason.

Will my data be identifiable?

After the interview only I, the researcher conducting this study will have access to the ideas you share with me. I will keep all your personal information (e.g. your name and other information about you that can identify you) confidential, that is I will not share it with others. I will remove any personal information, such as locations discussed, specific identifying comments or names and addresses etc., from the written record of your contribution so that you cannot be identified.

How will I use the information you have shared with me and what will happen to the results of the research study?

I will use the information you have shared with me only in the following ways: I will use it for research purposes only. This will include my PhD thesis and any academic journals for publication. I may also present the results at academic and practitioner conferences or to inform policymakers about the study. When writing up the findings from this study, I would like to reproduce some of the views and ideas you shared with me. I will only use anonymised quotes (e.g. from my interview with you), so that although I will use your exact words, you cannot be identified in any publication or output. Your data will be stored in encrypted files (no-one other than the researcher will be able to access them) and on a password-protected and encrypted computer. I will store hard copies of any data securely in locked cabinets in my office. I will keep data that can identify you separately from non-personal information (e.g. your views on a specific topic). In accordance with University guidelines, I will keep the data securely for a minimum of ten years.

Please note: If there is anything you tell me in the interview which suggests that you or somebody else might be at risk of harm, I will be obliged to share this information with my supervisor and any relevant authority. If, in the rare circumstances a breach of confidentiality is necessary, I will, wherever possible, inform you.

What if I have a question or concern?

If you have any queries or if you are unhappy with anything that happens concerning your participation in the study, please contact myself: [m.whittle2@lancaster.ac.uk](mailto:m.whittle2@lancaster.ac.uk) or my primary supervisor: [c.barlow@lancaster.ac.uk](mailto:c.barlow@lancaster.ac.uk); 01524 592999, School of Law | C18 Bowland North | Lancaster University | Lancaster | LA1 4YW.

If you have any concerns or complaints that you wish to discuss with a person who is not directly involved in the research, you can also contact: Dr Catherine Easton, Head of Law, Lancaster University. [c.easton@lancaster.ac.uk](mailto:c.easton@lancaster.ac.uk); School of Law | Bowland North | Lancaster University | Lancaster | LA1 4YW.

This study has been reviewed and approved by the Faculty of Arts and Social Sciences and Lancaster Management School's Research Ethics Committee.
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Thank you for considering your participation in this project.

## Appendix 3: IDVA Participant Information Sheet (PIS)

Project: Domestic Violence Protection Orders (DVPOs)

For further information about how Lancaster University processes personal data for research purposes and your data rights please visit our webpage: [www.lancaster.ac.uk/research/data-protection](http://www.lancaster.ac.uk/research/data-protection)

Hello. I am a PhD researcher at Lancaster University. I would like to invite you to take part in a study about domestic violence protection notices (DVPNs) and orders (DVPOs). Please take time to read the following information carefully before you decide whether or not you wish to take part.

What is the study about?

This research is predominantly looking at victim-survivor experiences of DVPN/Os. The study positions the victim-survivor as expert and therefore their story is central to understanding the ‘effectiveness’ or otherwise of DVPOs in the UK context. DVPN/Os are not used widely or consistently throughout police forces in England and Wales. Therefore, it is also important to understand the landscape from which the DVPO data is generated and therefore how DVPN/Os are operationalised in practice.

Why have I been invited?

An approach has been made to you because you have an important role in the DVPN/O process. Although the police may initiate a DVPN, the success of a DVPN/O relies upon multi-agency partnerships, particularly the role of IDVAs. I am interested in understanding what your thoughts, feelings and experiences of your everyday interactions with the DVPN/O process involve. I would be very grateful if you would agree to take part in this study.

What will I be asked to do if I take part?

If you decide to take part, you will be invited to have a conversation with me (‘interview’) on a one-to-one basis, at a convenient time this may involve using an online video/audio platform or be face-to-face at your place of work. The duration of the interview will largely be guided by you but is estimated to be no longer than 60 minutes.

What are the possible benefits from taking part?

If you choose to take part in this study, your valuable insights will contribute to the very limited understanding of the support involved before and after a DVPN/O has been issued. This knowledge is crucial to understanding whether the intervention can make a victim-survivor’s circumstances better or worse along with any valued insights in regard to safety planning in the short and long-term. Furthermore, your expert knowledge has the potential to impact and shape real world research, which may improve outcomes for your peers’ locally and nationally alongside those of victim-survivors and domestic abuse policy more widely.

Do I have to take part?

No. It’s completely up to you to decide whether or not you take part. Your participation is completely voluntary.

What if I change my mind?

If you change your mind, you are free to withdraw at any time during your participation in this study. If you want to withdraw, please let me know. After 2 weeks of your participation, it is likely data will be already analysed, therefore I will only be able to extract and destroy any ideas or information (i.e.

data) you contributed to the study up to 2 weeks after taking part in the study. My contact details are located below and at the top of the consent form, a copy of which will be provided to you should you wish to go ahead.

What are the possible disadvantages and risks of taking part?

There are no known disadvantages to taking part in this study other than the loss of your valuable time. You will not be identified, and your employer will not be informed of your participation, that is to say taking part will not affect your position or your relationship with your employer – all data will be anonymised and kept confidential. If you do take part, you are under no obligation to answer any question and can stop the interview at ANY point or skip any question you do not wish to answer without having to give any reason.

Will my data be identifiable?

After the interview only I, the researcher conducting this study will have access to the ideas you share with me. I will keep all your personal information (e.g. your name and other information about you that can identify you) confidential, that is I will not share it with others. I will remove any personal information, such as locations discussed, specific identifying comments or names and addresses etc., from the written record of your contribution so that you cannot be identified.

How will I use the information you have shared with me and what will happen to the results of the research study?

I will use the information you have shared with me only in the following ways: I will use it for research purposes only. This will include my PhD thesis and any academic journals for publication. I may also present the results at academic and practitioner conferences or to inform policymakers about the study. When writing up the findings from this study, I would like to reproduce some of the views and ideas you shared with me. I will only use anonymised quotes (e.g. from my interview with you), so that although I will use your exact words, you cannot be identified in any publication or output. Your data will be stored in encrypted files (no-one other than the researcher will be able to access them) and on a password-protected and encrypted computer. I will store hard copies of any data securely in locked cabinets in my office. I will keep data that can identify you separately from non-personal information (e.g. your views on a specific topic). In accordance with University guidelines, I will keep the data securely for a minimum of ten years.

Please note: If there is anything you tell me in the interview which suggests that you or somebody else might be at risk of harm, I will be obliged to share this information with my supervisor and any relevant authority. If, in the rare circumstances a breach of confidentiality is necessary, I will, wherever possible, inform you.

What if I have a question or concern?

If you have any queries or if you are unhappy with anything that happens concerning your participation in the study, please contact myself: [m.whittle2@lancaster.ac.uk](mailto:m.whittle2@lancaster.ac.uk) or my primary supervisor: [c.barlow@lancaster.ac.uk](mailto:c.barlow@lancaster.ac.uk); 01524 592999, School of Law | C18 Bowland North | Lancaster University | Lancaster | LA1 4YW.

If you have any concerns or complaints that you wish to discuss with a person who is not directly involved in the research, you can also contact: Dr Catherine Easton, Head of Law, Lancaster University. [c.easton@lancaster.ac.uk](mailto:c.easton@lancaster.ac.uk); School of Law | Bowland North | Lancaster University | Lancaster | LA1 4YW.

This study has been reviewed and approved by the Faculty of Arts and Social Sciences and Lancaster Management School's Research Ethics Committee.
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Thank you for considering your participation in this project.

## Appendix 4: Consent Form – Police Participant Interview

Project Title: Domestic Violence Protection Orders (DVPOs)

Name of Researcher: Mandi Whittle

Email: m.whittle2@lancaster.ac.uk

Please tick each box

<p>1. I confirm I have read and understand the information sheet for the above study. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily - I agree to take part in the interview.</p>	<input type="checkbox"/>
<p>2. I understand that my participation is voluntary, and I am free to withdraw at any time prior to, during my participation in this study and within 2 weeks after I take part in the study without giving any reason. My contact details are at the top of this sheet. I can choose whether or not to answer specific questions. If I withdraw within 2 weeks of taking part in the study my data will be removed.</p>	<input type="checkbox"/>
<p>3. I understand the interview may be visually and audio-recorded and transcribed (by myself, transcription software or a professional third party who is subjected to a confidentiality agreement) -any data will be protected on encrypted devices and kept secure.</p>	<input type="checkbox"/>
<p>4. I consent to the interviewer taking notes during the interview.</p>	<input type="checkbox"/>
<p>5. I understand that anonymous quotes may appear in any report, presentation or future publication but my personal information will not be included, and I will not be identifiable. No personal data about me will be kept after the end of the research.</p>	<input type="checkbox"/>
<p>6. I understand that all data will be kept according to University guidelines for a minimum of 10 years after the end of the study.</p>	<input type="checkbox"/>
<p>7. I understand the information I give will be confidential to the researcher and may be discussed with their supervision team only. However, the only exception to this is if a researcher is told there is risk of serious harm to a child or vulnerable person, in which case there is a duty of care to inform a third party. You will be informed of any breach of confidentiality wherever possible.</p>	<input type="checkbox"/>

X \_\_\_\_\_

\_\_\_\_\_  
Name of Participant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

I confirm that the participant was given an opportunity to ask questions about the study, and all the questions asked by the participant have been answered correctly and to the best of my ability. I confirm that the individual has not been coerced into giving consent, and the consent has been given freely and voluntarily.

Signature of Researcher /person taking the consent \_\_\_\_\_ Date

\_\_\_\_\_

One copy of this form will be given to the participant and the original kept in the files of the researcher at Lancaster University

## Appendix 5: Consent Form – IDVA Participant Interview

Project Title: Domestic Violence Protection Orders (DVPOs)

Name of Researcher: Mandi Whittle

Email: m.whittle2@lancaster.ac.uk

Please tick each box

<p>8. I confirm I have read and understand the information sheet for the above study. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily - I agree to take part in the interview.</p>	<input type="checkbox"/>
<p>9. I understand that my participation is voluntary, and I am free to withdraw at any time prior to, during my participation in this study and within 2 weeks after I take part in the study without giving any reason. My contact details are at the top of this sheet. I can choose whether or not to answer specific questions. If I withdraw within 2 weeks of taking part in the study my data will be removed.</p>	<input type="checkbox"/>
<p>10. I understand the interview may be visually and audio-recorded and transcribed (by myself, transcription software or a professional third party who is subjected to a confidentiality agreement) -any data will be protected on encrypted devices and kept secure.</p>	<input type="checkbox"/>
<p>11. I consent to the interviewer taking notes during the interview.</p>	<input type="checkbox"/>
<p>12. I understand that anonymous quotes may appear in any report, presentation or future publication but my personal information will not be included, and I will not be identifiable. No personal data about me will be kept after the end of the research.</p>	<input type="checkbox"/>
<p>13. I understand that all data will be kept according to University guidelines for a minimum of 10 years after the end of the study.</p>	<input type="checkbox"/>
<p>14. I understand the information I give will be confidential to the researcher and may be discussed with their supervision team only. However, the only exception to this is if a researcher is told there is risk of serious harm to a child or vulnerable person, in which case there is a duty of care to inform a third party. You will be informed of any breach of confidentiality wherever possible.</p>	<input type="checkbox"/>

X \_\_\_\_\_

\_\_\_\_\_  
Name of Participant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

I confirm that the participant was given an opportunity to ask questions about the study, and all the questions asked by the participant have been answered correctly and to the best of my ability. I confirm that the individual has not been coerced into giving consent, and the consent has been given freely and voluntarily.

Signature of Researcher /person taking the consent \_\_\_\_\_ Date

\_\_\_\_\_

One copy of this form will be given to the participant and the original kept in the files of the researcher at Lancaster University

## Appendix 6: Interview Schedule - Superintendent

INTRO: Discussion regarding informed consent, audio recording and explaining the interview process. Different ranks and roles of officers will be interviewed, DRAFT questions in relation to those specific responsibilities have been outlined below.

### QUESTIONS:

- Authorising Officer (AO) – Superintendent
  - What is the strategic goal of DVPNs/Os – i.e. How is the force instructing its officers in their use?
  - How do you think DVPNs are perceived? As an ‘early’ intervention, ‘last resort’ or neither, a burden, positively?
  - Thinking about the last DVPN(s) you authorised, please can you talk me through the detail/s?
  - What has been your experience in terms of the paperwork you receive in order to make your decision to authorise?
    - For example, is there always a MERIT form (risk assessment) present.
    - Do you regularly need to ask for additional information?
  - What has been your experience when assessing the victim-survivors views presented to you in relation to the DVPN:
    - Are there added difficulties when the victim-survivor does not consent/is not ‘on-board’? i.e. presumably there is also no MERIT either?
    - What [additional] considerations, if any, take place?
    - What are your thoughts in relation to imposing a DVPN/O when the victim has stated they are not happy with this course of police action?
    - Can you recall any recent examples when you have had to balance the victim’s wishes of not wanting a DVPN/O with imposing an order for their protection?
    - What tensions, if any, do you encounter when balancing the Human Rights Act (Articles 2, 3 & 8), in particular, Article 3 (free from inhumane/degrading treatment) for victims (life free of abuse) and perpetrators (made homeless)? How are these resolved?
  - How often have you authorised a DVPN when there have been ‘threats’ of harm/violence rather than ‘actual physical’ violence?
  - In your experience when does/has a DVPO work/ed well? Could you provide any examples/specific cases you have dealt with?
  - What are your thoughts in relation to the force’s capacity to deal with higher numbers of DVPNs?
  - What are your views on authorising multiple DVPNs?
  - What would you consider to be a ‘successful’ outcome in relation to a DVPO?

## Appendix 7: Interview schedule - DVPO Officer

INTRO: Discussion regarding informed consent, audio recording and explaining the interview process. Different ranks and roles of officers will be interviewed, DRAFT questions in relation to those specific responsibilities have been outlined below.

### QUESTIONS:

- DVPO Officer:
  - Thinking about the last DVPO you dealt with, can you explain the case to me?
  - What if any, are the challenges faced with making a DVPO application to the Magistrates court.
  - How often, if at all, will victims attend the DVPO hearing? Can you expand on any examples you have?
  - In your experience, what are the additional difficulties involving the DVPO process when a victim-survivor is not 'on-board' with the application?
  - What are your thoughts and feelings in relation to the level / amount of support available for victim-survivors in such situations?
  - Same question in relation to perpetrators on the receiving end of a DVPO at court?
  - The DVPO legislation has been in place for 6 years - what has changed for the better or worse in that time in relation to:
    - Your involvement / relationships with authorising officers namely, superintendents?
    - The attrition rates regarding DVPN applications successfully converted to DVPO applications
    - The volume of DVPOs processed
    - Officers attitudes in relation to when and in what circumstances to apply for a DVPN?
    - Your role as a DVPO officer
- Thinking about your role as a DVPO officer, what presents a challenge? Could you provide any examples/specific cases you have dealt with?
- In a perfect world, what do you think could improve or what would you like to improve, whether internally or externally in relation to other stakeholders, the DVPO system/process
  - before,
  - during
  - and after a DVPO has been initiated
- What are your views on the use of multiple DVPN/Os?
- In your experience what works well? Could you provide any examples/specific cases you have dealt with / any success stories?

## Appendix 8: Interview Schedule - IDVA

INTRO: Discussion regarding, study, informed consent and any questions?

### DRAFT QUESTIONS:

- What are your thoughts in general in relation to the DVPN/O intervention?
- Have you ever requested the initiation of a DVPN with the police – i.e. through the MARAC process, or independently? (i.e. Without an arrest having taken place)
- Thinking about the last DVPN/O case you have had dealings with, please could you give me the details and circumstances surrounding it?
- What were the thoughts/feelings of the victim-survivor who was being protected by the order? Consent / not consenting?
- In relation to the issue of seeking the victim's views more generally, what has been your general experience in relation to victim-survivor's perceptions of DVPNs
  - Do victim-survivors know about them, how they function, what they seek to achieve?
- How do you go about supporting a survivor who
  - Is 'onboard' with the criminal justice system, i.e. a DVPN/O or prosecution
  - Does not want police 'interference' in their relationship? (When a DVPN/O has been issued)

## Appendix 9: Codebook Quantitative Police Dataset Variables

Variable Number	Data Header	Description
1	Record_ID_Number	Unique ID number assigned by researcher to an individual record so that it can be referred to in any output without an occurrence number identifier.
2	Niche_Audit_Access	Audit trail of when data is accessed on Niche
3	DVPN_Occurrence_Number	Unique occurrence number given to a DVPN when initiating a DVPN application. This record is linked to another occurrence number. This is the index/primary crime the DVPN evolves from. There can be multiple crimes linked together [in a linear rather than hierarchical way] on Niche.
4	Index_Crime_Occurrence_Number	The primary occurrence number of the crime – namely the ‘crime reference number’ : this is required to link the standalone DVPN details to Niche.
5	Risk_Level	This is the outcome of the grading from the standardised risk assessment tool in operation. Three levels: low, medium, high.
6	Hub	This is the geographical area the crime/data relates to across the force.
7	Perpetrator_Age	Age of Perpetrator in Years subsequently

		grouped to anonymise individual(s)
8	Sex_of_Perpetrator	Perpetrator's sex
9	Victim's Age	Age of Victim in Years subsequently grouped to anonymise individual(s)
10	Sex_of_Victim	Victim's sex
11	DVPNs_Authorised_between_7am_to_7pm	Volume of DVPN applications authorised between 7am-7pm
12	DVPNs_Authorised_between_00:00_and_7am	Volume of DVPN applications authorised during midnight and 7am
13	P_Contested_Y/N	Did the Perpetrator contest the DVPO application Y/N
14	Order_Granted_Y/N/W	Was a DVPO granted, refused or withdrawn.
15	14-28_Days	Number of days the DVPO was issued for.
16	Breach_of_DVPN_Y/N	Was the DVPN breached?
17	Breach_of_DVPO_Y/N	Was the DVPO breached?
18	Multiple_DVPOs	Y/N indicating whether P has had more than one DVPO
19	No_of_DVPOs_issued	'Running total' of the no of DVPOs issued against a perpetrator
20	Authorised_but_not_issued	DVPN authorised by a Superintendent, but no DVPO subsequently followed.
21	Refused_by_AO	DVPN taken to a Superintendent to authorise, but DVPN refused
22	YYYYMM	Year and month of the DVPN
23	CPS_or_PDM	The decision to NFA was taken by the police decision maker or by the Crown Prosecution Service.
24	F/I/B	When a breach has occurred, the perpetrator was issued with a fine,

		imprisonment or both regarding the breach.
25	Amount_Fined	Amounts categorised into: Below £50, Between £50-£150, between £150 and £300; between £300 and £1000, and £1000+
26	No_of_Days_Imprisoned	Less than 7days; 7-14 days; 15-30 days; 31-60 days.
27	Stats_Outcome	How was the case disposed of, i.e. outcome 8, 15, 16, 22,
28	Authorising_Officer's_Sex	Sex of the AO
29	Initiating_Officer's_Sex	Sex of officer requesting the DVPN
30	Initial_Source	How the police became aware of the incident: 999 call, 3 <sup>rd</sup> party report...
31	Offence	Index offence details i.e. Sec. 47 ABH
32	Offence_Group	i.e. violence with injury
33	Offence_Category	i.e. 8N Assault with injury
34	Current_Ex-Partner	Whether P was in a current/ongoing relationship with V or they are an ex-partner
35	Children_at_address	Children living in the household. Y/N/Unborn
36	Intimate_Familial	DVPN issued in a familial or intimate domestic situation
37	V_Supports	Was the victim supportive of the DVPN Y/N
38	V_Rationale	Reason for support/unsupportive i.e. 'wishes to remain in the relationship', 'frightened of the P'...
39	Final_Outcome	Outcome 15, 16, 22 etc. Completed as original data incomplete
40	Multiple_DVPO_Details	Contextual details regarding volumes, issuances and re-victimisation over time

41	AO_Comments	Superintendents' rationale for [not]authorising DVPN i.e. 'no other means of safeguarding available'...
42	Cohabitation	Do the parties reside at the same address or live separately Y/N

## Appendix 10: Case Study Data Collection Sheet

VARIABLE + PROMPTS	DATA	DATE
CASE STUDY ID.		
START DATE		
<b>OFFENCE / CONTEXT</b> <ul style="list-style-type: none"> <li>• Threats /violence?</li> <li>• Intimate /familial?</li> <li>• Current / ex-partner?</li> <li>• Who calls police (V/3<sup>rd</sup> party)</li> </ul>		
<b>PRIMARY AGGRESSOR IDENTIFIED?</b> <ul style="list-style-type: none"> <li>• Who is arrested? Both parties?</li> </ul>		
PERPETRATOR SEX / AGE		
VICTIM SEX & AGE		
<b>SUPPORTING DOCUMENTATION (for AO)</b> <ul style="list-style-type: none"> <li>• BWC</li> <li>• V - MG11</li> <li>• 3<sup>rd</sup> party – MG11</li> <li>• PNB</li> <li>• Medical</li> <li>• Photos</li> <li>• Risk Assessment + Grading</li> </ul>		
<b>REFERRAL FORM COMPLETED?</b> <ul style="list-style-type: none"> <li>• Child services</li> <li>• Adult Services</li> <li>• DVA services</li> <li>• IDVAs</li> <li>• MARAC</li> </ul>	Y / N / Victim Refused	
<b>DVPN CONSIDERATIONS</b>	Children present Y / N  Victim's views: Support / Unsupported / NA  Perpetrators views Y / N / NA  Other APs? Y / N	
<b>IS VICTIM UNSUPPORTIVE</b> <ul style="list-style-type: none"> <li>• Reasons/rationale</li> </ul>		
<b>DVPN GATEKEEPING</b>	Who approached AO?: Rank                      Sex: M/F  Had DVPN had prior supervision/triage Y/N?	

	Rank:                      Sex M/F	
AO GROUNDS to AUTHORISE  REFUSED? Y/N  Other [protective] options considered? RIC Charge? Bail? Refuge? Sanctuary schemes?	1. P is >18 Y/N 2. Violence or threat of violence to AP: Y/N AND 3. DVPN necessary to protect AP from violence/threat of violence by P: Y/N  Rationale:	
AO DECISION:	Justification  Proportionality  Necessity  Human Rights	
EV. LED PROSECUTION CONSIDERED?	Y/N	
NFA DECISION <ul style="list-style-type: none"><li>Where CPS aware DVPN provisionally authorised? Y/N (see MG3)</li></ul>	PDM: Y/N CPS: Y/N	
OUTCOME	3 Adult Caution 8 Community Resolution 15 POLICE – Named suspect, victim supports but evidential difficulties 15 CPS – Named suspect, victim supports but evidential difficulties 16 Victim declines/withdraws support 22. Diversionary, Education, Intervention... OTHER	
DURATION POLICE AT INCIDENT		
NCDV REFERRAL	Victim consent to NCDV referral Y/N Referral Y/N Rationale if not done:	
REPEAT VICTIMISATION?	Y/N	
PREVIOUS DVA INCIDENTS? <ul style="list-style-type: none"><li>Volume/offences</li></ul>	How many?                      How recent?  Previous Risk levels?	



WAS THE DVPO BREACHED	Y/N	
HOW WAS THE BREACH IDENTIFIED	V called in / police reassurance visit / 3 <sup>rd</sup> party?  Other?	
FOLLOWING BREACH WHAT WAS CRIME'D?	i.e. a crim damage, further assault, 'just' the breach	
WHAT 'EVIDENCE' WAS AVAILABLE AROUND THE BREACH?	i.e. Statement? BWC? 999 log?	
BREACH OUTCOME	Fine / Prison / NFA	

## Appendix 11: Case Study 1

### CASE STUDY 1

#### **BRIEF CIRCUMSTANCES:**

One previous low-level incident. 12-month relationship. Non-cohabitation. Couple do not share children. Children in household but not present at time of incident. Lisa (victim) ended relationship a few weeks earlier. Lisa called police a few days ago when Mark (perpetrator) would not leave her home. Scheduled response agreed. Lisa called 999 twice today, each occasion perpetrator entered address and would not leave. Police attended and perpetrator found in nearby bushes and arrested.

#### **VICTIM INJURY:**

No [physical] injury. Threats issued.

#### **RISK ASSESSMENT:**

Separation. Threats. Harassment/stalking. Victim isolated. Escalation. Uncooperative victim. Graded low risk. Upgraded to medium risk upon MASH review. Automatic referrals to local DVA services and Child Social Care

#### **EVIDENCE:**

BWC. No yield from house-to-house enquiries. Statement provided evidencing fear, but Lisa declined to prosecute. Lisa feared use of violence but states not fearful of Mark. Evidence-led not suitable. Lisa assessed as medium risk [at time of DVPN]. No possibility of criminal charges. DVPN justified to prevent future acts of violence and reinforce parties to stay apart/seek help.

#### **DVPN PROCESS**

DVPN Victim's views:

Supportive of DVPN. Ex-partner finding the break-up difficult. States out of character for Mark. States relationship was good. [Perpetrator supportive of DVPN too].

DVPN - Proportionality:

DVPN prevents perpetrator approaching victim and reduces risk of further incidents. Both need time apart to seek help/support.

DVPN - Necessity:

Evidential standard not met. On balance of probabilities offence has occurred, need to protect victim from further harm.

DVPN - Human Rights Act:

Couple do not live together. Perpetrator has own address outside of area. No infringements on perpetrators rights. Need to protect victim's Article 3 rights which outweigh perpetrator's Article 8 rights.

#### **DVPN AUTHORISED:**

Yes.

#### **COURT PROCEEDINGS:**

No application was made to the magistrate's court for a DVPO due to a police tasking error.

#### **DVPO MONITORING / ENFORCEMENT:**

No order to enforce.

#### **POLICE FINALISATION:**

Outcome 22 – 'Diversionary, educational, or intervention activity, resulting from the crime report, has been undertaken and it is not in the public interest to take any further action'

## Appendix 12: Case Study 2

### CASE STUDY 2

#### **BRIEF CIRCUMSTANCES:**

Three-year relationship. English not victim's (Stacey) first language. The perpetrator (Martin) took umbrage that Stacey had eaten her meal before Martin had arrived home from work. Verbal and physical argument ensued. Stacey rang 999.

#### **VICTIM INJURY:**

No recorded injury ('Slapped and pushed').

#### **RISK ASSESSMENT:**

Repeat victim. Victim afraid. Emotional and financial abuse present. Victim unemployed. Extreme jealousy present. Unreported previous incidents. Escalation in frequency/severity. Physical violence used. Initial assessment graded as medium. Upgraded to high risk – small child witnessed incident. Isolation due to language barrier.

#### **EVIDENCE:**

Initial statement provided through a translator. Stacey later declined to prosecute. First reported incident. Stacey outlined previous coercive controlling incidents, unreported due to fear of having child removed and fear of Martin. Officer 1 dealing with Stacey had not been issued with a BWC so the victim's first account was not captured. Officer 2's BWC battery was flat. Officers 3 and 4 did not activate BWC. House to house enquiries yielded no evidential value. No visible injuries. Perpetrator remained silent during police interview. Insufficient evidence to prosecute (on 999 call alone).

#### **DVPN PROCESS**

DVPN – Victim's views

Not supportive of DVPN. Worried about social services intervention. Victim did not consent to information sharing with other agencies.

DVPN - Proportionality:

Chance of further violence increased. Victim unwilling to support a prosecution. Risk assessed as high. Bail conditions cannot be imposed. Victim safeguarding required.

DVPN - Necessity:

Prevent further offences. Police obligation to protect public/safeguard victim. DVPN will mitigate risk. No other available restrictions on perpetrator.

DVPN – Human Rights Act:

Perpetrator has an alternative address to reside at during the DVPN. Order prevents perpetrator approaching victim to protect her from crime. Without a DVPN victim may be targeted and is vulnerable.

#### **DVPN AUTHORISED**

Yes

#### **COURT PROCEEDINGS:**

Stacey attended the DVPO application hearing. The police applied for 28-day DVPO. Stacey did not want a DVPO imposed, wanted Martin to maintain contact with their child. Stacey made representations (through the DVPO Officer) for a shorter order. The court granted the DVPO for 14 days.

#### **DVPO MONITORING / ENFORCEMENT**

Case assessed as not suitable for PCSO allocation. A designated officer was assigned to the live DVPO, and contacted Stacey on the date of DVPO issuance providing their contact details. No victim contacts were recorded either via telephone or in-person subsequently during the live order. The victim was spoken to via telephone on Day 15, post DVPO expiry.

#### **POLICE FINALISATION:**

Outcome 22 – 'Diversionary, educational, or intervention activity, resulting from the crime report, has been undertaken and it is not in the public interest to take any further action'

## Appendix 13: Case Study 5

### CASE STUDY 5

#### **BRIEF CIRCUMSTANCES:**

Couple had been socialising at home with friends having just recently moved in together. Argument starts after friends have left. Victim (Eve) tries to leave house and perpetrator (Russell) throws Eve to the floor and removes her phone. Eve did manage to call the police and leave the house. This was the sixth reported incident.

#### **VICTIM INJURY:**

Section 47 – injury categorised as: Slight bruise / discoloration / cut / laceration / scratch / swelling

#### **RISK ASSESSMENT:**

Repeat victim, child present, and child contact issues. Alcohol was present in both parties. Physical violence used. Victim appears afraid of the perpetrator who has a history of violence. Assessed as medium risk.

#### **EVIDENCE:**

Eve did not provide a statement or support prosecution; she did support a DVPN. Russell did not believe a DVPN necessary but would abide by it if issued. Officers documented Eve in fear of Russell. Some BWC evidence. No CCTV. No medical. No house-to-house enquiries conducted (early hours of morning).

#### **DVPN PROCESS**

DVPN – Victim's views

Supports a DVPN

DVPN - Proportionality:

Victim has previously refused to engage with police and provide a statement. DVPN would significantly reduce risk of harm in the absence of any bail conditions.

DVPN - Necessity:

DVPN only way to safeguard. Previous police involvement has not deterred couple resuming relationship and reoffending. Perpetrator shows a propensity to commit violence towards victim. Perpetrator has somewhere else to go.

DVPN – Human Rights Act:

Perpetrator's right to associate with victim will be impinged however, this is to prevent violent offending and protect a vulnerable person. Perpetrator has somewhere else to go and will not be made homeless.

#### **DVPN AUTHORISED**

Yes

#### **COURT PROCEEDINGS**

Russell appeared at court to contest the DVPO initially on the rationale of wanting child contact. Did not contest when understood the DVPO would not prevent contact with child. Police apply for 28-day order. Court granted 28-day order.

#### **DVPO MONITORING / ENFORCEMENT**

No breaches recorded. Russell contacted by designated officer and confirmed by telephone he has copy of order and will not be contacting victim. Victim spoken to by phone on day 4 and day 16 confirms no contact/further incidents and child contact is being facilitated via family members. In-person contact attempted with victim Day 27, and enquiries made with neighbours.

#### **POLICE FINALISATION**

Outcome 8 – Community Resolution

## Appendix 14: Case Study 8

### Case Study 8

#### **BRIEF CIRCUMSTANCES:**

Poitr (perpetrator) called 999 experiencing a mental health crisis wanting to speak to a specific local policing officer as he wanted to be arrested/sectioned. Police deploy. Whilst police enroute, Lily (victim) calls 999 to say she has been physically assaulted by Poitr and threatened earlier in the day. Police arrive. Upon arrival, Lily has injuries [in]consistent with her allegations and is unwilling to make a statement. Lily states Poitr threatened her not to make a report.

#### **VICTIM INJURY:**

Section 47 – injury categorised as: Slight bruise / discoloration / cut /laceration / scratch / swelling

#### **RISK ASSESSMENT:**

Medium Risk – upgraded to High. Previous threats made, repeat victim, both the victim and perpetrator have mental health issues and are unemployed. History of perpetrator self-harm/threats of suicide and previous violence. The victim is uncooperative and appears afraid of the perpetrator. Repeat criteria met for MARAC.

#### **EVIDENCE:**

Numerous previous reported incidents between the couple, often involving mental health and violence. Lily is the Poitr's registered carer. Lily had not collected his current medication for several weeks and Poitr had not taken his regular medication for nearly 12 months. Perpetrator was assessed under S136 mental Health criteria. Deemed fit by police nurse to be interviewed. Poitr remained silent in interview. Poitr's medication was collected, and he agreed to go to, and was taken to hospital. BWC but no victim statement. 999 call and injury photographs. Evidence-led prosecution unable to progress. Police decision-maker NFA'd.

#### **DVPN PROCESS**

DVPN – Victim's views

Victim supportive of a DVPN at the time of the incident.

DVPN - Proportionality:

Considering the violence used in this incident a DVPN is proportionate as chance of further incidents is increased and safeguarding is required.

DVPN - Necessity:

The criminal investigation will result NFA therefore no bail conditions for the perpetrator. Police have a positive obligation to protect public the DVPN will support police in preventing further harm.

DVPN – Human Rights Act:

Both parties' human rights considered. The order is in line with human rights legislation. It prevents the suspect from attending the home address of the victim to protect them from crime.

#### **DVPN AUTHORISED**

Yes – AO requests for a vulnerable person referral for both parties and TAU markers on both addresses.

#### **COURT PROCEEDINGS**

Neither the perpetrator nor victim present at court. Police request 28-day order granted by the magistrate's court.

#### **DVPO MONITORING / ENFORCEMENT**

Copy of DVPO served on perpetrator through the door/letterbox conversation recorded on BWC. Police unable to contact victim and speak to her IDVA on Day 4 to explain NFA decision and DVPO conditions. Poitr arrested in breach of DVPO on Day 18 and fined £100. Poitr arrested again on Day 26, second breach of DVPO, fined £300.

#### **POLICE FINALISATION**

Outcome 20 – NFA by police, action undertaken by another body/agency.

## Appendix 15: Case Study 10

### Case Study 10

#### **BRIEF CIRCUMSTANCES:**

Member of the public calls the police as they witness a male assaulting a female in a flat. The perpetrator was 19 years old (Dominic) and the victim (Sophie) was 15 years old. Police arrived to a 'chaotic scene'. Sophie was distressed and intoxicated. Dominic had left the flat. Sophie stated the assault occurred 'after I started on him'. Sophie declined to provide a statement or prosecute.

#### **VICTIM INJURY**

Section 47 – injury classified as: 'Slight bruise/discoloration/cut/laceration/scratch/swelling'

#### **RISK ASSESSMENT:**

High risk. There was no [DASH] risk assessment completed on the file. Victim was classified as vulnerable due to her age.

#### **EVIDENCE:**

Incident initially assigned 'Level 1' investigation. Sophie spoken to again when not intoxicated, was unsure whether to provide a statement. Case was prepared for an evidence-led prosecution awaiting Dominics arrest. Dominic was invited to a voluntary interview but did not attend. He was later circulated as 'wanted' and later arrested at Sophie's address 4-weeks after the incident. Dominic remained silent during police interview. Police decision maker decision of no further action (NFA).

#### **DVPN PROCESS**

DVPN – Victim's views

Sophie did not provide a statement. Sophie's mother's views were recorded on the DVPN. She did not support a DVPN and stated she believed her daughter 'started the incident'.

DVPN - Proportionality:

No charge possible, DVPN proportionate to protect victim's safety, the intrusion is proportionate to protect life and prevent further offences.

DVPN - Necessity:

Victim suffered fear of immediate physical injury from assault. The evidential standard has not been met, on the balance of probabilities the offence has occurred, the DVPN is necessary to safeguard in the absence of any other mechanism at this time.

DVPN – Human Rights Act:

The rights of both the victim and perpetrator have been considered under Article 8.

However, the police have a positive obligation under Article 2 to ensure the victim's Right to Life is protected under Article 3 by ensuring the level of violence does not escalate further.

#### **DVPN AUTHORISED**

Yes

#### **COURT PROCEEDINGS**

Dominic attended the DVPO hearing and wanted to contest the DVPO. The DVPO officer advised Dominic of the potential cost implications of contesting. The DVPO application went ahead, the court granted a 28-day DVPO. A copy was given to Dominic at court.

#### **DVPO MONITORING / ENFORCEMENT**

Day 1 a designated officer assigned and supervisor requests victim in-person contacts weekly. Day 2, OIC attends and speaks to Sophie who is described as 'evasive' and not taking the DVPO 'seriously'. Police provide 'passing attention' on Days 4, 8, 10 and 14. Police attend Sophie's address on Day 16 and arrest Dominic in breach of the DVPO. Dominic was sentenced on Day 16 to 21 days imprisonment. Police continue to attempt to engage Sophie and inform her of Dominics release date (Day 25), but no further 'successful' contact achieved. Passing attention given on Day 24.

#### **POLICE FINALISATION**

Outcome 16 – Suspect identified, victim does not support – evidential difficulties.

## Appendix 16: Case Study 12

### Case Study 12

#### **BRIEF CIRCUMSTANCES:**

Third-party contact to the police from family GP. There was concerned Michelle (perpetrator) - known to be violent when drunk - was having a mental health crisis. The GP had concerns for Michelle's husband (Terry), the victim. Terry had been assaulted the previous day and again on this occasion

#### **VICTIM INJURY:**

Section 47 – injury categorised as: Slight bruise / discoloration / cut /laceration / scratch / swelling

#### **RISK ASSESSMENT:**

Medium risk. No [DASH] risk assessment completed / on file. Several prior incidents recorded between the parties. Michelle's vulnerabilities around alcohol need addressing.

#### **EVIDENCE:**

Terry provided a negative pocket notebook entry. Michelle was deemed fit to be detained and interviewed stating she was drunk and couldn't fully remember the events. Evidence led prosecution considered but police decision-maker states does not meet evidential threshold. Case NFA'd.

#### **DVPN PROCESS**

DVPN – Victim's views

Terry does not support a prosecution or a DVPN. Wants Michelle to be at home as all her medication is there.

DVPN - Proportionality:

The investigation can proceed no further; no other restrictions can be placed on the perpetrator. Parties reside at the same address. Perpetrator demonstrates a propensity to commit violence against victim on the balance of probabilities, chance of further episodes now increased, DVPN only viable option.

DVPN - Necessity:

Evidence of tension within the relation with potential for escalation in the context of couple's previous history.

DVPN – Human Rights Act:

Not a decision taken lightly, perpetrators Article 8 rights will be interfered with, also considered the impact the DVPN will have on suspect. There is potential for significant harm if her violent behaviour continues so on balance; it is necessary to take this step.

#### **DVPN AUTHORISED**

Yes

#### **COURT PROCEEDINGS**

Neither party present at court. Police seek 28-day DVPO, granted by the court.

#### **DVPO MONITORING / ENFORCEMENT**

Terry unhappy that a DVPO has been granted. Successful police contact by phone with the victim on Day 16 who states he has not seen Michelle. On Day 22 police arrive for welfare check and locate Michelle at premises. Michelle arrested for breach of DVPO.

#### **POLICE FINALISATION**

Outcome 15 – Suspect identified, victim supports, evidential difficulties

## Appendix 17: Case Study 14

### Case Study 14

#### **BRIEF CIRCUMSTANCES:**

The police receive an abandoned 999 call from the Victim (Anna). A disturbance could be heard. Police arrive at property, the perpetrator (Dan) is outside and spoken to. After retrieving some property, Dan leaves. The couple are in a long-term relationship but do not reside together, there is very significant domestic abuse history between them. Both are described as 'alcoholics'. Anna makes a ['accidental'] disclosure of assault and Dan is subsequently located, arrested and interviewed.

#### **VICTIM INJURY:**

Section 47 – injury categorised as: Slight bruise / discoloration / cut / laceration / scratch / swelling

#### **RISK ASSESSMENT:**

Initially graded as medium but OICs professional judgement requested upgrading to high-risk. Granted. Repeat victim. Both parties have mental health issues. Perpetrator history of [threats of] self-harm/ suicide. Victim denies any assault taken place. Both parties violent to each other. Victim violence used in self-defence. Alcohol present in both parties. Victim is uncooperative and appears afraid. Perpetrator has a history of using violence and physical violence on this occasion. History of breaching previous orders.

#### **EVIDENCE:**

Anna denied calling the police but did provide a pocket notebook entry stating they had an argument but no assault took place. Victim had blood on clothing. A further disclosure was caught on BWC, Anna stated she had been headbutted (Anna believed the BWC was off as the police were leaving). In interview Dan claimed Anna assaulted him. OIC hearsay statement. Photographs of victim's injury and bloodstained clothing. Victim will not engage with the police.

#### **DVPN PROCESS**

DVPN – Victim's views

Anna was unsupportive of the DVPN and did not want any police involvement or an NCDV referral. She wished to continue her relationship.

DVPN - Proportionality:

Assessed against the level of violence used, and the chance of further violence is increase as the victim will not support a complaint, the DVPN is proportionate and will provide time to seek support and safeguard victim.

DVPN - Necessity:

Evidence of tension within the relation with potential for escalation in the context of couple's previous history. No other conditions can be imposed to prevent ongoing use of violence against the victim.

DVPN – Human Rights Act:

The rights of the suspect will be interfered with by the DVPN. Preventing contact with the victim will help to protect her and prevent further offences. Considering and recognising the impact the DVPN will have on the suspect there remains potential for significant harm if this violent behaviour continues. A DVPN is therefore a necessary step.

#### **DVPN AUTHORISED**

Yes

#### **COURT PROCEEDINGS**

Neither Anna nor Dan were present at court. The DVPO Officer was unsure whether the court would grant the DVPO as it will be Dan's eleventh DVPO, however, there were no issues at court.

#### **DVPO MONITORING / ENFORCEMENT**

OIC attends at the address of the perpetrator on Day 2 and the victim on Day 3 - no response from either. Successful contact made with the victim on Day 7 – Anna is described as 'hostile' and 'advised about her attitude towards the officers'. Checks of the property did not locate the perpetrator. No further successful contacts made with the victim or perpetrator thereafter, both contact numbers are now out of service.

#### **POLICE FINALISATION**

Outcome 22 – 'Diversionary, educational, or intervention activity, resulting from the crime report, has been undertaken and it is not in the public interest to take any further action'

## Appendix 18: Case Study 16

### Case Study 16

#### **BRIEF CIRCUMSTANCES:**

Alison (victim) has recently separated from John (perpetrator) who turned up at Alison's address demanding money, Alison initially refused but later provided some money due to the threats made. John returned to his home address which he is currently renting from Alison and proceeded to damage the property. Alison provided a statement.

#### **VICTIM INJURY:**

No physical injury

#### **RISK ASSESSMENT:**

Medium Risk. Issues around separation, repeat victim, victim and perpetrator both have mental health issues, and both are unemployed, alcohol and drugs were present for the perpetrator who also has a history of violence including sexual violence towards the victim and damage to victim's property/belongings. History of abuse, with the victim previously being heard a MARAC.

#### **EVIDENCE:**

Victim provided a statement but later retracted stating she was not in fear of the perpetrator. In interview the perpetrator remained silent. Victim's statement captured on BWC. Third-party witness statement. Photos of damage. Perpetrator was released under investigation on bail pending CPS [slow-time] charging-decision. Perpetrator is also currently on licence - probation service contacted regarding potential recall to prison. CPS decision to NFA.

#### **DVPN PROCESS**

DVPN – Victim's views

Victim's views remain unknown around the DVPN - she is also unsure about a prosecution.

DVPN - Proportionality:

The DVPN is required to safeguard the victim as no other means suitable. There is a strong likelihood of further offences and the DVPN will prevent contact.

DVPN - Necessity:

Police have a duty to prevent and detect crime it is necessary to prevent further offences occurring. The DVPN will mitigate the risk and separate the parties.

DVPN – Human Rights Act:

The victim's Article 3 rights need to be protected over interference with the suspect's Article 8 Rights. The rights of the suspect are outweighed by the need to protect the victim.

#### **DVPN AUTHORISED**

No – DVPN Refused. Authorising Officer pushed for this matter to proceed for an evidence-led prosecution. Case referred to CPS Direct - not a custody remand case so refused. Case subsequently referred to CPS 'slowtime' - perpetrator conditionally bailed. Victim retraction. CPS NFA decision.

#### **COURT PROCEEDINGS**

DVPN refused. No DVPO application made.

#### **DVPO MONITORING / ENFORCEMENT**

Not applicable

#### **POLICE FINALISATION**

Outcome 15 – Suspect identified, victim supports, evidential difficulties

# Appendix 19: Case Study Enforcement Matrices

**Legend:**

Perpetrator contact attempted by phone	Blue
Perpetrator contact attempted in person	Light Blue
Perpetrator Contact successful	Yellow
Victim contact attempted phone	Light Green
Victim contact attempted in person	Green
Victim Contact successful	Dark Green
Breach	Red

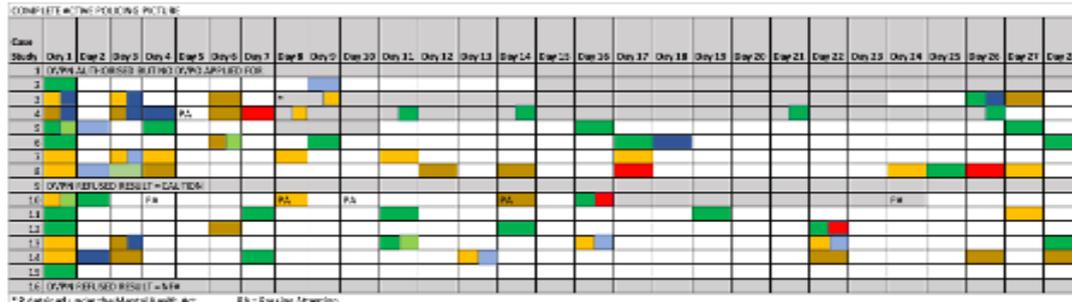


Figure 2: Legend and overview of the DVPO case studies (n=16) showing contacts with victims and perpetrators during the live orders in FORCE A, in 2022.

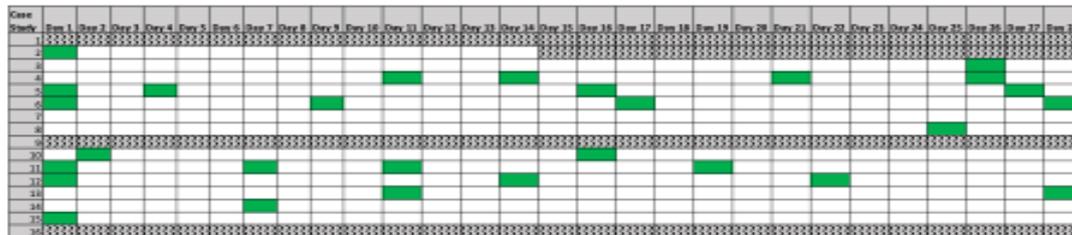
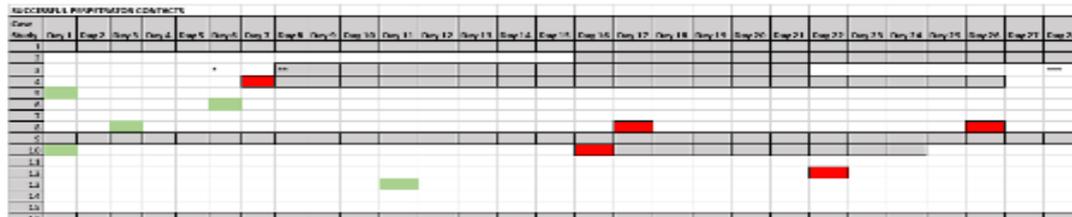


Figure 3: Overview of the DVPO case studies (n=16) showing only the 'successful' victim contacts during the live orders in FORCE A, in 2022.



\*Address error on DVPO – Matter re-listed Day 6  
 \*\* P was detained under the Mental Health Act (1983)  
 \*\*\*DVPO was not served on perpetrator

Figure 4: Successful perpetrator contacts during case study observations in FORCE A

## Appendix 20: Illustrative Framework of Proposed New Finalisation Methodology

CASE STUDY	Recorded outcome (Freyburn 2022)	NPCC 'Correct' code (2019-2022) <sup>165</sup>	Accepted Practice pre/post (2019-2022)	Proposed Framework Code	What Becomes Visible
1*	Outcome 22	Outcome 16	Outcome 16	Outcome 16  Outcome 16d	Victim unsupportive of prosecution.  DVPN considered/authorised but no DVPO granted  <b>Safeguarding failure [Double-Attrition]</b>
2	Outcome 22	Outcome 22	Outcome 15	Outcome 15  Outcome 15b	Victim supportive of prosecution.  <b>Civil order put in place unsupported by victim</b>
3	Outcome 16	Outcome 22	Outcome 16	Outcome 16  Outcome 16a	Victim unsupportive of prosecution.  <b>Civil order put in place supported by victim [Positive attrition]</b>
4	Outcome 15	Outcome 22	Outcome 16	Outcome 16  Outcome 16b  Outcome 16c	Victim unsupportive of prosecution.  <b>Civil order put in place unsupported by victim</b>  <b>Civil order breached</b>
5	Outcome 8	Outcome 22	Outcome 16	Outcome 16  Outcome 16a	Victim unsupportive of prosecution.  <b>Civil order put in place – supported by victim [Positive attrition]</b>
6	Outcome 22	Outcome 22	Outcome 16	Outcome 16	Victim unsupportive of prosecution.

<sup>165</sup> The NPCC guidelines were reversed in 2023.

				Outcome 16a	<b>Civil order put in place – supported by victim</b> <b>[Positive attrition]</b>
7	Outcome 22	Outcome 22	Outcome 16	Outcome 16  Outcome 16b	Victim unsupportive of prosecution.  <b>Civil order put in place - unsupported by victim</b>
8	Outcome 20	Outcome 22	Outcome 16	Outcome 16  Outcome 16a  Outcome 16c	Victim unsupportive of prosecution.  <b>Civil order put in place – supported by victim</b> <b>[Positive attrition]</b> <b>Civil order breached</b>
9*	Outcome 1	Outcome 3 / 3A	Outcome 3 / 3A	Outcome 3 / 3A	Victim [un]supportive of prosecution. Evidence led prosecution – unsuccessful → CPS Caution  DVPN refused (DVPN could have been re-visited and served alongside caution)
10	Outcome 16	Outcome 22	Outcome 16	Outcome 16  Outcome 16b  Outcome 16c	Victim unsupportive of prosecution.  <b>Civil order put in place – unsupported by victim</b>  <b>Civil order breached</b>
11	Outcome 22	Outcome 22	Outcome 16	Outcome 16  Outcome 16b	Victim unsupportive of prosecution.  <b>Civil order put in place unsupported by victim</b>
12	Outcome 15	Outcome 22	Outcome 16	Outcome 16  Outcome 16b  Outcome 16c	Victim unsupportive of prosecution.  <b>Civil order put in place unsupported by victim</b>  <b>Civil order breached</b>
13	Outcome 22	Outcome 22	Outcome 16	Outcome 16  Outcome 16b	Victim unsupportive of prosecution.  <b>Civil order put in place unsupported by victim</b>

14	Outcome 22	Outcome 22	Outcome 16	Outcome 16  Outcome 16b  Outcome 16c	Victim unsupportive of prosecution.  <b>Civil order put in place unsupported by victim</b>  <b>Civil order breached</b>
15	Outcome 15	Outcome 22	Outcome 16	Outcome 16  Outcome 16a	Victim unsupportive of prosecution.  <b>Civil order put in place supported by victim</b> <b>[Positive Attrition]</b>
16*	Outcome 15	Outcome 16	Outcome 16	E2    Outcome 16d	Victim [un]supportive of prosecution. Evidence led prosecution – unsuccessful  DVPN considered/authorised but no DVPO granted  <b>Safeguarding failure</b> <b>[Double-Attrition]</b>

\*No DVPO granted in Case Studies 1, 9 and 16;

- Outcome 15 prosecution supported / Outcome 16 prosecution unsupported
  - a – civil order in place – supported
  - b - civil order in place – unsupported
  - c - civil order breached
  - d - civil order sought but not put in place [double attrition]
- E1- ELP pursued – successful
- E2- ELP pursued – unsuccessful

## LEGISLATION

Family Law Act (1996)  
Crime and Security Act (2010)  
Serious Crime Act (2015)  
The Domestic Abuse Act (2021)

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