

THE MAGISTRATES' ASSOCIATION
SENTENCING POLICY & PRACTICE COMMITTEE

Response to Together we can end Violence Against Women and Girls

Most of this consultation paper is aimed towards educating the population in general about the unacceptability of such offences as domestic violence/abuse, sexual abuse, forced marriage etc. and enabling women to feel safer both in their homes and in public places. Although much to be welcomed, none of these issues and associated action plans has any particular relevance to the work of the magistrates' courts. The only question that seems to connect directly with the work of the courts is the first one at the top of page 25.

A major problem with cases of domestic abuse is the length of time that they take to come before the courts. This allows perpetrators to persuade their victims that, for any one of a number of reasons, they should not pursue their complaint. If the victim persists the offender will quite frequently change his plea on the day of trial.

What more can be done to increase confidence and deliver a victim-focussed service?

The CPS and the courts should be provided with sufficient resources so that trials with a background of domestic abuse should be able to be prioritised. Currently we have reports of cases which have been in the system for up to seventeen weeks being dismissed because the CPS have been unable to make progress within the time limits laid down by the courts. Applications for special measures are frequently made out of time.

It should be normal procedure for a trial for domestic abuse to go ahead even if the complainant decides that she will not come to court to give evidence. For this to be possible a full statement must be taken on the occasion that the complaint is made, if the CPS decides to rely upon hearsay evidence of first complaint then the application must be made within legal time limits.

In some areas we understand that police officers are being supplied with small video head-cameras, which we consider may prove extremely valuable, we would hope that this practice will become general.

If there was an assault causing even a slight injury, such as reddening to the skin, this should be photographed and the photographs should be produced in court. If possible the complainant should be taken to the nearest A&E department for medical treatment.

If a victim of domestic abuse does steel herself to come to court the defendant will frequently change his plea. Although this does relieve the victim of the necessity of giving evidence and being subject to hostile cross-examination it is evident in many cases that this is an entirely cynical choice by the defendant – far better, he thinks, to plead guilty than for the court to hear the evidence that would otherwise be brought against him. In cases where there has been a late change of plea the court should have the power to see all statements before coming to a decision.

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