

# Study finds police use out of court resolutions in over 5,000 domestic abuse cases

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A study published in the *British Journal of Criminology* investigated the nature and extent of UK police use of 'out of court resolutions' in cases of domestic abuse and found that many forces are potentially putting lives at risk. The researchers call for an immediate stop to street level resolutions in cases of domestic abuse involving partners or ex-partners.

Using the FOI Act, researchers from Durham University's Centre for Research into Violence and Abuse discovered - in stark contrast to official guidance - that in 2014 'out of court resolutions' - community resolutions and [restorative justice](#) - were used by all [police forces](#) in England, Wales and Northern Ireland (but not Scotland) to respond to [domestic abuse](#). The total number of domestic abuse incidents that were recorded as using out of court resolutions across the 45 forces was 5,466.

Very serious crimes were being dealt with by means of out of court resolutions. They were used for a broad range of serious criminal offences which, if prosecuted, have potential sentencing tariffs of up to life imprisonment. These offences included actual bodily harm, harassment, threat to kill, and arson endangering life.

The most common out of court resolution (in 43% of cases) was an apology to the victim - either verbal or written, or an apology to the police officer. The second most common action, 27% of cases, was reparation, such as the damage paid for or replaced.

Some actions had distinct overlaps with criticisms of pre-1990s policing of domestic abuse, for example: 'words of advice given', 'note signed to effect that offender will behave, or '[advised to] seek marriage guidance'.

West Midlands came out with the highest proportion of cases using out of court resolutions for domestic abuse crimes (4.4%). North Wales came out with the lowest proportion of cases (0.3%).

"This study is the latest in a long line to show that there still exists fundamental problems about how domestic violence and abuse is policed," said lead author Professor Nicole Westmarland of Durham University. "Gaps between policy and practice and resources and demands are ever increasing and action needs to be taken to hold perpetrators to account."

The research findings have potential implications for policy and practice. According to Professor Clare McGlynn, "First and foremost, the police must stop using these street-level resolutions in cases of domestic abuse and College of Policing and National Police Chief Council guidance needs to be strengthened. We need an open and informed public debate about the role of restorative justice and other alternatives to the criminal justice system for cases domestic abuse."

Polly Neate, Chief Executive of Women's Aid, said, "Clearly Restorative Justice is being wrongly used. It is rarely appropriate in domestic abuse cases, because it can minimise the perpetrator's crime and put survivors of domestic abuse at risk. Restorative Justice must never be used as an alternative to a more serious criminal justice sanction. Being made to apologise to the victim will not help perpetrators change their behaviour. In fact, it tells them they can abuse with impunity, and offers them a further opportunity for coercive control. We urge all police forces and restorative justice practitioners to undertake specialist domestic abuse

training. No one should be permitted to offer restorative justice in domestic abuse cases without this."

**More information:** Nicole Westmarland et al, Under the Radar: The Widespread use of 'Out of Court Resolutions' in Policing Domestic Violence and Abuse in the United Kingdom, *The British Journal of Criminology* (2017). [DOI: 10.1093/bjc/azx004](https://doi.org/10.1093/bjc/azx004)

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