



Learning Lessons from the Criminalisation of Coercive and Controlling Behaviour Ten Years On: The Implementation Journey in England and Wales

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Abstract

The purpose of this paper is to explore the problems and possibilities of implementing the criminalisation of coercive and controlling behaviour (CCB). It summarises key findings from three research studies conducted over a 10-year period, in partnership with three different police forces in England and Wales, since the criminalisation of CCB in December 2015. In presenting these findings collectively, it is possible to discern some of the longer-term requirements necessary for the effective implementation of CCB legislation. In so doing, the implications for jurisdictions about to embark, or considering embarking, on this implementation journey are also highlighted.

Keywords: Coercive control; policing; domestic abuse; criminalisation.

Introduction

2025 will mark a decade of coercive and controlling behaviour (CCB) having been recognised as a criminal offence in England and Wales, introduced as part of the *Serious Crime Act 2015* (UK). In 2018, the *Domestic Abuse (Scotland) Act 2018* (Scot.) and the *Domestic Violence Act 2018* (Ir.) in Ireland also categorised CCB as an offence. In addition, coercive control (CC) was made a criminal offence in New South Wales, Australia in July 2024. In that same month, Bill C-332 (Can.) had its second reading in Canada's Senate, following its third reading in the House of Commons. This amendment to the Canadian Criminal Code would criminalise CC in intimate relationships. Hence, it is fair to say that the move to criminalise CCB and/or CC has travelled the globe, with other jurisdictions developing offences informed by this concept (for example, developments in Denmark and the introduction of psychological abuse in France. For a general overview, see European Institute of Gender Equality [EIGE], 2021). Scotland has been seen as an international leader in these developments, embedding a distinctly feminist agenda at the heart of its policy responses to this issue (Brooks-Hay et al., 2018; Burman et al., 2024; Scott, 2018).

Nevertheless, translating CCB into criminal justice, legal policy, practice, and legislation faces a range of challenges. Amongst these challenges are the problem of definition (Hamberger et al., 2017), the extent to which the gendered nature of CC features in the definitions adopted (Barlow & Walklate, 2022), and the demands made on criminal justice professionals in responding to patterns of abuse rather than single incidents (see, inter alia, Barlow & Walklate, 2021; Brennan & Myhill, 2022; Burman et al., 2024). Informed by the findings of three research studies, in partnership with three different police forces in England spanning from 2016–2023, this paper explores the implementation journey of CCB in that jurisdiction. It considers what has worked well in England and Wales and identifies some of the key challenges in implementing this offence in policing practice.



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This research team is one of the few internationally to have led several research projects on policing responses to CCB since its criminalisation in England and Wales. Thus, the findings from this body of work assist in creating a detailed picture of the problems and possibilities of implementing an offence of this type in other jurisdictions, with implications for policing and criminal justice practice more generally.

This paper is presented in four parts. Part one explores the literature which addresses how CCB has been implemented in practice. The second section provides a brief overview of the methodological approaches used in the three studies presented in this paper. Part three discusses the four overarching themes emanating from all three studies: responding to CCB, communicating with victim-survivors of CCB, the ongoing challenges for the criminal justice process of CCB, and ongoing tensions for inter-/multi-agency working. This latter theme particularly focusses on risk and risk assessments. The final section considers the implications from this work for other jurisdictions. Based on these cumulative findings, the paper makes the case that criminalising CCB is not a “quick fix” in improving criminal justice responses to domestic abuse.

Implementing an Offence of Coercive and Controlling Behaviour

The concept of CC is long established within the domestic abuse sector and academic literature (see, *inter alia*, Schechter, 1982). However, contemporary debates have been significantly influenced by the definition articulated by Stark (2007). Stark (2007, p. 2) defines CC as “calculated, malevolent conduct deployed almost exclusively by men to dominate individual women by intervening repeated physical abuse with three equally important tactics, namely intimidation, isolation and control”. Stark attempts to capture the “cage” of intimidatory and regulatory practices engineered by abusers to create fear in victim-survivors’ everyday lives (Myhill & Johnson, 2016; Stark & Hester, 2019). As noted by Barlow and Walklate:

The emphasis is on a course of conduct. A repeated pattern of behaviour designed to undermine the autonomy of another individual. It is in essence the invidious assertion of power, not necessarily by force and/or physical violence, but by strategies of psychological, emotional, and financial abuse. (2022, p. 6)

Stark (2007) and others (Barlow & Walklate, 2022; Myhill & Johnson, 2016) emphasise the centrality of gender in relation to criminalising this behaviour, arguing that CC most frequently involves men using “social norms of masculinity and femininity ... to impose their will” (Stark 2007, p. 6; see also Westmarland, 2015). Moreover, although CC can be experienced by all genders (Donovan & Barnes, 2019; Walklate et al., 2023; Westmarland & Burrell, 2023), experientially, it is strongly related to gendered power dynamics which reproduce power imbalances and reinforce gender norms (Harris & Woodlock, 2019). However, how to translate such experiences into law is the subject of ongoing debate.

In summary, questions remain concerning whether more law, what kind of law, and under what conditions changes in the law provide an answer to improving responses and producing safer outcomes for victim-survivors (see, *inter alia*, Douglas et al., 2024; Walklate et al., 2018). Put simply, the creation of offences of CCB and/or CC place victim-survivors living with abuse within the domain of criminal justice, as has a great deal of other policy work in this area. Yet, the difficulties faced by victim-survivors in dealing with the criminal justice system are well-known, considerable (Goodmark, 2023; Walklate & Fitz-Gibbon, 2019), and particularly acute for marginalised victim-survivors (Reeves, 2021). Moreover, Indigenous women are often wrongly arrested in domestic abuse call-outs in Australia (Nancarrow et al., 2020), with such issues also having implications for other jurisdictions with similarly marginalised populations. Yet, despite these issues, moves to create specific offences of CCB and/or CC have proliferated across the globe.

In England and Wales, Stark’s (2007) concept of CC was first noted in the 2013 Home Office definition of domestic abuse. However, the 2015 definition introduced in Section 76 of the *Serious Crime Act 2015* (UK) does not define coercive behaviour specifically, rather it created its own construct of CCB. Indeed, a recent Home Office (2021) review of the 2015 legislation recognised some of the limitations of this, concluding “a lack of robust data on coercive and controlling behaviour prevalence [was] making it difficult to measure how effective the offence has been at capturing coercive and controlling behaviour offending” (p. 50). Of course, some of the issues identified in this report are not unique to CCB but are pertinent to a wide range of criminal justice responses to domestic abuse. In addition, the key agency tasked with identifying and responding to domestic abuse is most often the police and this response has also historically been deemed inconsistent or inadequate. Again, this is an assessment applicable to a wide range of jurisdictions (see, *inter alia*, Davies & Barlow, 2024; Dowling et al., 2018; Hoyle & Sanders 2000; Loftus 2009). Indeed, globally, high-profile murders of women have led to increased attention on problematic police responses to violence against women and girls (VAWG) more broadly. For example, cases such as those of Kelly Thompson in Melbourne, Australia and Sarah Everard in England have added to demands for improvement. Kelly Thompson was killed by her partner after 38 calls to police over a three-week period for breaches of intervention orders in 2015 and Sarah Everard was raped and murdered by a serving police officer in 2021. More recently in England and Wales, the need

to improve police responses to VAWG has reached a crescendo. For example, a recent National Police Chiefs Council (NPCC) report (2024) highlights domestic abuse as one of the most significant policing response demands, with VAWG being listed as a strategic policing priority for the first time in 2023.

It could be said that much has changed in the wider policing landscape in England and Wales since CCB was first criminalised in 2015. However, since the implementation of this offence, various issues with policing persist. These include, inter alia, problems in the ability of frontline officers to “see” CC (Wiener, 2017) and in their ability and capacity to evidence the offence (Barlow et al., 2020; Bettinson et al., 2024; Bishop & Bettinson, 2018). This paper now examines this decade-long implementation journey and considers some implications for other jurisdictions looking to adopt a similar approach to responding to this type of abusive behaviour.

Methods

This paper draws on findings from analyses of three research studies examining police responses to CCB over the last decade. Each study involved partnering with a different police force in England (three in total). A summary of each research study and its associated methodology is provided below. Ethical approval was granted by the grant holding institution for each of these research studies and all research participants have been anonymised.

Study 1: Police Force 1

This study was funded by the N8 Policing Research Partnership (PRP) and was conducted during 2016–2017. The study incorporated a quantitative analysis of the partner force’s domestic abuse data over an 18-month period (totalling almost 19,000 cases), an in-depth qualitative case file analysis of 156 CCB cases accessed via the police information management system (covering an 18-month period), and qualitative analysis of 156 cases of domestic abuse-related actual bodily harm (ABH) as a comparison.

Study 2: Police Force 2

This study was funded by the British Academy and took place in 2018. It involved four methodological stages. Stage 1 incorporated a survey in which 198 frontline police officers participated. Stage 2 comprised five focus groups and interviews with police officers of varying roles and ranks (25 participants in total, 22 men and 3 women). Stage 3 involved eight interviews with female victim-survivors of CCB. Finally, Stage 4 was a quantitative analysis of police domestic abuse data (from January 2015–March 2018).

Study 3: Police Force 3

This study was funded by the N8 PRP and was conducted during 2022–2023. It focussed on examining how the primary victim and perpetrator are identified by police officers in CCB cases and how victim-survivors feel about this identification process. It also incorporated four stages. Stage 1 involved a quantitative analysis of force domestic abuse data from 2019–2022. Stage 2 comprised a qualitative analysis of 58 CCB case files (accessed via the force information management system). These were randomly selected from the cases available from 2019–2022. Stage 3 involved 13 interviews with frontline police officers (9 men, 4 women). Stage 4 involved interviewing 10 victim-survivors (all women).

This paper revisits the key themes identified from each of the studies. The overarching themes across the three studies were identified using the reflective thematic analysis approach recommended by Braun and Clarke (2021). The approach to analysis involved embracing researcher subjectivity as a resource for the research, acknowledging the interpretative practice of thematic analysis. To enhance inter-rater reliability, both authors performed this analytical stage to ensure consistency. The four overarching themes identified from this process were “responding to coercive and controlling behaviour”, “issues with communication with victim-survivors”, “continuities in the criminal justice process”, and “ongoing tensions for inter-/multi-agency working: risk and risk assessment”. Each theme is now discussed in turn.

Responding to Coercive and Controlling Behaviour

The three studies highlighted various challenges for police and wider criminal justice responses to CCB. Two of these are discussed here: recognising and recording an incident as CCB and evidencing CCB.

Over the course of the three studies (data spanning 2016–2022), there has been a small increase in the recording of CCB as a crime by police officers. In Study 1, 156 crimes of CCB were recorded between 2016–2018 (less than 1% of all domestic abuse

cases recorded by this force). Study 2 noted 93 crimes of CCB between 2017–2018 (1.8% of all domestic abuse cases recorded by this force). Study 3 highlighted that recordings of CCB had slightly increased each year at this force, with 647 recorded crimes in 2018, 731 in 2020, and 811 in 2021. This mirrors the national picture. The number of recorded offences of CCB has risen year by year in England and Wales. In 2016/2017 there were 4,246 recorded cases, and in 2022/2023 there were 43,774 (Office for National Statistics [ONS], 2022, 2023). Although this increase is heralded as evidence of improved identification of CCB by police and other agencies, such observations should perhaps be treated with caution. For example, the police recorded 1.4 million domestic abuse-related crimes in the year ending 2023 and, in that same year, the Crime Survey for England and Wales estimated that 2.1 million people experienced domestic abuse (ONS, 2023). Against this bigger picture, the police officer-identified presence and use of CCB as a criminal offence remains relatively small.

Police participants across the three studies provided various reasons for the ongoing relatively low usage of this offence. In Study 2, officers suggested that CCB was “rare”, hence the low identification. For example, one officer noted, “you barely get any coercive control jobs, because there is hardly none [*sic*] of it out there” (Study 2, Focus Group (FG) 4, Participant (P)2). This is in contrast to evidence from the academic literature and wider knowledge within the domestic abuse sector which identifies high levels of CC, especially in intimate partner relationships (Monkton-Smith, 2021; Stark, 2007). Another officer from that same study suggested police officers were “scared” to use the offence. They commented:

I think people are scared of it. Like yesterday, I had a job come in which was an assault, but it had written on it ‘could be coercive control’ and I just panicked. The minute you get a case and you say there’s a coercive control element, people’s eyes light up and go, ‘oh no’. Because they don’t really know about it. And I think a lot of people are worried because it doesn’t go through court very often, so people are worried they will put all of this effort in for them to turn around and say ‘that’s not coercive control’. People are just scared of dealing with it, because they don’t know what the offence is. (Study 2, FG4, P1)

This quote echoes the findings of Myhill et al. (2023) who discuss officers’ uncertainty surrounding CC and concerns that difficulties in evidencing the offence will render any investigative work redundant. In Study 3, the most recent of the studies, there were shifts in this perception. In this study, more officers recognised the importance of this offence alongside the importance of demonstrating such abuse occurring over time. However, as the wider statistics documented above suggest, the relatively low usage of this offence remains a challenge.

The second issue evident from the three studies related to evidencing CCB. Study 3 showed clear evidence of increased police officer awareness of the need to “dig deeper” in CCB cases, alongside an enhanced understanding of the ways perpetrators use the criminal and legal system to further their abuse (Douglas, 2018). In “digging deeper”, frontline officers in this study also demonstrated an increased awareness of the wider range of approaches available to appropriately safeguard victim-survivors. This included not always making an arrest whilst they gathered any appropriate evidence. For example:

The priority is safeguarding, so this usually involves separating the parties, making sure kids are safe if there are any in the house. If appropriate, we will signpost the victim onto other services, maybe allocate them to an IDVA [independent domestic violence advisor] there and then. In coercive controlling behaviour cases, the suspect is usually asked to come in for a voluntary interview as there isn’t always the evidence to arrest, so it’s much more about safeguarding really. Because we all hear of those domestic homicide reviews in cases like this where proper safeguarding hasn’t been put in place, so it’s important to cover ourselves really and keep everyone safe. (Study 3, police interview, participant 10)

These positive developments are also reflected in the recent work by Burman et al. (2024), who identify improved understandings in the police response to domestic abuse in Scotland since the implementation of the CCB offence in 2018. However, some issues persist with police officers continuing to respond to CCB as an isolated incident, rather than a cumulative pattern of abusive behaviour. This issue was evident across all three research studies. Qualitative analysis from Study 1 highlighted that at least 87% of intimate partner ABH cases could or should have (also) been recorded as CCB. Furthermore, the following quotes from participants in Study 2 highlight the ways in which police officers tended to “look out for” incidents of physical violence when responding to domestic abuse, rather than identifying CC/CCB:

I will admit, when I go to a domestic, I am just thinking physical violence. I have total tunnel vision. (Study 2, FG2, P2)

When you’re responding, you’re not thinking ‘this could be coercive control’. You tend to think ‘have they been hit’, ‘have they been stabbed’, but you could go in and think, ‘are they being controlled’, but the reality is, we don’t. (Study 2, FG1, P1)

If it was just an argument, I wouldn’t make an arrest. I’d be quite happy to just leave them there to sort it out. If there is nothing physical and it was just an argument, I would be pretty hacked off if I got arrested for that. (Study 2, FG3, P3)

Even in the most recent study, where officers' understanding of CC had improved, there was still an emphasis on the presence of physical violence influencing whether an arrest would be made:

Arrest would kick in if there is an immediate physical risk to that person. So it's about making sure the person is safe with coercive control, maybe bringing them in for a voluntary interview. (Study 3, police interview participant 8)

The dramatic shift in approach to the policing response required in the implementation of CCB legislation is a significant challenge, especially for first response officers. This challenge is compounded by resourcing constraints alongside concerns about the onerous nature of gathering evidence in such cases (Davies & Barlow, 2024). Within this constrained context, it is possible that officers exercise their discretion to continue to treat cases of CCB as incidents, rather than seeking course-of-conduct evidence. This may go some way to explaining the limited use of the CCB offence to date.

Issues with Communication with Victim-Survivors

The second overarching theme identified, especially across Studies 2 and 3, was issues with engaging in effective communication with victim-survivors. Study 3 highlighted issues with miscommunication and misunderstandings between the police and victim-survivors in CCB cases. Here, examples of misidentification of the primary perpetrator (see Barlow et al., 2023) were evident, particularly when alcohol was present for both parties. Moreover, victim-survivors interviewed in both Studies 2 and 3 highlighted their disappointment and frustration with the lack of communication on how their case was progressing, as well as broader issues with delays in case progression. As these two victim-survivors commented:

The whole thing just took so long. I did a statement then I just didn't hear back. I just didn't have a clue what was going on. It kept dragging on and on with no update so I just gave up with it in the end, as I felt like what is the point. (Study 2, victim-survivor interview, Jessica)

I also think being kept updated is a big thing. Because when something happens, you don't hear back from the police for a while so you don't know if it's going further. (Study 3, Michelle)

Research with victim-survivors of domestic abuse and sexual violence (Brooks-Hay et al., 2019; Forbes, 2021) suggests that the time taken for criminal offences to progress through the criminal justice system has significant material and emotional negative impacts on them and can contribute to a lack of confidence in the criminal justice system. The investigation of CCB cases can engage with wider elements of a victim-survivor's life. For example, investigating social media activity can involve the retention of survivors' mobile devices for long periods. Such processes take time and, alongside other resourcing constraints, can cause significant delays (Burman et al., 2024). These delays are particularly problematic when victim-survivors are not kept up to date with what is happening in their case. The majority of victim-survivors across Studies 2 and 3 highlighted the importance of police officers providing regular updates on how their CCB cases were progressing and clearly explaining any delays to this process. These findings are not dissimilar to response experiences relating to domestic abuse more generally.

Several victim-survivors interviewed also commented that they felt CC was not understood or taken seriously by the police officers with whom they had had contact, particularly frontline response officers:

I think they just treat it like any other situation they go out to. They look at what's in front of them and not beyond that. But coercive control isn't something you can see really. It so complicated, unique to the people involved and even though I've had lots of support in understanding what happened to me I still can't quite get my head around it, and I lived it. So, a police officer chatting to you for an hour or usually less isn't going to get it are they? So, I think straight away there is that difficulty of trying to explain all of this to a police officer which puts women off. Well, it did me anyway, where on earth do you start? And I think there is also a reluctance to understand the harms of it. It can all sound a bit trivial, can't it? It's only when you look at it all together you can start to put the pieces of the puzzle together. But are the police realistically going to do that every time? I don't think so. (Study 2, victim-survivor interview, Hannah)

Like they didn't ask me about anything else in the relationship, they didn't give me an opportunity to properly share what had been going on. They asked to see any of my injuries, but I didn't really have anything visible, as a punch in the stomach doesn't always leave an immediate bruise, but I was explaining to them that I was in pain. But also, now I know it isn't really just about that. Why weren't they asking me more about the jealousy or the shouting that had led to that point? ... But they never really gave me the opportunity to talk about the whole relationship, especially the last time when to me it was clear that I wanted to, I just didn't know how to explain it. So yeah, I think because of the drink and my behaviour on the times before they had come out, they just saw us as both bad rather than it being one sided, which is what it actually was. (Study 3, victim-survivor interview, Joan)

These quotes speak to the complexities of police officers “seeing” and understanding CCB. They also highlight the difficulties for victim-survivors in articulating highly complex experiences of CC to police officers. This is especially the case during the limited time period of the first response when they themselves may not fully understand what they are experiencing and whether it constitutes abuse (Barlow & Walklate, 2022). It is important to note that victim-survivors rarely contact the police directly reporting experiences of CC. This usually becomes apparent upon further investigation (Barlow & Walklate, 2022; Myhill et al., 2022). It is also important to remember that in domestic abuse cases more generally, victim-survivors usually contact the police because they want the abuse to stop, rather than because they want to pursue the prosecution of their partner (Hoyle & Sanders, 2000).

Continuities for the Criminal Justice Process

All three studies identified challenges with the low charge and prosecution rates in cases of CCB. Studies 2 and 3 highlighted police officers’ lack of clarity on what the Crown Prosecution Service were looking for in CC cases and the broader difficulties with evidencing CC/CCB. As different officers from these two different studies commented:

Trying to find supporting evidence is hard. Because it’s not like an assault where you have a black eye. It generally happens behind closed doors to the point where there is no evidence. So you have to think outside the box. You know, talking to neighbours, friends, work colleagues that have seen changes in behaviour. So, thinking wider than what you have in front of you. (Study 2, FG5, R1)

It’s one of those offences, you have to prove the mental state of the suspect and get everything out of the victim as best as we can. It’s about proving the mental mindset and what they were trying to do and without going into their brain and pulling it out, that’s really hard to do. (Study 3, police interview participant 3)

It’s easy to rebut. So, if you accuse someone of putting a tracker on a vehicle, for example, all they have to say is, ‘I was concerned for her safety’. If it was financial, ‘I have control of their money because they are no good with money, I have her best interests at heart’. You know, how do we prove otherwise? We don’t know their intention. With an assault, it’s easy to evidence. But how do you evidence what’s going on inside someone’s head? (Study 2, police interview participant 2)

These quotes allude to the perceived difficulties in evidencing CCB from the perspective of police officers, with participants across both studies suggesting the ways in which it can often be perceived as “one word against the other”. These issues were also evident in Study 1, with many of the case files citing this phrase as the reason why cases were closed due to “evidential difficulties”. However, some evidential opportunities can be missed and, as a result, not investigated. This may include the failure to speak to third-party witnesses (e.g., friends and family members) and/or not fully investigating evidence of CCB disclosed by victim-survivors themselves (Bettinson et al., 2024). In sum, the challenge lies in evidencing what is often an “invisible” pattern of behaviour. This can impair the ability of victim-survivors to participate effectively in the criminal justice process and can contribute to the low number of prosecutions for this offence (Bishop & Bettinson, 2018). Domestic abuse and/or CC training can illicit some positive benefits. For example, Brennan et al. (2021) identify a 41% increase in arrest for CCB for trained forces. However, the number of arrests for CCB as a proportion of total domestic abuse arrests remains small, suggesting that training can only go so far. Moreover, there has been significant investment in police training for CCB/CC over the past 10 years across police forces in England and Wales, yet the challenges highlighted in this paper with the police response remain relatively consistent. These issues also allude to ongoing tensions in inter- and multi-agency working, and understandings of CCB/CC in general and the law in particular, some of which focus on risk and risk assessment.

Ongoing Tensions for Inter-/Multi-Agency Working: Risk and Risk Assessment

Issues with inter-agency identification of risk were evident across all three studies. Study 1 found the presence of CCB was more likely to be risk assessed as high. However, ABH cases were more likely to result in an arrest and charge, especially when the offender was still on scene. In Study 2, officers were presented with two scenarios, one constituting an incident of physical violence between intimate partners and a second ongoing CCB. These officers were more likely to grade the physical violence scenario as high risk and more likely to arrest the perpetrator, compared to the CCB scenario. This finding was evident in both the survey and focus group data in this study (see Barlow & Walklate, 2021). Furthermore, all three studies highlighted a lack of shared understanding of the risks and harms of CCB, both between agencies and across different roles in the police (for example, between the call handler, the frontline officer, and multi-agency safeguarding hubs; Barlow et al., 2021). This was summarised by a Study 2 focus group participant:

The issue is, we're not joined up. It's really easy to blame call handlers or blame response for not doing things right, but we're often all working off different pages without having a real clue what people across the force are doing. (Study 2, FG1, P3)

This lack of a collective shared understanding of the problems and risks of CCB/CC has implications for the support victim-survivors receive, as suggested by another Study 2 participant:

Risk gradings are important because they usually determine what happens next for that victim. So, if someone is medium or standard [risk] they may not be contacted for ages. Or if someone isn't graded as a priority by call handlers, it may take ages for someone to get to them. You know, this stuff is important. (Study 2, FG4, P2)

Furthermore, in Studies 2 and 3, victim-survivors also suggested that the Domestic Abuse, Stalking and Honour Based Violence (DASH) risk assessment tool encouraged officers to focus on the "here and now" (isolated moments in time), rather than considering their long-term safety implications (Barlow & Walklate, 2021). As one victim-survivor commented:

It took me so much courage to call the police, and I did as a last resort. I told them what was happening to me, which I now understand is coercive control, they asked me a load of questions and from this they said my risk wasn't that high. But most of those questions they asked didn't actually allow me to say much about my experiences from my own perspective if you get me? How can 20 questions or whatever allow them to determine how safe I am? (Study 2, victim-survivor interview, Laura)

The limits of risk assessment tools in capturing the complexities of CCB have been discussed at length elsewhere (Barlow & Walklate, 2021; Myhill et al., 2022; Turner et al., 2019). These observations are not peculiar to CCB but, as illustrated in the data cited above, have particular consequences for appreciating the *impact* of CCB on victim-survivors. In England and Wales, a new risk assessment tool, Domestic Abuse Risk Assessment (DARA; College of Policing, 2022), has been developed to address some of the concerns raised here. However, whether this will address the inherent issues with using risk assessment tools to understand the safety implications for victim-survivors remains moot. It is also not clear whether DARA addresses the questions these studies have raised for engaging in risk assessment across and between different agencies working in this field. The question remains: what can be taken from these findings for other jurisdictions looking to implement an offence of CC? This is discussed next.

Implementing Coercive Control: Implications for Other Jurisdictions

Various notes of caution have already been made through the course of this paper, which may encourage other jurisdictions not to rush into criminalising CC (Walklate et al., 2018). At the same time, it is evidently the case that more jurisdictions are moving in this direction. This paper, based on empirical research, has highlighted some of the implications for such jurisdictions to bear in mind when considering such steps. These considerations are summarised in turn.

The first implication, which has been rather more implicit than explicit in the discussion here, is the importance of time. Change does not happen overnight and that is nowhere more evident than in responses to domestic abuse. The third and most recent study highlighted some notable improvements in police understanding of CCB/CC. For example, the need to "dig deeper" and the need to prioritise safeguarding for the victim-survivor (Barlow et al., 2023). Importantly, this learning over the last 10 years has not occurred in a vacuum. It is a result of a long historical trajectory endeavouring to shift the focus of policing and the criminal justice system in relation to domestic abuse more generally (see, *inter alia*, Williams & Walklate, 2020). Change takes time and those demanding and/or involved in change need to be prepared for the training and resources required to facilitate such change. In England and Wales, 10 years on, there is still some way to go. Global increases in the number of charges, prosecutions, and convictions evidenced in national statistics are often cited as evidence of the effectiveness of the offence. However, these are still low in the context of the nature and extent of domestic abuse overall. Moreover, despite these increases, questions remain regarding the "effectiveness" of CCB as an offence. This is especially the case from the perspective of victim-survivors concerning the extent to which it meets, or fails to meet, with what they want from justice. For example, Fitz-Gibbon et al. (2023) highlight that even though victim-survivors supported the criminalisation of CC in Australia, this was to support *other* victim-survivors and not necessarily themselves.

The second implication is an outcome of the first and relates to the need for appropriate resourcing and financing to implement an offence of CCB effectively. This includes, *inter alia*, national awareness raising campaigns, shared training across agencies, and funding for specialist services to support victim-survivors. As has been discussed at length elsewhere, the criminal justice process is never the only solution for victim-survivors in providing justice and support in relation to domestic abuse (Goodmark, 2023). Funding and resources within and beyond the context of the criminal justice system are vital. Criminalising CCB/CC

requires funding criminal justice **and** a wide range of other service providers. Alongside this goes effective partnership working, which recognises that criminal justice will only be helpful to some victim-survivors, not all.

Finally, taken together, the findings from these studies illustrate the limits of risk assessment tools in capturing CC and/or CCB. The responses of victim-survivors in particular demonstrates this clearly. These tools encourage police officers to respond to the “here and now”, whereas victim-survivors are often looking for support with longer-term safety planning in mind. Study 3 demonstrates the police officers in this force were increasingly recognising the need to shift their response from the here and now to prioritising safeguarding. Against this backdrop, further work is needed to shift risk assessment processes and criminal justice responses more broadly to perpetrator accountability and supporting victim-survivors with safety planning. In this space, there are opportunities for jurisdictions introducing CC/CCB legislation to recognise the wider support needs of victim-survivors beyond criminal justice, and the capacity for criminal justice and other agencies to liaise effectively with these support needs in view.

These studies have all emphasised the importance of listening to victim-survivor voices, including the voices of marginalised and minoritised women. For women living with CC, barriers to seeking help are particularly insurmountable since they are more likely to experience social isolation and can lack the necessary independent decision-making skills (Stark, 2007). These concerns are particularly acute for marginalised victim-survivors (Reeves, 2021). Research has shown consistently that criminal justice solutions may not be the preferred outcome for all victim-survivors. What women want from justice can be “kaleidoscopic” (McGlynn & Westmarland, 2019), very mixed, and nuanced. Their wants can cover the whole range of service delivery options available to them (Hester et al., 2023). Moreover, these desires can shift and evolve over time and can be more complex and complicated the more marginalised a woman’s experience might be (see, inter alia, Hester et al., 2023; Miller, 2018; Nancarrow, 2019). Listening to their preferences is a key piece in the puzzle of effectively implementing an offence of CC.

Conclusion: No Quick Fixes

Several jurisdictions across the globe have, or intend to, set out on the path to criminalise CCB/CC. A key rationale for this is the suggestion that a standalone offence enhances the ability for police and other criminal justice professionals to interact with victim-survivors and seek criminal justice interventions for those who desire this. However, CCB/CC legislation is always going to be limited by the same constraints any criminal justice system has had, and continues to have, in responding to domestic abuse more broadly. Even the so-called “gold standard” *Domestic Abuse (Scotland) Act 2018* (Scot.) has faced similar implementation issues as the studies reported on here. Burman et al. (2024) note the low usage of the offence in Scotland and difficulties in officers responding to domestic abuse as a pattern, rather than isolated incidents. It must always be remembered that any potential of an offence of CCB/CC is limited further by the fact that not all victim-survivors seek a criminal justice resolution to the problems they face (Burman & Brooks-Hay, 2018; Fitz-Gibbon et al., 2023; Goodmark, 2023; Hester et al., 2023). The recent NPCC report (2024) recognises that the criminal justice system alone cannot effectively respond to VAWG. There is a clear lesson here for other jurisdictions in considering the power of criminalising CC for victim-survivors. A standalone offence of CCB/CC is only the first step in recognising the wider problems generated for those living with CC across their life course. In sum, CC was criminalised in England and Wales 10 years ago at the time of writing, yet it is only in the most recent research project where more positive developments were seen in police understandings of CCB/CC. There is clearly still some way to go. Other jurisdictions should note that criminalising CCB/CC to improve responses to domestic abuse is a first step on a learning journey which, if done effectively, demands significant whole system resourcing.

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References

- Barlow, C., Johnson, K., Walklate, S., & Humphreys, L. (2020). Putting coercive control into practice: Problems and possibilities. *British Journal of Criminology*, 60, 160–179. <https://doi.org/10.1093/bjc/azz041>
- Barlow, C., & Walklate, S. (2021). Gender, risk assessment and coercive control: Contradictions in terms? *The British Journal of Criminology*, 61(4): 887–904. <https://doi.org/10.1093/bjc/azaa104>
- Barlow C Walklate S and Johnson K (2021) Risk refraction: Thoughts on the victim-survivor's risk journey through the criminal justice process. *International Journal for Crime, Justice and Social Democracy* 10(3): 177-190. <https://doi.org/10.5204/ijcjsd.1805>
- Barlow, C., & Walklate, S. (2022). *Coercive control*. Routledge
- Barlow, C., Walklate, S., & Finnegan, E. (2023). *Who is the victim? Identifying victims and perpetrators in cases of coercive control*. N8 Policing Research Partnership. <https://www.n8prp.org.uk/>
- Bettinson, V., Munro, V. E., & Burton, M. (2024). Going for gold: Professionals' perspectives on the design and implementation of transformative coercive control offences in Scotland and England and Wales. *Criminology & Criminal Justice*. Advance online publication. <https://doi.org/10.1177/17488958241263458>
- Braun, V., & Clarke, V. (2021). One size fits all? What counts as quality practice in (reflexive) thematic analysis? *Qualitative Research in Psychology*, 18(3), 328–352. <https://psycnet.apa.org/doi/10.1080/14780887.2020.1769238>
- Bishop, C., & Bettinson, V. (2018). Evidencing domestic violence, including behaviour that falls under the new offence of coercive or controlling behaviours. *The International Journal of Evidence & Proof*, 22(1), 3–29. <https://doi.org/10.1177/1365712717725535>
- Brennan, I., & Myhill, A. (2022). Coercive control: Patterns in crimes, arrests and outcomes for a new domestic abuse offence. *The British Journal of Criminology*, 62(2), 464–483. <https://doi.org/10.1093/bjc/azab072>
- Brennan, I., Myhill, A., Tagliaferri, G., & Tapley, J. (2021). Policing a new domestic abuse crime: Effects of force-wide training on arrests for coercive control. *Policing and Society*, 31(10), 1153–1167. <https://doi.org/10.1080/10439463.2020.1862838>
- Brooks-Hay, O., Burman, M., & Bradley, L. (2019). *Justice journeys: Informing policy and practice through lived experience of victim-survivors of rape and serious sexual assault* (Project report). Scottish Centre for Crime & Justice Research.
- Burman, M., & Brooks-Hay, O. (2018). Aligning policy and law? The creation of a domestic abuse offense incorporating coercive control. *Criminology & Criminal Justice*, 18(1), 67–83. <https://doi.org/10.1177/1748895817752223>
- Burman, M., Brooks-Hay, O., & Friskney, R. (2024). Operationalising coercive control: Early insights on the policing of the Domestic Abuse (Scotland) 2018. In H. Douglas, K. Fitz-Gibbon, L. Goodmark, & Walklate, S. (Eds.), *The criminalization of violence against women* (pp. 189–208). Oxford: Oxford University Press.
- College of Policing (2022). Domestic Abuse Risk Assessment (DARA): Rationale for development, structure and content, [Domestic Abuse Risk Assessment \(DARA\): Rationale for development, structure and content](https://doi.org/10.1080/10439463.2024.2328173).
- Davies, P., & Barlow, C. F. (2024). Policing domestic abuse: The onus on first responders. *Policing and Society*, 34(7), 627–640. <https://doi.org/10.1080/10439463.2024.2328173>
- Domestic Abuse (Scotland) Act 2018* (Scot.)
- Domestic Violence Act 2018* (Ir.)
- Donovan, C., & Barnes, R. (2019). Domestic violence and abuse in lesbian, gay, bisexual and/or transgender (LGB and/or T) relationships. *Sexualities*, 22(5–6), 741–750. <https://doi.org/10.1177/1363460716681491>
- Douglas, H. (2018). Legal systems abuse and coercive control. *Criminology & Criminal Justice*, 18(1), 84–99. <https://doi.org/10.1177/1748895817728380>
- Douglas, H., Fitz-Gibbon, K., Goodmark, L., & Walklate, S. (Eds.) (2024), *The criminalization of violence against women*. Oxford University Press.
- Dowling, C., Morgan, A., Boyd, C., & Voce, I. (2018). *Policing domestic violence: A review of the evidence*. Australian Institute of Criminology Research Report 13. Australian Institute of Criminology. <https://doi.org/10.52922/rr198147>
- European Institute of Gender Equality (EIGE). (2021). *Defining and identifying femicide: A literature review*. www.eige.europa.eu
- Fitz-Gibbon, K., Reeves, E., Meyer, S., & Walklate, S. (2023). *Victim-survivors' views on and expectations for the criminalisation of coercive control in Australia: Findings from a national survey*. Monash University. <https://doi.org/10.26180/22309345.v3>
- Forbes, E. (2021). *Victims' experiences of the criminal justice response to domestic abuse: Beyond glass walls*. Emerald Publishing.
- Goodmark, L. (2023). *Imperfect victims*. University of California Press.
- Hamberger, K., Larsen, S. E., & Lehrner, A. (2017). Coercive control in intimate partner violence. *Aggression and Violent Behavior*, 37, 1–11. <https://doi.org/10.1016/j.avb.2017.08.003>
- Harris, B., & Woodlock, D. (2019). Digital coercive control: Insights from two landmark domestic violence studies. *The British Journal of Criminology*, 59(3): 530–550. <https://doi.org/10.1093/bjc/azy052>

- Hester, M., Williamson, E., Eisenstadt, N., Abrahams, H., Aghtaie, N., Bates, L., Gangoli, G., Robinson, A., Walker, S. J., McCarthy, E., Matolcsi, A., & Mulvihill, N. (2023). What is justice? Perspectives of victims-survivors of gender-based violence. *Violence Against Women*. Advance online publication. <https://doi.org/10.1177/10778012231214772>
- Home Office (2013) Circular 003/2013: New government domestic violence and abuse definition. <https://www.gov.uk/government/publications/new-government-domestic-violence-and-abuse-definition/circular-0032013-new-government-domestic-violence-and-abuse-definition>
- Home Office. (2021). *Review of the controlling or coercive behaviour offence*. <https://www.gov.uk/government/publications/review-of-the-controlling-or-coercive-behaviour-offence>
- Hoyle, C., & Sanders, A. (2000). Police response to domestic violence: From victim choice to victim empowerment? *The British Journal of Criminology*, 40(1), 14–36. <https://psycnet.apa.org/doi/10.1093/bjc/40.1.14>
- Loftus, B. (2009). Police occupational culture: classic themes, altered times. *Policing and Society*, 20(1), 1–20. <https://doi.org/10.1080/10439460903281547>
- McGlynn, C., & Westmarland, N. (2019). Kaleidoscopic justice: Sexual violence and victim-survivors' perceptions of justice. *Social & Legal Studies*, 28(2), 179–201. <https://doi.org/10.1177/0964663918761200>
- Miller, S. (2018). *Journeys: Resilience and growth for survivors of intimate partner violence*. University of California Press.
- Monckton-Smith, J. (2021) *In Control: Dangerous relationships and how they end in murder*. Bloomsbury Publishing.
- Myhill, A., Johnson, K., McNeill, A., Critchfield, E., & Westmarland, N. (2022). “A genuine one usually sticks out a mile”: Policing coercive control in England and Wales. *Policing and Society*, 33(4), 398–413. <https://doi.org/10.1080/10439463.2022.2134370>
- Myhill, A., Hohl, K., & Johnson, K., (2023). The “officer effect” in risk assessment for domestic abuse: Findings from a mixed methods study in England and Wales. *European Journal of Criminology*, 20, 856–877. <https://doi.org/10.1177/14773708231156331>
- Myhill, A., & Johnson, K. (2016). Police use of discretion in response to domestic violence. *Criminology and Criminal Justice*, 16(1), 3–20. <https://doi.org/10.1177/1748895815590202>
- Nancarrow, H. (2019). *Unintended consequences of domestic violence law: Gendered aspirations and racialised realities*. Palgrave-MacMillan.
- Nancarrow, H., Thomas, K., Ringwald, V., & Modini, T. (2020). *Accurately identifying the “person most in need of protection” in domestic and family violence law*. Research report, 23/2020. ANROWS.
- National Police Chiefs Council (NPCC). (2024). *Violence against women and girls: National policing statement*. www.college.police.uk.
- Office for National Statistics (ONS). (2022). *Domestic abuse victim characteristics, England and Wales: Year ending March 2022*. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusevictimcharacteristicsenglandandwales/yearendingmarch2021#age>
- Office for National Statistics (ONS). (2023). *Domestic abuse prevalence and trends, England and Wales: Year ending March 2023*. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabuseprevalenceandtrendsenglandandwales/yearendingmarch2023>
- Reeves, E. (2021). “I’m not at all protected and I think other women should know that, that they’re not protected either”: Victim–survivors’ experiences of “misidentification” in Victoria’s family violence system. *International Journal for Crime, Justice and Social Democracy*, 10(4), 39–51. <https://doi.org/10.5204/ijcsd.1992>
- Schechter, S. (1982). *Women and male violence: The visions and struggles of the battered women’s movement*. South End Press.
- Scott, M. (2018). The making of the new “gold standard”: The Domestic Abuse (Scotland) Act 2018. In M. McMahon & P. McGorrrery (Eds.), *Criminalising coercive control* (pp. 177–194). Springer
- Serious Crime Act 2015* (UK)
- Stark, E. (2007). *Coercive control: How men entrap women in everyday life*. Oxford University Press.
- Stark, E., & Hester, M. (2019). Coercive control: Update and review. *Violence Against Women*, 25(1), 81–104. <https://doi.org/10.1177/1077801218816191>
- Turner, E., Medina, J., & Brown, G. (2019). Dashing hopes? The predictive accuracy of domestic abuse risk assessment by police. *The British Journal of Criminology*, 59(5), 1013–1034. <https://psycnet.apa.org/doi/10.1093/bjc/azy074>
- Walklate, S. & Fitz-Gibbon, K. (2019). Criminalising coercive control: A role for law? *International Journal for Crime, Justice and Social Democracy*, 8(4), 94–108. <https://doi.org/10.5204/ijcsd.v8i4.1205>
- Walklate, S., Fitz-Gibbon K., & McCulloch, J. (2018). Is more law the answer? Seeking justice for victims of intimate partner violence through the reform of legal categories. *Criminology and Criminal Justice*, 18(1), 115–131. <https://doi.org/10.1177/1748895817728561>

- Walklate, S., Fitz-Gibbon, K., Reeves, E., Meyer, S., & McGowan, J. (2023). In control, out of control or losing control? Making sense of men's reported experiences of coercive control through the lens of hegemonic masculinity. *Journal of Criminology*, 55(4), 451–467. <https://doi.org/10.1177/26338076221127452>
- Westmarland, N. (2015). *Violence against women: Criminological perspectives*. Routledge.
- Westmarland, N., & Burrell, S. R. (2023). "I'm a red-blooded male": Understanding men's experiences of domestic abuse through a feminist lens. *Criminology & Criminal Justice*. Advance online publication. <https://doi.org/10.1177/17488958231210985>
- Wiener, C. (2017). Seeing what is invisible in plain sight: Policing coercive control. *The Howard Journal of Criminal Justice*, 56(4), 500–515. <https://doi/10.1111/hojo.12227>
- Williams, L., & Walklate, S. (2020). Policy responses to domestic violence, the criminalisation thesis and "learning from history". *The Howard Journal of Crime and Justice*, 59(3): 305–316. <https://doi.org/10.1111/hojo.12378>