CENTRE FOR WOMENS JUSTICE - TRACY EARNSHAW

I am the chair of Cornwall Feminist Network, and I am a feminist activist, but today I am here to talk about my work.

I am an SDVC IDVA.

This is an Independent Domestic Violence Advocate, working in the Specialist Domestic Violence Courts.

I work for a charity in the south west, commissioned by the local authority to deliver a domestic abuse service to high risk victims of domestic abuse.

SDVC’s were bought in in 2005 by the Government as a pilot. This was successful and was therefore rolled out.

In 2011 – there were 143 across the country.

In 2013 there were 137.

These courts are constantly under the threat of Government cuts, as is my role within them.

The core principles of a successful SDVC are

That domestic abuse cases are identified and flagged as domestic abuse cases.

The cases are then clustered and fast tracked to the SDVC.

(In Cornwall these are 2 days a week – one court in East Cornwall, one in West Cornwall) and I attend both of these courts on both days.

Another component of a successful SDVC is there are victims advocates for victims at court, to give information to the court and to liaise with victims.

Also, that professionals, probation officers, magistrates, prosecutors and clerks are all trained in domestic abuse. This is in my opinion, a crucial component.

I am delivering training to the magistrates in July and have recently delivered training to the magistrates about the new coercive control legislation.

The main component of a successful SDVC is that the victim is at the heart of this process.

However, not all victims want to be at the heart of the criminal justice system.

When most victims’ ring 999 often times, all they want is for the abuse to stop.

For example: KELLY (name changed).

I arrived at court one day to be met by a really angry young woman who had drug and alcohol issues and had already had her children removed. She did not want to be at the heart of the criminal justice system and she most definitely did not want to support the prosecution!

Kelly was a repeat, high risk victim of domestic abuse who the service had seen many times.

Kelly did not and would not make a police statement.

She did however want her partner to get help to stop him from hurting her.

Her partner pleaded guilty and said that he wanted that help.

Kelly would make a victim impact statement with me which, along with safety planning with Kelly, referrals on to other agencies, and help getting her children back, resulted in a successful outcome for all.

Her partner was given a suspended sentence and was placed on a perpetrator program.

JULIE (again name changed)

DID want to be at the heart of the criminal justice system.

Her offender had pleaded not guilty.

Julie DID want to support the prosecution and she wanted him she said ‘to be brought to justice’.

Their relationship, at that time, was over.

Julie came to court to read out her victim impact statement in person. This is a recent development in legislation, and a powerful one for victims.

Both very different victims, both very different outcomes, and successful for all parties in both cases.

What both victims were subject to however, was a lottery. From the officer handling the police call out – to the magistrate passing sentence.

The criminal justice system and the professionals working within it do not operate in a vacuum.

They operate in a culture where women are still blamed for crimes committed against them.

When women are murdered by their abusive husbands, we see stories in the press about the perfect husband/father/neighbor. We are told that it is a one-off.

Amazing how this ‘wonderful man’ did not flip in the supermarket.

The women are portrayed as a minor part of the man’s story.

THREATS

To the specialist courts that I see are –

Locally and nationally an attempt, by some, to take gender out of the conversation.

The government’s violence against women and girls strategy is ignored by commissioners and agencies again and again.

We see agencies without expert specialist dv knowledge rolling out training to frontline professionals, purposely moving away from the feminist model of power and control to a model that has no proven track record. Which includes

‘Typologies of offender”

Where they talk about

“Situational couple violence” – this is the ‘both as bad as each other’ catch all. Other agencies are only too happy to buy into this scenario.

Another threat is restorative justice.

A recent study by professor Nicole Westmarland found that AGAINST official guidance, police forces have been using restorative justice in domestic abuse cases as a means of disposal.

With a total of 45 police forces, the figure was 5,466 cases.

The most common in 43% of cases – was an apology.

A lot of my work as an advocate is institutional advocacy, challenging other professionals who say ‘Why doesn’t she just leave” (in the case of Kelly), or

“she can’t be that frightened of him if she has come to court to read out her VPS” (Julie).

I think it is important that we continue to put victims at the heart of the criminal justice system IF THAT IS WHAT THEY WANT

And if they don’t, we need to ensure that specialist women’s organisations continue to be funded to offer the vital specialist service that women and girls need.

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