



Health Warning due nature of session and if anyone would like to speak to a trainer confidentially after the session.

Objectives: By the end of this lesson you will be able to:

1. **State** the definition of coercive control as stipulated in S76 of the Serious Crime Act 2015 including statutory defences.
2. **Explain** the behaviours and major tactics of coercive control.
3. **Describe** the impact of coercive control on the victim.
4. **Identify** the best way to present evidence in order to best support the victim.
5. **Identify** the elements of the points to prove of the coercive control definition in a victim statement.

Statistics inform us that, on average, every person in this room knows someone who is being abused. There may be things said or explained today that they make, “the penny drop” in terms of sudden understanding why someone we care about acting in a certain way. This sudden realisation may be a little upsetting and may need to speak to a trainer in private. Statistically, it is likely that, in this training room, there are survivors. There may also be perpetrators.

Defining Coercive Control

Coercive control is a term developed by Evan STARK to help us understand domestic abuse as more than a “fight.” It is a pattern of behaviour which seeks to take away the victim’s liberty or freedom, to strip away their sense of self



“Not only is coercive control the most common context in which women are abused, it is also the most dangerous – Stark 20



QTS – what do you think of when I say the term Domestic Abuse?

Trainer to note student responses

QTS – what do you think of when I say ‘coercive control’?

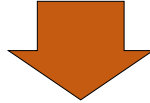
Trainer to note student responses

Evan Stark (2007) Coercive Control. How Men Entrap Women in Personal Life. New York: Oxford University Press.

Statistics from every source, regardless of who has collected the data, shows clearly that within DA the victim is usually female, and the perpetrator is usually male.

Why it Matters?

The College of Policing's Head of Crime & Criminal Justice, David Tucker said:



"The new offence of coercive control presents challenges – it demands much fuller understanding of events that led up to a call for assistance & this can make evidence gathering more complex. However, more importantly, it delivers greater opportunities to safeguard victims & achieve successful prosecutions.....this is a real opportunity for the police service & CPS to work together to make victims & potential victims of serious assaults safer"



Physical abuse is easy for us to see, it is the coercive control element that is more difficult.

Section 76 Serious Crime Act 2015

A range of acts designed to make a person subordinate &/or dependent by isolating them from sources of support, exploiting their resources & capacities for personal gain, depriving them of the means needed for independence, resistance & escape & regulating their everyday behaviour.



New definition of DA from the Domestic Abuse Act 2021

Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if—

A and B are each aged **16 or over** and are **personally connected** to each other, and the behaviour is **abusive**. Behaviour is “abusive” if it consists of any of the

following—physical or sexual abuse;
violent or threatening behaviour;
controlling or coercive behaviour;
economic abuse, psychological, emotional
or other abuse; and it **does not matter**
whether the behaviour consists of a **single**
incident or a **course of conduct**.

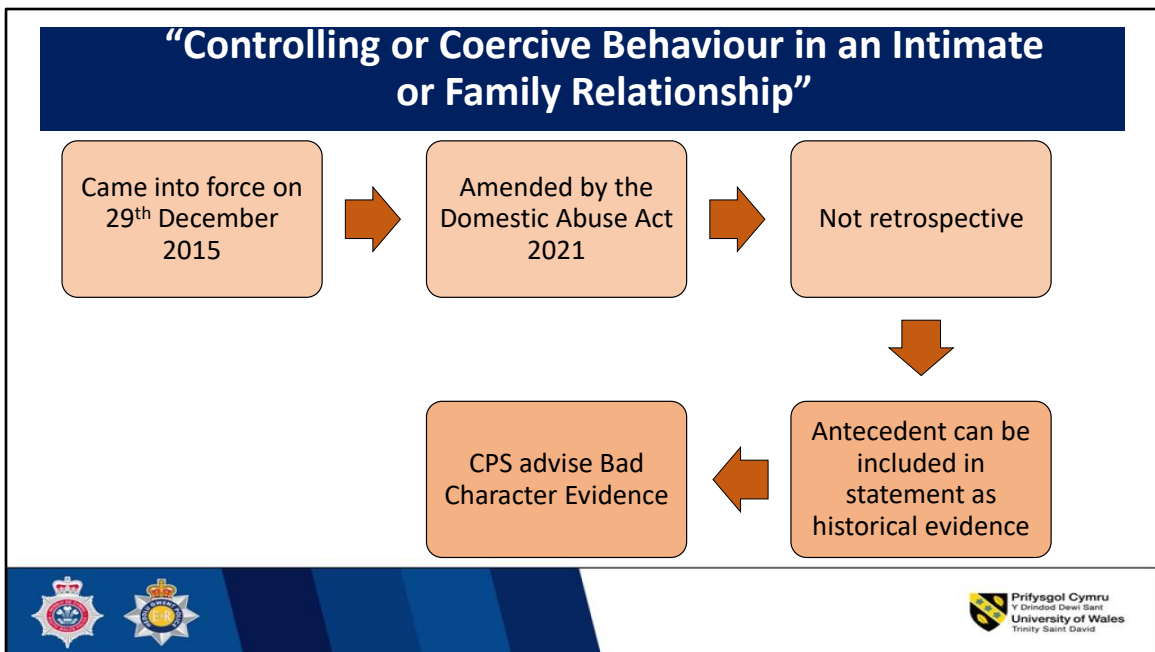
Rationale for the offence

The offence closes a gap in the law around **patterns of coercive and controlling behaviour** that occurred during a relationship between intimate partners, former partners, or family members. This offence sends a clear message that it is wrong to violate the trust of those closest to you and will provide better protection to victims experiencing continuous abuse. The acts may not be criminal in themselves but altogether form a pattern.

“Not only is coercive control the most common context in which women are abused, it is also the most dangerous”

Evan Stark (2007) *Coercive Control. How Men Entrap Women in Personal Life*. New York: Oxford University Press.

Only 20% abusive relationships will have physical violence



Incidents before the commencement of legislation on controlling or coercive behaviour:

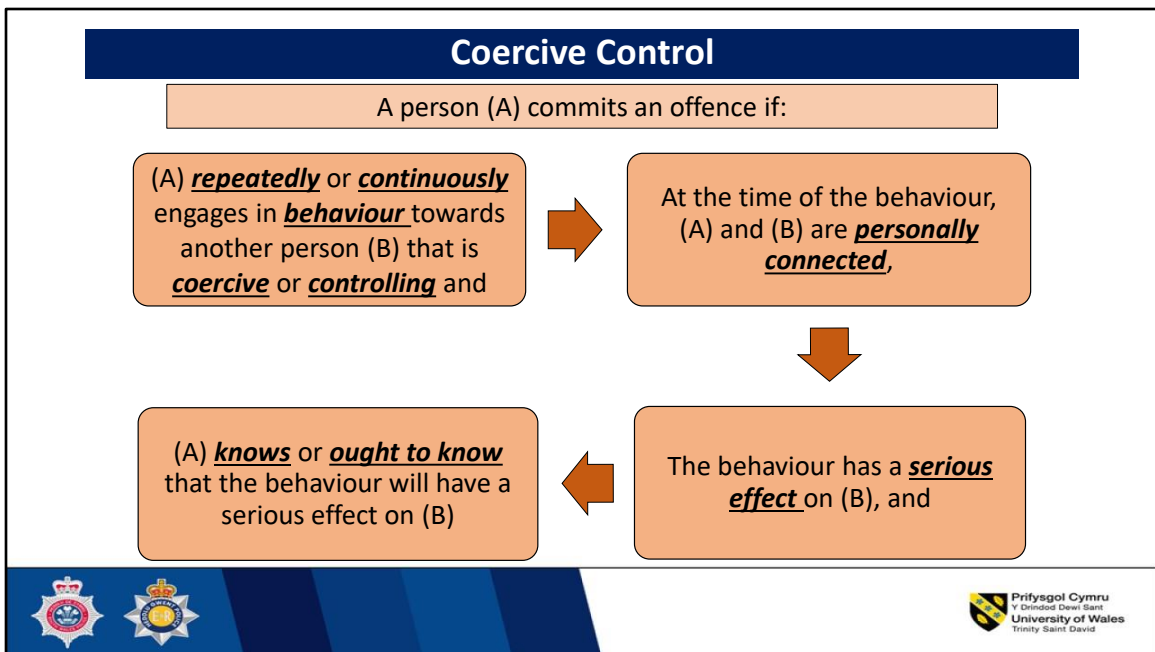
The offence of controlling or coercive behaviour came into force on 29 December 2015. Any incident which forms part of a repeated or continuous behaviour that took place prior to this date cannot be included in a charge. Where appropriate, consideration should be given to the introduction of controlling or coercive behaviour prior to 29 December 2015 as Bad Character Evidence.

Incidents after the commencement of legislation on controlling or coercive behaviour:

If an incident is charged under other legislation and then a subsequent incident occurs which establishes repeated or continuous behaviour which has a serious effect on someone (causing fear on at least two occasions that violence will be used against them; or serious, alarm or distress which has a substantial effect on their day-to-day activities) then it may be advisable to withdraw the earlier charge and to substitute with an updated charge covering both incidents.

Difficulties will arise if an earlier incident has resulted in a conviction. It is unlikely that the courts will allow incidents that have already been dealt with to form part of a subsequent offence, given the doctrines of *autrefois acquit* and *convict*. However, these incidents can be made the subject of a bad character application; for instance

based on propensity or explanatory evidence.



The new offence of coercive and controlling behaviour

An offence is committed by A if:

A repeatedly or continuously engages in behaviour towards another person, B, that is controlling or coercive; and

At time of the behaviour, A and B are personally connected; and

The behaviour has a serious effect on B; and

A knows or ought to know that the behaviour will have a serious effect on B.

A and B are 'personally connected' if:

they are in an intimate personal relationship; or

they live together and are either members of the same family; or

they live together have previously been in an intimate personal relationship with each other.

There are two ways in which it can be proved that A's behaviour has a 'serious effect' on B:

If it causes B to fear, on at least two occasions, that violence will be used against them - s.76 (4)(a); or

If it causes B serious alarm or distress which has a substantial adverse effect on their day-to-day activities - s.76 (4) (b).

For the purposes of the offence A 'ought to know' that which a reasonable person in

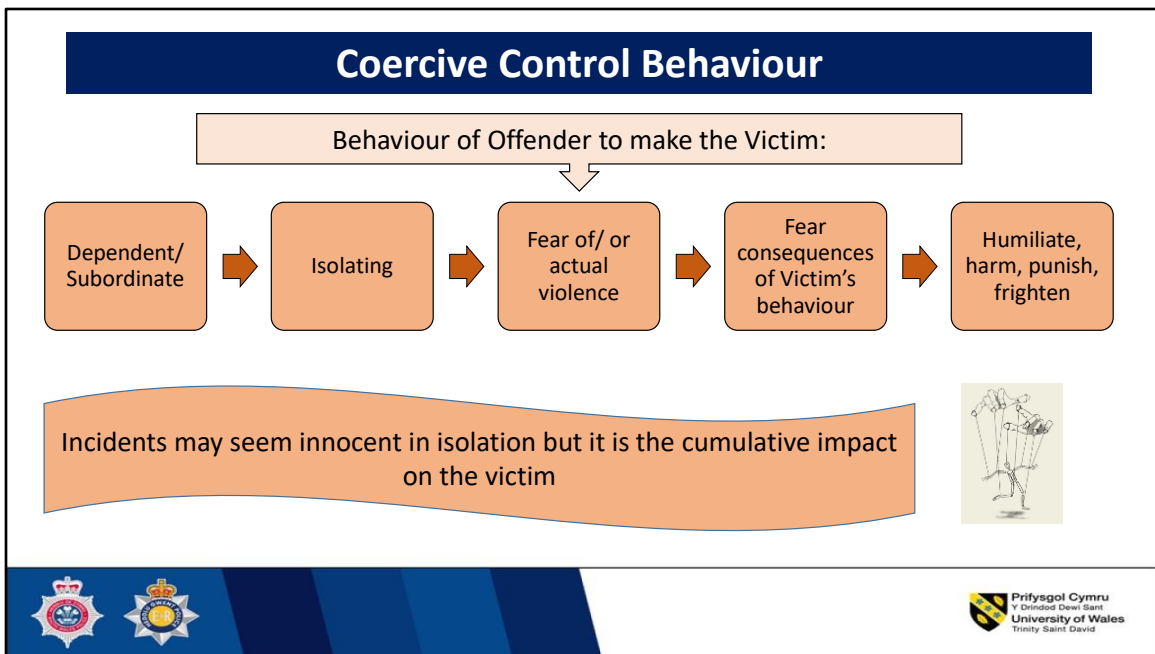
possession of the same information would know - s.76 (5).

Coercive or controlling behaviour does not relate to a single incident, it is **a purposeful pattern of behaviour** which takes place over time in order for one individual **to exert power, control or coercion over another**.

This does not apply to under 16s as this becomes a child protection issue

Repeatedly – not defined in the act

Continuously – on an ongoing basis which can cause the victim to change their ways of living.



In groups describe what you think constitutes Coercive Behaviour..

Prosecutors are advised that a pattern of controlling or coercive behaviour can be well established before a single incident is reported. In many cases the conduct might seem innocent - especially if considered in isolation of other incidents - and the victim may not be aware of, or be ready to acknowledge, abusive behaviour. The consideration of the cumulative impact of controlling or coercive behaviour and the pattern of behaviour within the context of the relationship is crucial. This approach will support the prosecutor to effectively assess whether a pattern of behaviour amounts to fear that violence will be carried out; or serious alarm or distress leading to a substantial adverse effect on usual day-to-day activities.

Further assistance can be obtained from the [Statutory Guidance](#) published by the Home Office pursuant to section 77(1) of the Serious Crime Act 2015.

Building on examples within the Statutory Guidance, relevant behaviour of the perpetrator can include:

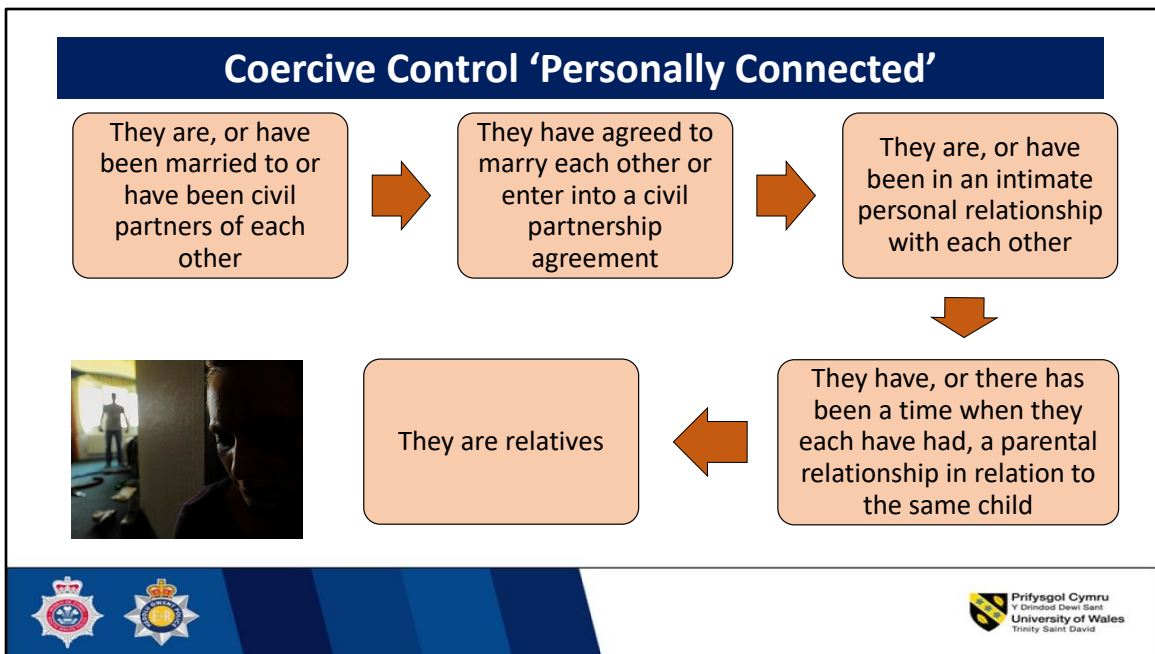
Isolating a person from their friends and family

Depriving them of their basic needs

Monitoring their time

Monitoring a person via online communication tools or using spyware

Taking control over aspects of their everyday life, such as where they can go, who they can see, what to wear and when they can sleep
Depriving them access to support services, such as specialist support or medical services
Repeatedly putting them down such as telling them they are worthless
Enforcing rules and activity which humiliate, degrade or dehumanise the victim
Forcing the victim to take part in criminal activity such as shoplifting, neglect or abuse of children to encourage self-blame and prevent disclosure to authorities
Financial abuse including control of finances, such as only allowing a person a punitive allowance
Control ability to go to school or place of study
Taking wages, benefits or allowances
Threats to hurt or kill
Threats to harm a child
Threats to reveal or publish private information (e.g. threatening to 'out' someone)
Threats to hurt or physically harming a family pet
Assault
Criminal damage (such as destruction of household goods)
Preventing a person from having access to transport or from working
Preventing a person from being able to attend school, college or University
Family 'dishonour'
Reputational damage
Disclosure of sexual orientation
Disclosure of HIV status or other medical condition without consent
Limiting access to family, friends and finances



As amended by the Domestic Abuse Act 2021

Section 76 of the Serious Crime Act 2015 (offence of controlling or coercive behaviour in an intimate or family relationship) is amended as follows.

(2) In subsection (1)(b), after “personally connected” insert “(see subsection (6))”.

(3) Omit subsection (2).

(4) For subsection (6) substitute—

“(6) A and B are “personally connected” if any of the following applies—

(a) they are, or have been, married to each other;

(b) they are, or have been, civil partners of each other;

(c) they have agreed to marry one another (whether or not the agreement has been terminated);

(d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);

(e) they are, or have been, in an intimate personal relationship with each other;

(f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (see subsection (6A));

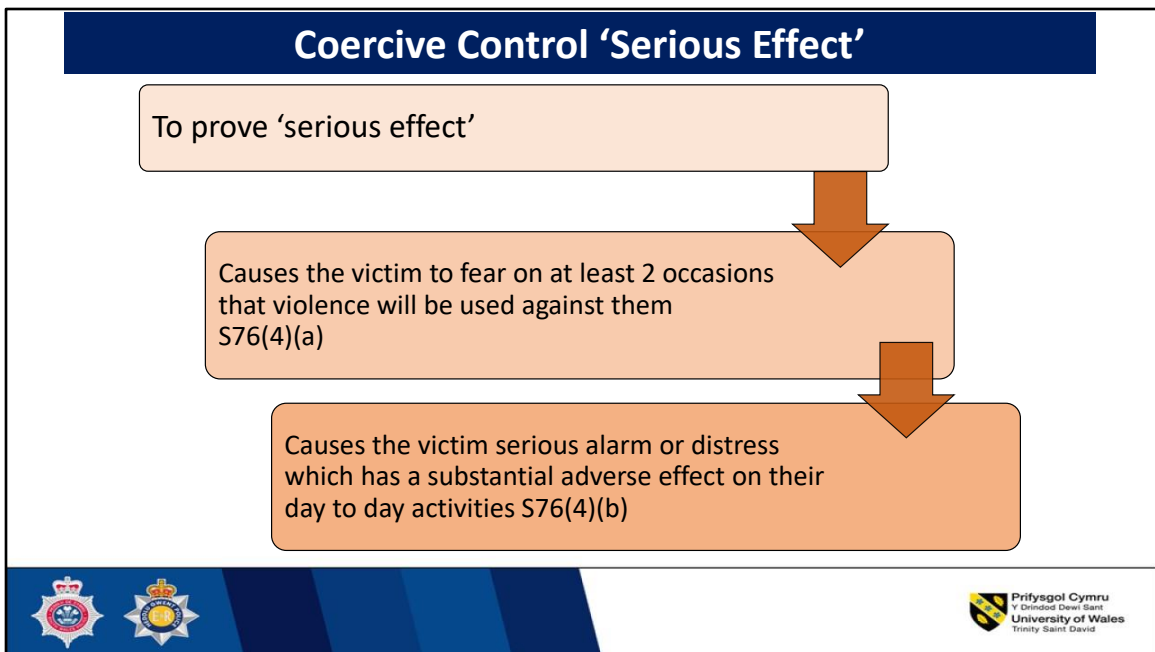
(g) they are relatives.

(6A) For the purposes of subsection (6)(f) a person has a parental relationship in

relation to a child if—

(a)the person is a parent of the child, or

(b)the person has parental responsibility for the child.”



The phrase 'substantial adverse effect on Bs usual day-to-day activities' may include, but is not limited to:

Stopping or changing the way someone socialises

Physical or mental health deterioration

A change in routine at home including those associated with mealtimes or household chores

Attendance record at school

Putting in place measures at home to safeguard themselves or their children

Changes to work patterns, employment status or routes to work

This means that the survivor does not necessarily need to be/feel threatened, as is alluded to in the current slide, but placed in a position where their day-to-day activities are severely affected – e.g. not able to contact friends/family; no access to money etc.

Victims are now called Survivors

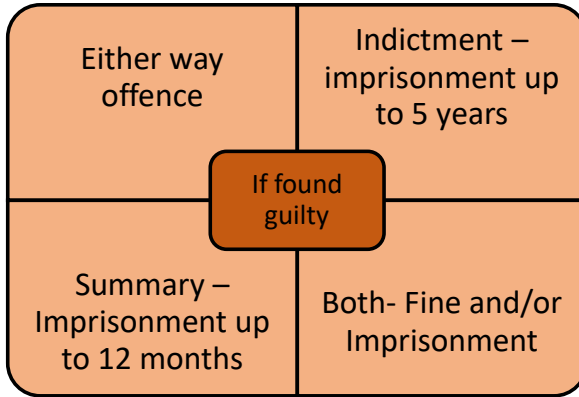
- Closes a gap in legislation around patterns of coercive and controlling behaviour

in relationships between:

- Intimate partners
 - Former partners who still live together
 - Family members
- Does not relate to a single incident:
 - It's a purposeful pattern of behaviour
 - That takes place over time
 - In order for one individual to exert power, control or coercion over another
 - Provides a new offence of coercive and controlling behaviour
 - Contrary to section 76 of the Serious Crime Act 2015

The offence does not state that the victim must fear violence committed by the perpetrator, for example, the victim may fear that the perpetrator has asked another person to commit violence against them.

Sentencing



Offending within a domestic abuse context is an aggravating factor because of the abuse of trust involved;

Appropriate ancillary orders can be applied for upon sentence or acquittal e.g. restraining orders. Prosecutors should liaise with the police to seek the views of the victim before an application is made.

Defences

A believed to be acting in the best interests of B

The behaviour in all the circumstances was reasonable



Defences Available

In relation to subsection 4(b) (behaviour causing Serious alarm or distress which has a substantial adverse effect on their day-to-day activities) it is a defence to show: That in engaging in the behaviour in question, A believed that he or she was acting in B's best interest (EG, caring for someone who has Mental Health issues) ; and The behaviour in all the circumstances was reasonable. (However, if the jury doesn't deem it reasonable, you cannot rely on this defence)

A is to be taken to have shown this if:

A has raised sufficient evidence of the facts adduced to raise an issue with respect to them; and

The contrary is not proved beyond reasonable doubt.

In determining whether A ought to know that their behaviour would have a serious effect on B, the question to be considered is whether a reasonable person in possession of the same information would know that the behaviour would have a serious effect on someone.

Offenders can be highly manipulative, taking steps to disrupt or mislead the investigation and prosecution. This can include making counter-allegations of abuse or arguing that actions were taken in self-defence, thereby making it difficult to

distinguish between the primary victim and the primary aggressor. The police should explore the nature of the relationship, the context of the offending including any wider pattern of behaviour and whether there are any other factors at play which may impact on an allegation such as civil or family proceedings

- <https://youtu.be/Ft96YqHihz4>



The video is from a recent SWP example where the victim is a News presenter.

Group work – watch the video, students using flipchart to note what tactics/behaviours did the perpetrator use to control his wife?

Some expected responses:

Jealousy

Isolation – he didn't like her family or friends

Control of finances- removed her wages from joint account as soon as she was paid, removed her access to bank account, cash card, credit card forcing her to ask for money if she needed it. Thereby controlling her movements and her ability to meet with friends outside etc.

Monitor her phonecalls, hundreds of phonecalls a day checking where she was.

Making her facetime him so he could see no-one else was with her.

Turn up at her place of work unannounced day after day.

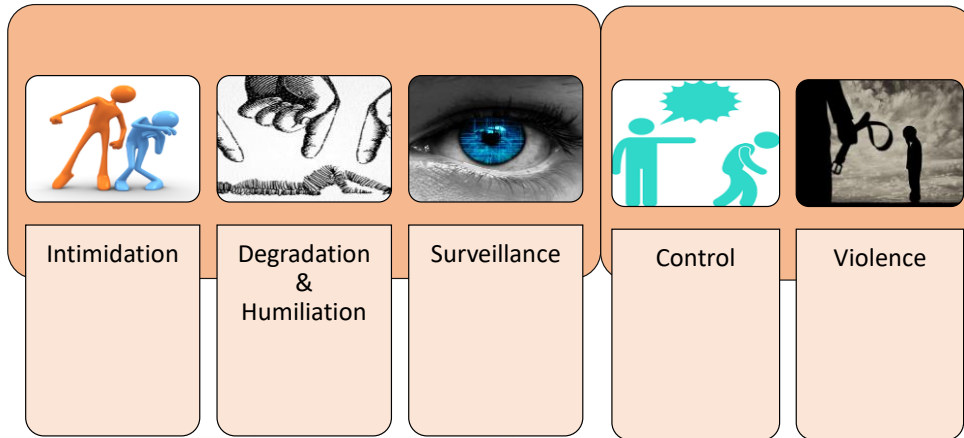
Follow her to the bathroom.

Photographs including intimate ones without consent. His justification 'because

you're my wife' (i.e his property)

Verbal abuse – shouting, spitting, pushing against a wall or onto the floor, grabbing her around the throat.

The Major Tactics of Coercive Control



Explain that CC tactics are very similar to those used by kidnappers, terrorists, prisons of war, and as torture, and that in fact the UN definition of DA and torture are almost identical. Many victims and survivors consequently suffer with (diagnosed and undiagnosed) PTSD. This goes some way to explaining to the participants why some victims don't behave the way society expects a victim of crime to behave.

Coercive Control

Underpins domestic abuse.

Most victims of abuse experience coercive control rather than isolated physical assaults alone.

Victims often state that the coercive control is far more devastating than physical assaults.

Instils fear, dependence, compliance and shame.

The Major Tactics of Coercive Control

Violence

Intimidation – Threats, Surveillance & Degradation



Isolation
Control

Intimidation

Often involves very subtle warnings that are obvious to the victim, but invisible to outsiders.

Physical violence towards others, animals, and objects. Sub-tactics of Intimidation: Threats, Surveillance, Degradation

Degradation & Humiliation

Insults in coercive control often target areas of gender identity from which the woman draws her self-esteem

Shaming - inhibits reporting because victims fear humiliation.

Marking / Ownership

Control

Micro-management

Isolation

Deprivation, Exploitation & Regulation

Tactics can cross over and some are used to reinforce others. Eg, one threat of violence or one violent act just reinforces the control and intimidation and may happen rarely or only once.

Key issues for the police to consider, what repercussions does the women fear?

Critical point about CCB is that it is punitive so the police need to ask, "what are the repercussions if you don't?" Highlight the very dehumanising nature of CC. It is extremely important that police do not reaffirm that behaviour and that they act in a positive and non-judgemental way that upholds the dignity of the woman involved

Surveillance

Stalking

Surveillance Technology - Victim feels perpetrator is "always there"

Violence

Frequent low level physical and sexual violence and / or occasional serious injury assaults become so normal that the victim often no longer registers them as physical assaults.

Threats

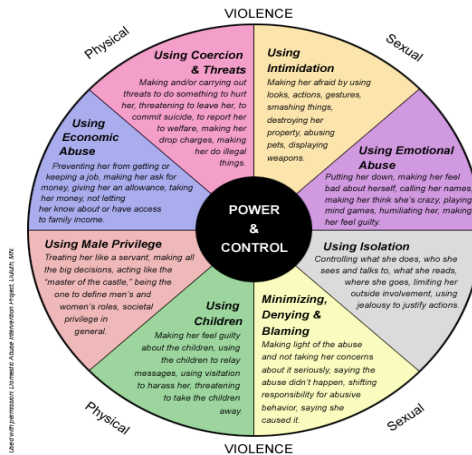
Threats to hurt the victim, others and/or property, with-holding or rationing resources, passive-aggressive threats, anonymous acts – makes the victim feel that they are going 'crazy.'

It's important to distinguish between a relationship that is based on **negotiation**, and indeed **manipulation**, differs very much from a relationship based on **coercion** so that officers can write statements that are better evidentially in relation to coercion and control

Main differences:-

Negotiation and manipulation have no punishment attached to non compliance, even though manipulation has elements of deceit. Coercion has punishment, is demanded, inflexible and even if it changes it does so without the knowledge or consultation of the victim.

Duluth Power & Control Wheel



QTS – who can experience domestic abuse?

Trainer to highlight the point that anyone can experience DA

QTS – what is Domestic Abuse all about?

QTS – what strategies do perpetrators use to abuse?

In 1984, staff at the Domestic Abuse Intervention Project, Duluth, USA, (DAIP) began developing curricula for groups of men who abuse, and victims of domestic abuse (DA). The project's objective was to develop an effective way of describing abuse to victims, offenders, practitioners in the criminal justice system, and the general public. Over several months, the project facilitated focus groups of women who had been abused, documenting the most common abusive behaviours or tactics that were used against these victims. The spokes on the Duluth Power & Control Wheel depict the tactics that are most universally experienced by victims of abuse.

At the centre of the Wheel is the concept of Power & Control. Even though DA is a complex issue, especially how victims respond to the abuse, the reason and motivation to abuse is very simple – perpetrators of DA want/choose to control another person by exerting power over their victims.

This part is probably the hardest for people to hear and accept, as we find it very hard

to process the fact that humans can be so cruel to each other without an issue forcing the perpetrator to behave this way.

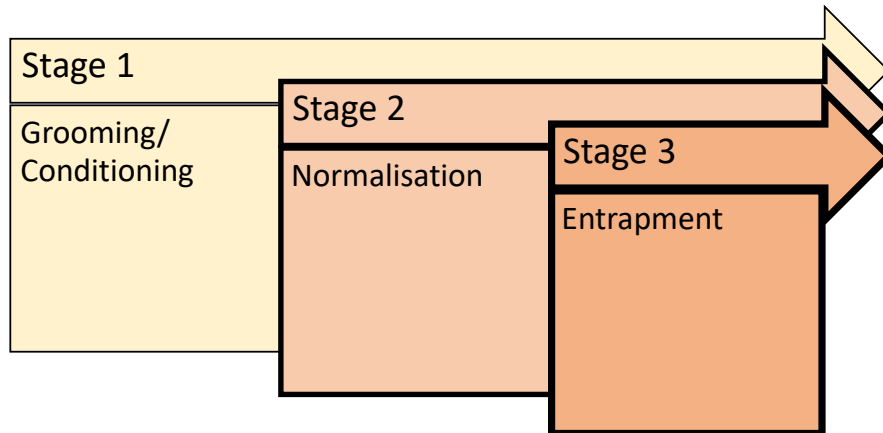
The “spokes” or tactics of the Wheel show the main ways to coerce and control.

Today we will look at all of the main tactics but will concentrate on the Coercion & Threats “spoke”. Coercive Control (CC) underpins DA – in fact DA can’t happen without CC, so perhaps CC should not be a tactic spoke, but in fact the rubber tyre that holds the whole wheel together, facilitating the abusive behaviour more effectively.

This particular version of the Duluth Power & Control Wheel is the original which focusses on heterosexual intimate relationships, but today we have many different versions, e.g. same-sex relationships, abusing victims who have disabilities, child sex abuse, etc.

Please see handout for explanations of abusive behaviour

The Entrapment Process



Please see entrapment process handouts

Safe Relationship Agreements & Unsafe Relationship Rules

Safe relationship agreements	Unsafe relationship rules
Agreed mutually & adhered to by both & provide a mutually agreed understanding	When they are demanded by one & adhered by the other
Constant & only change with mutual agreement	When they are never constant or consistent & only one person makes changes to them
When they are flexible & move with the relationship	When they are constantly changing & only one person has the remote control buttons for them
When there is no punishment attached	When punishment is attached for non-compliance



This slide provides a comparison around behaviours that happen in safe and unsafe relationships.

The trainer should explain that the norms and boundaries present in a healthy relationship do not necessarily amount to coercive or controlling behaviour. If necessary, mention name-calling and

ask does this occur in a healthy relationship? The probable answer is YES but alone it does not amount to coercion or control unless:

- the purpose of the name calling may be to oppress or achieve entrapment
- is to control or degrade
- is innovative for example, involves personal information about the victim used in such a way as to oppress such as reference to sexually explicit photographs

Name calling in a coercive and controlling relationship may well be reflected where the perpetrator refers to the victim as 'bitch' or 'slag' rather than the victim's name.

In summary, if rules are present, this is likely to be

an indicator of coercive and controlling behaviour and learners should ask questions that help to discover the accompanying threat or actual violence.

Challenging the Stereotypes

“What is the point of screaming
when you live in a beautiful
detached house in the countryside?
Nobody can hear you, there are no
neighbours to come running or call
the Police”

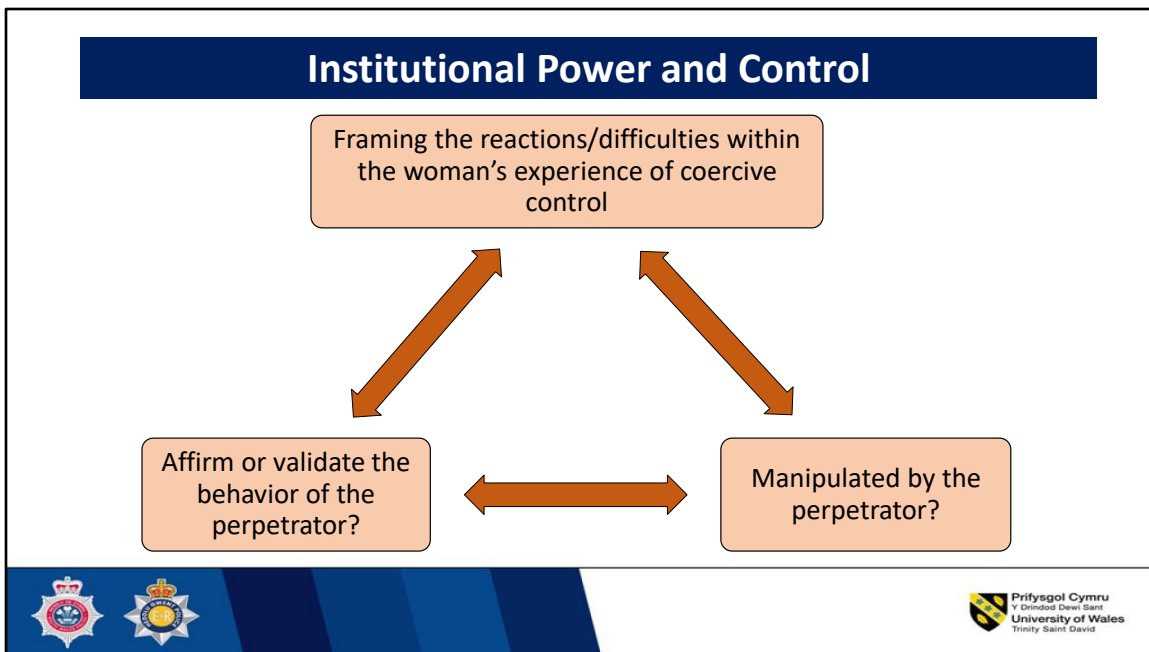


Group Activity

Reflect on stereotypes – classless society?

Some woman viewed as middle class and above will not call the police due to position in society, work, humiliation, social standing etc.

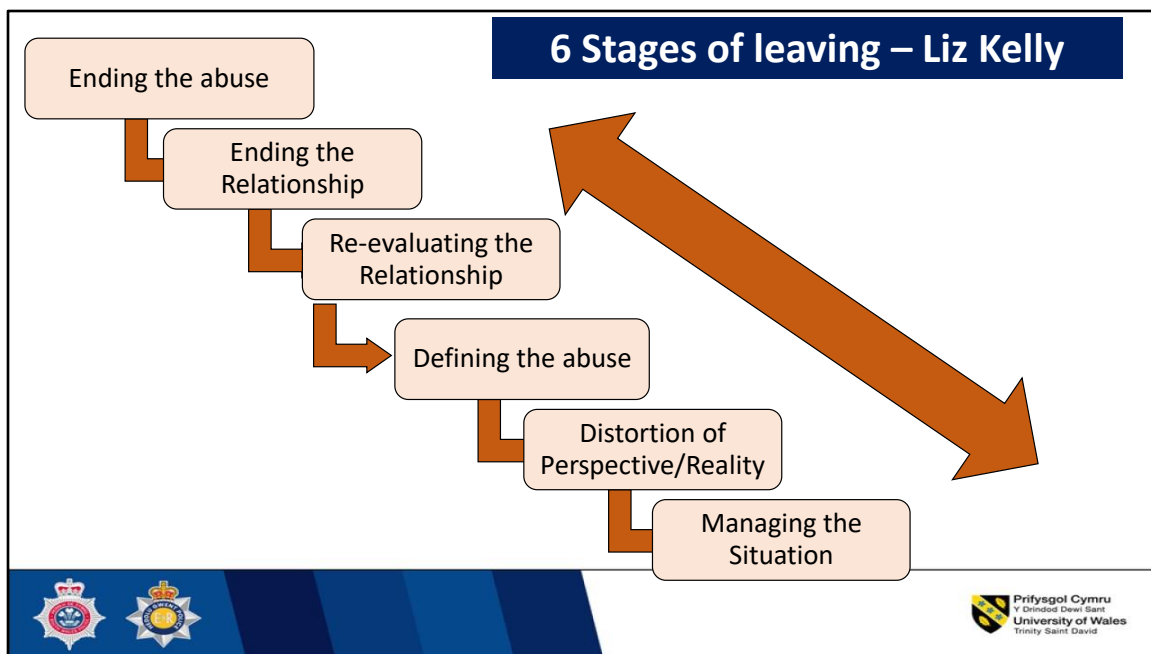
You never know what is happening behind closed doors.



Please refer to handout institutional power and control.

On this handout these are examples from victims and survivors of how, unwittingly and unintentionally, professionals and agencies can further perpetuate DA easily, often just from a simple remark or question. Often these remarks and actions from professionals are in response to the perpetrator's attempt to manipulate professionals.

NOTE: with regards to mentioning social services – the law requires professionals to break confidentiality when there is a risk of harm to vulnerable people such as children. However, it's about HOW the subject is brought up and how victims are informed of actions that need to be taken that is critical here.



Explain that ‘Leaving’ is a film about the experience of leaving an abusive relationship. One of the most common myths about DA is that the victim chooses to stay with the perpetrator, and Police are often called out to the same names/addresses. The film shows us how difficult a decision/action this is, and more importantly it demonstrates WHY it is so difficult and dangerous.

Before showing the film explain that the process of the victim understanding the abuse and reacting to it can be broken down into 6 stages, and that understanding these 6 stages can also help officers understand why some victims of DA appear to not understand what is happening to them, and therefore how they engage with the Police. By understanding these 6 stages, officers may be better placed to adjust their choice of words and phrases in order to encourage better engagement with the victim. Initially, victims generally move up the stages, but depending on the perpetrator’s actions, the victim can move up and down the 6 stages repeatedly.

* Also refer to handout “six stages of Leaving” for additional trainer information on the stages*

Activity 3: Notes: *Trainer to emphasise the fact that, ‘Gains’ are often abstract ideals that are basic human rights that we should all be entitled to, they are difficult to*

measure and can take a very long time before the survivor recognises achievement. The, 'Losses' are more immediate, tangible and measurable, and therefore during the traditional, 'low' of the third night after leaving the, 'losses' often carry more weight when decisions are made about whether to return home to the perpetrator.

Also some of the others go in both columns, e.g. 'family' and 'safety.'

The most common cited reason for women to either leave or return to their partner or children. "I left because I wanted to keep the children safe" or "I stayed because I didn't want to lose my children" or "I came back because the kids were missing their father."

His is an important issue to consider in terms of loss of assets.

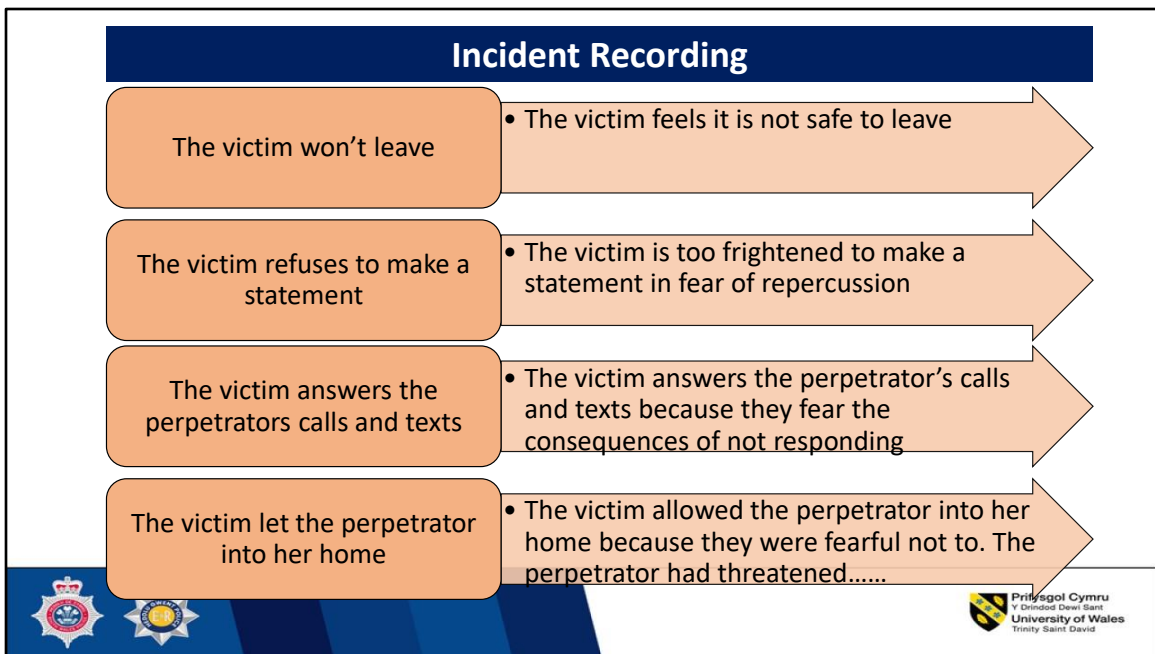
Important to note issues of same sex relationships, language barriers, cultural barriers, losing support networks and systems, family and extended family.'

Trainer to revisit the Duluth Wheel on Slide 14 and ask the students to provide examples of the tactics on the Duluth wheel that they saw in the video

Suggested questions

QTS – what types of abuse did you see in the video?

QTS – what coping mechanisms did Helen and Liam use?



QTS – when recording information of an incident rather than saying, ‘the victim won’t leave’ what would be another way to phrase this?

The trainer to emphasise the importance of presenting the evidence to support the victim. It’s about officers thinking to ask questions differently in order to ascertain the evidence to support the offence. Look out for terms used by victims such as “I have to.....”, “I must.....”

Other examples –

The victim has mental health issues

The perpetrator is alleging that the victim has mental health issues but there is no medical evidence to support this

Both the parties are equally abusive

Both parties are making allegations of abuse but I have investigated the history of the relationship and discovered that.... Is the primary abuser

This is just a dispute of child contact

It appears child contact is being used as a means to monitor and control the victim

It is beneficial for an Officer to finish an interaction with a victim on a positive note. Eg, “you did the right thing in ringing us.....”

Support Services

- Welsh Women's Aid
www.welshwomensaid.org.uk
0808 80 10 800
- Men's Advice Line
www.mensadviceline.org.uk
0808 801 0327
- Live Fear Free – All Wales Abuse and Violence Helpline
<http://livefearfree.gov.wales/>
0808 8010 800



