

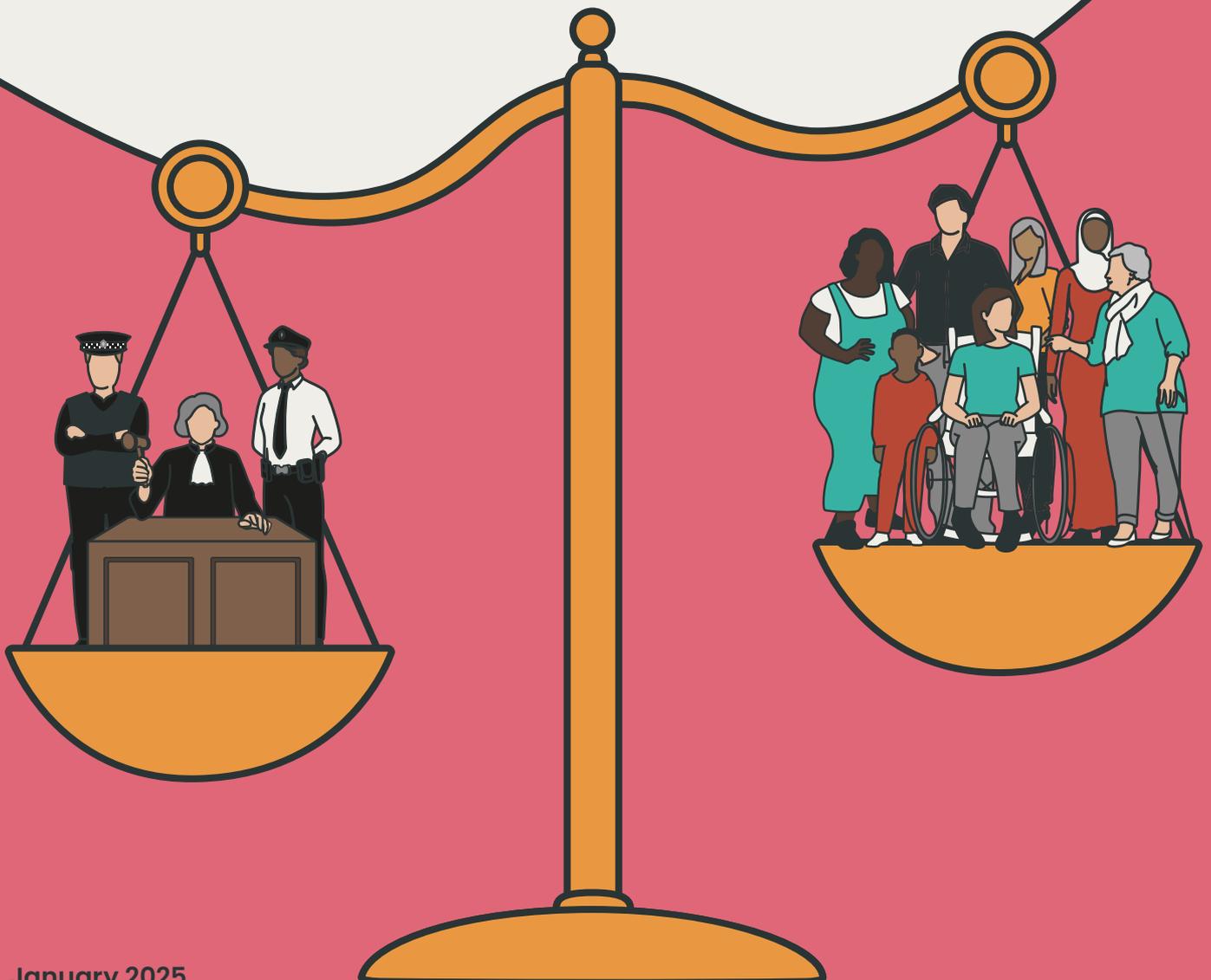


domestic  
abuse  
commissioner

EXECUTIVE  
SUMMARY

# Shifting the scales

Transforming the criminal justice  
response to domestic abuse



January 2025



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## **Acknowledgements**

I am particularly grateful to the victims and survivors, including members of VOICES at the DAC, and the organisations who gave up their time to share their ideas for change. Your feedback has been instrumental in shaping this report.

**Dame Nicole Jacobs**

Domestic Abuse Commissioner for England and Wales

# Introduction

**All victims and survivors of domestic abuse, no matter who they are or where they live, deserve the option of a comprehensive, robust, and trauma-informed response from the criminal justice system that supports them to safety. This response should be equally strong in its aim to bring perpetrators to justice.**

“What I wanted out of the criminal justice system ... was justice, first and foremost, but also compassion – to be treated like a human being.”

Survivor

We know that not all victims and survivors of domestic abuse will interact with the criminal justice system or desire a criminal justice outcome. We must question why that is the case for over 80% of victims and survivors of abuse, and be ready to respond should every victim or survivor seek a criminal justice response.

The number of victims and survivors of domestic abuse coming forward to the police is increasing. This is an important step forward and is testament to the years of work, driven by survivors, advocates and the specialist sector, to bring domestic abuse out from the shadows.

The criminal justice system has undoubtedly improved in its recognition of and response to domestic abuse, since the first dedicated legislation was introduced in 1976. There are many individuals working across the system whose commitment to bringing perpetrators to justice and supporting victims and survivors cannot be understated.

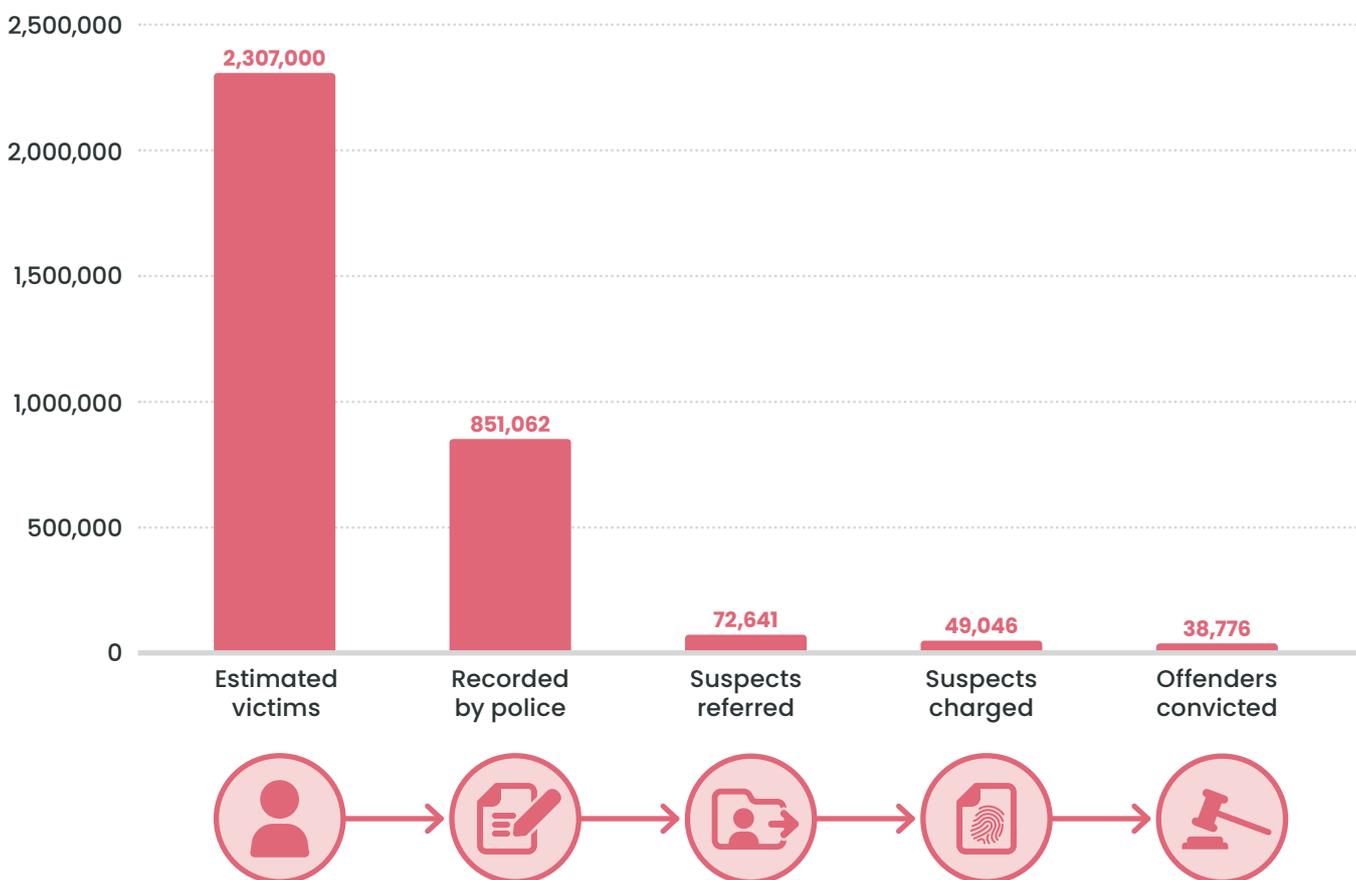
Yet despite this, over many years, charge and conviction volumes remain unacceptably low. The lack of confidence incurred by these poor outcomes is compounded by a series of systemic failures across the criminal justice response to domestic abuse. The system is unable to cope with demands placed upon it, and specialist domestic abuse services – who play a vital role in bolstering this system – remain critically underfunded. Court delays, early release from prison, poor enforcement of protective orders and falling convictions are symptomatic of these failings. Well-documented examples of police-perpetrated domestic abuse further undermine confidence in the justice system.

This report's recommendations speak to the key thematic issues facing the criminal justice system, where fractured agencies, combined with resource constraints, result in siloed working and a lack of unified strategic direction. Therefore, these recommendations speak to the criminal justice system holistically and must, in turn, be implemented together.

This report highlights the need for greater consistency across England and Wales, so that good practice becomes common practice. The criminal justice system can and must transform so that we can make good on commitments to bring perpetrators to justice for their crimes, and support victims and survivors to safety.

# Understanding domestic abuse data through the criminal justice system

Domestic abuse data from incident to conviction, England and Wales, year ending March 2024



Source: Crime Survey for England and Wales from the Office for National statistics, Police recorded crime data from the Home Office, and Crown Prosecution Service (CPS)

# Aims and methodology

**This report seeks to bring together previous reviews, insight from practitioners, new data analysis and, crucially, survivor voice to set out the Domestic Abuse Commissioner's vision for a transformed criminal justice response to domestic abuse.**

This has included:

- A review of academic literature, research from the specialist domestic abuse and victims' sectors, and reports from government and agencies across the criminal justice sector.
- A review of the literature on survivor engagement relating to the criminal justice system.
- Roundtables with victims and survivors of domestic abuse, including dedicated roundtables with migrant survivors, male survivors, and survivors of police-perpetrated domestic abuse.
- Learnings from Domestic Homicide Reviews.
- Roundtables with the specialist domestic abuse sector, including specialist 'by and for' services.
- A call for practice evidence to local authorities, police forces, Police and Crime Commissioners, the Crown Prosecution Service, and specialist domestic abuse support organisations.
- A survey to all police forces regarding their data on and responses to police-perpetrated domestic abuse.

The new Government has, rightly and ambitiously, committed to halving violence against women and girls over the next decade. This report aims to match this level of ambition, by setting out the fundamental, systemic changes that must be made to unlock the progress required to meet these commitments.

By tracking the survivor journey through the criminal justice system, from report to court and beyond, this report highlights both positive and negative practice across the system and pulls out the key threads that run through them all.



# Key themes and recommendations

## 1. Data and accountability

### Problem

Data on domestic abuse is not consistently gathered and does not track cases across the system from report to court and beyond. This makes it impossible to track the impact of system-wide reforms and improvements. Police-recorded crime does not reflect crimes reported by victims or being investigated by the police, and we have no information on domestic abuse sentencing.

### What needs to change

Crucial to improvements across the system is robust data that is used to drive accountability. Criminal justice leaders, government ministers and the public must be able to understand performance across England and Wales in order to drive improvements and intervene in struggling areas. Local and national statistics must be a true reflection of the scale of the challenge that criminal justice agencies are facing in relation to domestic abuse, along with sentencing information. It is, therefore, critical that data from across the system is consistently and accurately gathered, integrated across the system, and readily accessible in order to drive transparency and accountability.

### Solutions

#### RECOMMENDATION 1

**Home Office, Ministry of Justice, and criminal justice agencies overhaul and integrate data across the criminal justice system, to enhance operational work, improve accuracy, promote transparency and, ultimately, build accountability. This should involve:**

- **Investment in new technological systems.**
- **A review of outcome codes, particularly Outcomes 15 and 16.**
- **Close collaboration with the Domestic Abuse Commissioner and specialist domestic abuse sector.**

Government must invest in systems that allow criminal justice agencies to have ready access to, and be able to report on, the reality of the crimes reported to them. Outcome codes rarely tell us why someone withdrew their support for a prosecution, and must be examined. If implemented, this recommendation will ensure that:

- Every crime reported to the police results in a 'police-recorded crime', while protecting police time and efficiency.
- Every domestic abuse-related case is tracked from first report through to court, sentencing, prison and community management (where applicable).
- Accurate sentencing data on domestic abuse is available to agencies, government, and the public.
- Victim satisfaction with the system, or if they got the outcome they wanted, is more accurately understood.
- Information about protective orders is shared between court and police systems.

This would wholly transform the ability of criminal justice leaders, government ministers and inspectorates to hold criminal justice agencies to account, truly understand the totality of criminal justice activity on domestic abuse, allocate resources appropriately, enforce the law and keep victims safe.

In the interim, urgent critical shortcomings in the system must be addressed. These must include:

- Clear recognition of further under-recording of police-recorded crime resulting from 2023 changes to the Home Office Counting Rules, and consideration of the impact of this within metrics and decision making at operational and strategic levels both locally and nationally.
- Implementation of a complete data-sharing firewall between the police and Immigration Enforcement for all VAWG crimes.
- Development of an action plan to ensure that, within one year, police officers have operational access to information about protective orders from their handheld devices.
- Publication of a detailed action plan to improve the enforcement of all protective orders.
- Use of domestic abuse flags through all criminal justice data, including sentencing data.



As a starting point, the following information should be accurately gathered, all by police force area, and disaggregated by demographic characteristics:

<b>Data</b>	<b>Source</b>	<b>Currently exists?</b>
Every domestic abuse-related crime reported to the police in England and Wales	Police	No
Amount of time from recording to outcome (by outcome)	Police	No
Outcomes for every domestic abuse-related crime reported to police	Police	No
Information on whether outcome was what the victim wanted	Police and specialist sector	No
Number of domestic abuse victims who reported to police, by demographic, including children involved	Police	No
Number of Domestic Violence Disclosure Scheme applications and disclosures made	Police	Yes – inconsistently
Number of police-perpetrated domestic abuse allegations made	Police	Not routinely
Criminal outcomes of all police-perpetrated domestic abuse allegations	Police/CPS	Not routinely
Misconduct outcomes of all police-perpetrated domestic abuse allegations	Police	Not routinely
Domestic abuse-related offences referred to CPS	CPS	Yes
Domestic abuse-related offences charged	CPS	Yes
Domestic abuse-related offences convicted	CPS	Yes
Sentences for police-perpetrated domestic abuse-related offences	HMCTS	No
Victim satisfaction with criminal justice agencies (by agency)	Specialist sector, CJS agencies	Not routinely
Referrals into specialist services (by agency)	Specialist sector	Yes – locally No – nationally
Referrals into MARAC (by agency)	Safelives MARAC data	Yes
Number of co-located specialist service FTEs (by agency)	Specialist sector/all	No
Data on 12 core elements of a Coordinated Community Response	Local strategic partnerships	Not routinely
Number of domestic abuse-related protective orders made	HMCTS	No
Number of domestic abuse-related protective orders breached	Police	No
Sentencing data for all domestic-abuse related offences	HMCTS	No
Offenders in prison for domestic abuse-related index offences	HMPPS	No
Offenders in prison with a history of domestic abuse	HMPPS	No
Offenders managed in the community for domestic abuse-related index offences	HMPPS	No
Offenders managed in the community with a history of domestic abuse	HMPPS	No

## RECOMMENDATION 2

**Home Office and Ministry of Justice strengthen accountability by requiring robust and public data from Local Criminal Justice Boards, establishing a national scrutiny panel, and strengthening the powers of all criminal justice inspectorates.**

Local Criminal Justice Boards must ensure that their area's data on domestic abuse performance, outcomes, and victim satisfaction from report to court is robust and publicly available, including through sharing with the Home Office and Ministry of Justice. This data must include demographic information on both the victim and perpetrator, as well as information about their relationship. The data must also include information from the broader Coordinated Community Response, a framework for multi-agency working, developed by Standing Together Against Domestic Abuse, which shifts responsibility for survivor safety onto systems. This would bring accountability to multi-agency partnerships and improve understanding of the health of partnerships at a local level. The Joint Strategic Needs Assessments now required by the Victims and Prisoners Act should form a key part of this work.

The National Criminal Justice Board must set up an independent scrutiny panel to monitor and review this data regularly.

To ensure accountability, the powers of all criminal justice inspectorates – HMICFRS, HMCPSI, HMI Prisons, and HMI Probation – must be strengthened by requiring government to respond to system-wide recommendations publicly in Parliament. Additionally, options for an inspectorate of the court system and judiciary should be scoped.



## 2. Multi-agency working

### Problem

Siloed working across the criminal justice system fails survivors by missing opportunities to intervene and limiting their access to support. Survivors are far more likely to continue support for a prosecution where they have access to specialist support and advocacy, which allows the system to function more effectively to bring perpetrators to justice.

### What needs to change

The Coordinated Community Response to domestic abuse has been proven to better support and safeguard survivors and hold perpetrators to account.

Although every survivor that comes into contact with the criminal justice system is often referred to local specialist support, this is not nearly enough to ensure a comprehensive multi-agency response, so that victims and survivors are offered the range of support that they need. A Coordinated Community Response must be embedded in order to achieve a holistic response to domestic abuse, where the whole system works together to encompass prevention, early intervention, crisis intervention, and long-term recovery and safety. This means that agencies across the criminal justice system must offer the victim or survivor a coherent, joined-up system where support is offered, safety is provided, and problems are shared and solved as quickly as possible.

### Solutions

#### RECOMMENDATION 3

**Government improve and strengthen multi-agency working through:**

- **Resourcing the Domestic Abuse Commissioner to independently develop principles of effective multi-agency working.**
- **Conducting a baseline review of local multi-agency responses to domestic abuse, particularly in a criminal justice setting.**
- **Providing guidance for multi-agency response and commissioning.**
- **Conducting rolling reviews locally, monitoring how local areas meet these principles of multi-agency working.**
- **Supporting and developing the specialist DA sector through development of a CPD justice advocacy programme.**

This work must include specific consideration of multi-agency forums including local safeguarding arrangements to identify and mitigate risk (for example, MARAC and MASH); local strategic partnerships and governance; the policing response; the response to children; the response to marginalised and minoritised victims and survivors; and perpetrator management.

The principles of multi-agency partnership working evaluated at the local level must be mirrored in the governance of the national strategic response to domestic abuse – including through cross-government ownership and oversight of the VAWG Strategy.

## 3. Resourcing

### Problem

Demand on the criminal justice system has increased exponentially as – rightly – more domestic abuse and other previously ‘hidden crimes’ have been reported as victims and survivors reach out. This is only going to increase as activity drives awareness of domestic abuse and, hopefully, confidence is built in the criminal justice system. Combined with a consistently under-resourced specialist sector struggling to meet ever-increasing demand, statutory services are overstretched as they attempt to meet a diverse range of competing priorities.

### What needs to change

Specialist domestic abuse services enable victims to come forward, support them through the process, and provide critical support to the criminal justice system. The value of specialist domestic abuse support to survivors is well-evidenced, but the length and demand of current criminal justice processes do not match the resource of specialist support. In order to ensure that independent specialist domestic abuse services, including ‘by and for’ services, are able to be fully embedded in the criminal justice response and meet existing and any future increases in demand, they must be resourced to do so.

Concurrently, it is critical that agencies across the criminal justice system are adequately resourced to meet the demand that they face and have the personnel and time required to fulfil their role in safeguarding survivors and holding perpetrators to account. It is critical that their resourcing is scrutinised to ensure that the prevalence of domestic abuse that they face in their caseloads is reflected in the usage of their resourcing. This must include meaningfully engaging in information sharing and safeguarding partnerships, to ensure that victims and the professionals supporting them can accurately risk assess and safety plan.

### Solutions

#### RECOMMENDATION 4

**HM Treasury ambitiously, strategically, and sustainably invest in the specialist domestic abuse sector – which is critical to the statutory response to domestic abuse – and resource statutory agencies across the criminal justice system to build capacity in response to growing demand for domestic abuse support.**

This must include specialist support for victims and survivors within the criminal justice system, as well as building capacity and resource within the Witness Support Service. This must also include a duty on national government to meet the needs of victims and survivors identified through the Joint Strategic Needs Assessments, now required by law through the Victims and Prisoners Act, and must ensure that multi-year funding flows into local duty holders to commission services that meet the needs of victims and survivors. This must include a dedicated, ring-fenced funding pot of £187.8m per annum for the provision and capacity building of specialist 'by and for' organisations that support Black and minoritised, Deaf and disabled, and LGBT+ survivors.

## **RECOMMENDATION 5**

**Ministry of Justice encourage and adequately resource re-establishing and rolling out Specialist Domestic Abuse Courts (SDACs) in Magistrates' Courts across England and Wales by ensuring effective case clustering and resourcing of the court coordinator role.**

## **4. Prioritisation of domestic abuse in the statutory response**

### **Problem**

Despite improvements, a career working on domestic abuse in the criminal justice system does not have the status it deserves. Complex, emotionally draining work is insufficiently prioritised or rewarded, and cultural problems pervade. Failures to address misconduct and unjust criminalisation across the criminal justice system have decreased victims and survivors' confidence in the response it can provide. This is compounded by a lack of knowledge and expertise in domestic abuse among key professionals across statutory agencies, which impacts on their ability to provide the response that victims and survivors require.

### **What needs to change**

Domestic abuse is complex and requires considerable expertise to understand the offence, the impact of trauma and the behaviours that present within abusive relationships. In order to provide an empathetic, abuse-informed response to victims and survivors, criminal justice professionals must be trained, mentored, and upskilled to ensure they have the knowledge required for a robust response, and the expertise that they develop should be recognised and rewarded. Statutory agencies across the criminal justice system must, therefore, prioritise domestic abuse, and this must be reflected in their training, resourcing, recruitment, career progression, and internal governance.

The criminal justice system has the opportunity to truly transform the response to domestic abuse, and bring perpetrators to justice for their crimes. Through its leadership, the criminal

justice system has the opportunity to play a leading role in the government's ambition to halve VAWG in a decade. This has been a priority for the Commissioner since her office's establishment. The Commissioner looks forward to continuing work with criminal justice agencies, the specialist domestic abuse sector, and victims and survivors themselves to build a trusted and accountable criminal justice system, which provides a just, safe, competent and transparent response for all victims and survivors, and an informed and proportionate response to perpetrators.

## Solutions

### RECOMMENDATION 6

**Ministry of Justice and Home Office, in collaboration with relevant agencies and the specialist domestic abuse sector, ensure that professionals across the criminal justice system – including police, prosecutors, the judiciary, and probation officers – are comprehensively, consistently, and regularly trained in identifying and responding to all forms of domestic abuse.**

This must include ongoing professional development and supervision, with its efficacy and consistency nationally monitored and reported on. Equally, the particular issues faced by marginalised and minoritised communities, such as Black and minoritised, LGBT+, Deaf or disabled survivors – as well as male victims and older victims – reveal fundamental problems within criminal justice agencies. This must be addressed.

A culture of professional curiosity should be embedded in this approach to training in order to address the many missed opportunities to prevent further abuse and escalation of harm.

### RECOMMENDATION 7

**Home Office, along with leaders within policing, elevate the status of domestic abuse within policing, and ensure that good work is properly recognised and rewarded.**

This should bring the response to domestic abuse more in line with other high-profile and priority crime types, such as counter-terrorism and serious and organised crime, and drive improvements in capability across policing.

This programme of work should be centrally driven and put serious consideration to:

- Improving remuneration and support for officers in Public Protection Units.
- Requiring evidence of capability – through time in Public Protection Units – in order to seek promotion into senior roles within policing.

## RECOMMENDATION 8

**Home Office strengthen police misconduct regulations and vetting processes to hold police perpetrators to account, as well as hold forces to account in rooting out abusive officers and staff through accurate, consistent recording and clear consequences.**

This must be achieved by the following:

- Prioritising implementation of recommendations put forward by the Centre for Women's Justice in their follow-up report on the 2020 PPDA super-complaint.
- Amending the Police (Conduct) Regulations to ensure automatic suspension for any officer or staff charged with a crime related to domestic abuse or violence against women and girls, and automatic dismissal for any conviction of this nature. In the absence of a charge or conviction, regulations should clearly establish a holistic approach based on consistent recording, risk and need assessment, and imposition of relevant measures to any complaint made against a serving police officer related to domestic abuse or violence against women and girls.
- Conducting a review into the vetting process for police with the aim to ensure the process forms a more holistic picture of the candidate, including through the use of additional sources of information and intelligence, such as data from specialist commissioned services and relevant statutory agencies.
- Ensuring that all survivors of police-perpetrated domestic abuse have access to specialist support by requiring all police forces to publish a policy on police-perpetrated domestic abuse that establishes safe spaces for reporting and clear pathways to support.

## RECOMMENDATION 9

**Home Office and Ministry of Justice fund and roll out tactical policing interventions (such as MATAc) and quality-assured perpetrator behaviour change programmes to every force area in England and Wales.**

This will ensure that:

- Every perpetrator and, in particular, those that pose the greatest risk of harm, are robustly identified and risk-assessed, with plans put in place to divert and manage the risk they pose.
- Every perpetrator has access to quality-assured perpetrator behaviour change programmes, and availability of provision is no barrier to robust use of positive requirements within the new Domestic Abuse Protection Orders, nor a perpetrator's desire to change.

## RECOMMENDATION 10

**Ministry of Justice and the National Probation Service develop a programme of work to build community-based interventions and supervision specifically for domestic abuse.**

Without this, victims and survivors will continue to pay the price for the prison overcrowding crisis. It is critical that this work is done in parallel with sentencing reform. Alongside recommendation 10, this should ensure perpetrators are genuinely managed robustly in the community; and victims and survivors – from first report through to their perpetrator’s release from prison – know that the criminal justice system is doing all it can to keep them safe.

## RECOMMENDATION 11

**Ministry of Justice expand eligibility for the Victim Contact Scheme to all victims and survivors of domestic abuse, regardless of sentence length or whether their perpetrator’s conviction is specifically for a domestic abuse-related crime.**

## RECOMMENDATION 12

**Ministry of Justice introduce legislation to make self-defence more accessible for victims of domestic abuse who use force against their abuser, and to provide a defence where victims of domestic abuse are coerced into offending.**





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