

Women and Equalities Committee  
House of Commons  
[by email]

Rt Hon Caroline Nokes  
Chair of the Women and Equalities Committee  
12<sup>th</sup> December 2023

Dear Caroline,

Thank you for the opportunity to give evidence on the 15<sup>th</sup> November 2023 for your inquiry into the escalation of violence against women and girls. I was grateful for the opportunity to meet with the committee and appreciate the decision to begin the inquiry with the voice of victims. Thank you also for the opportunity to expand on my oral evidence. Please find my responses to your follow up questions below.

**1. Last week, we heard that victims often experience a combination of non-contact and contact offences, but from your work with victims, have you observed any themes in terms of what prompts a move by perpetrators from non-contact to contact offences?**

This is an important question and one which I hope the work of this inquiry will provide further answers on, due to the limited research currently available. What we do know, is that a lack of intervention enables escalation, as perpetrators are emboldened to continue to offend. The murder of Gracie Spinks demonstrates this. Gracie reported her stalker, but the police did not undertake sufficient checks or follow up on lines of enquiry and therefore inaccurately graded her case as low risk. The coroner in the case concluded that there is a risk that future deaths will occur in Derbyshire Constabulary, unless action is taken.

The academic work of Jane Monckton Smith (2017), Churcher and Nesca (2013) and Chopra (2022) finds that controlling and coercive behaviour, stalking, previous acts of violence (eg non-fatal strangulation) and threats to harm self or others, frequently proceed domestic homicide. Most cases also involve some form of trigger for the perpetrator, something which threatens a perpetrator's sense of control, such as the partner ending the relationship or another real or perceived life event, which leads to escalation, last resort thinking and extreme acts of violence that sometimes, tragically, leads to homicide.

Crucially, these studies demonstrate that there is a high likelihood that in cases of domestic homicide, the victim has previously sought help and has expressed serious concern about a threat to life. This means that there is an opportunity for the police and services to intervene, but to do so, they must take a victim's assessment of risk seriously and have the tools to identify risks and respond effectively.

I'm aware from my work with the London Stalking Threat Assessment Centre and the work of Dr Alan Underwood that much more research is needed, particularly to disaggregate the risks in partner vs ex-partner cases and to understand the features present in non-intimate partner homicides.

The research we do have however, demonstrates that it is critical that victims have the right support during moments of most intense risk, such as leaving the relationship or at points of escalation such as

repeat stalking. Unfortunately, specialist support services are facing intense pressures, meaning that the waiting times that victims are experiencing for these vital services are growing. This is of real concern to me, particularly with stalking, because without one-to-one support victims aren't always given the tools to identify risk or raise their concern with agencies who can intervene and safeguard them.

I am also concerned that we do not know enough about victims' experience of so-called 'lower level' sexual and gender-based offences and barriers to reporting or experiences of disclosing these crimes.

The limited research available suggests that 5-10% of offenders of indecent exposure will go on to commit contact offences<sup>1</sup> but we still need more research on what has previously been presented as 'nuisance' offences, a term which I hope will no longer be used following the murder of Sarah Everard.

I'm also concerned that there isn't enough support and information available for these victims, as services are stretched and may have to prioritise support for victims of what are deemed more 'serious' offending or for those survivors who are at immediate risk of harm.

I also believe some misogynistic behaviour is normalised and harassment and misogyny within schools is part of children and young people's everyday physical and virtual reality. This was highlighted by your committee in your "Attitudes towards women and girls in educational settings" report. Indeed, some VAWG offences are so normalised that girls may not feel they are worth reporting, for example being grabbed, touched or threatened.

The Office of National Statistics Opinion & Lifestyle survey of over 16,000 people aged 16 and over in June 2021 found that two out of three women aged 16-34 had experienced one form of harassment in the previous 12 months. 44% of women aged 18 to 34 had experienced catcalls, unwanted sexual comments whilst 29% had felt they had been followed<sup>2</sup>. There is some excellent work happening in London trying to address these behaviours in schools via a dedicated VAWG Toolkit developed by Tender and funded by the London Mayor. Prevention at an early age is critical.

## **2. What makes for an effective perpetrator intervention programme, from the perspective of a victim? How should effectiveness of such interventions be assessed?**

Victims must be at the centre of perpetrator interventions. We know that this is key to their success and effectiveness. This is the approach taken by the Drive programme which we have in London and the Stalking Threat Assessment Centre (STAC).

Under the STAC multi-agency stalking intervention programme, advocates work to provide a voice for victims of stalking, ensuring victim safety is prioritised and that their needs and wishes are understood by the professionals involved in working with the perpetrator, challenging approaches where necessary. This keeps interventions victim focused.

Victims and survivors aren't always aware of interventions, and that can be problematic. For example, victim-survivors and families need to be given more information about prisoner's rehabilitation at parole stage to understand the decisions made regarding an offender's proposed release date.

To make a perpetrator programme effective from a victim perspective:

- There must be a robust and ongoing evaluation process. A programme may have evidence-based content, but this does not guarantee effectiveness unless they are assessed and evidenced to positively address attitudes and offending. Without an evaluation of effectiveness, there is a danger that they may have unintended consequences, for example the 2017 sex offender

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<sup>1</sup> Matthew R. McNally, William J. Fremouw (2014) *Examining risk of escalation: A critical review of the exhibitionistic behavior literature*. *Aggression and Violent Behaviour*, 19 (5)

<https://www.sciencedirect.com/science/article/abs/pii/S1359178914000718>

<sup>2</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/perceptionsofpersonalsafetyandexperiencesofharassmentgreatbritain/2to27june2021>

programme which was shown to increase offending<sup>3</sup>. This is why it is critical that large scale MoJ funded programmes, such as the domestic abuse programme "Building Better Relationships" are routinely evaluated for impact and not only evidenced based.

- Programmes must be offence specific. Domestic abuse interventions will not be suitable for all stalkers, who may incorrectly believe that they are in a relationship with the person that they are stalking, thereby a domestic abuse programme may inadvertently increase an obsession.
- There is a paucity of stalking perpetrator interventions available, and provision is inconsistent across the country. We need the excellent work seen in the London STAC and in Cheshire and Hampshire replicated elsewhere. For grants given as part of the Home Office Domestic Abuse and Stalking Perpetrator Intervention Fund 2023, for example, I understand only 15% of the bids awarded addressed all forms of stalking and 65% were domestic abuse only.
- The staff pressures in probation and prisons mean that available interventions are unlikely to be used as often as they should be, especially with the most complex and high-risk offenders which rely upon one-to-one engagement.

I would like to take this opportunity to highlight to the committee that there are current gaps in the use of 'tagging' for VAWG offenders. In 2021 the Mayor of London began the first national pilot of fitting domestic abuse offenders with GPS tracking devices, to reduce the risk to victims when they were released from prison. This year the Government announced a new pilot to trial this in the East and West Midlands. However, to date this has only been available to stalkers who offend in a domestic abuse context. The Mayor's Office for Police and Crime (MOPAC) are proposing to pilot a tagging scheme for non-DA stalkers which I hope will be successful, and which I believe should also be incorporated into the Government's national pilot.

Another gap relates to GPS tagging for sexual and high-risk violent offenders on determinate sentences. There is emerging evidence GPS tagging can support risk management, victim protection and deterrence. Unfortunately, offenders on determinate sentences are released automatically and there is no option to monitor the offender via a tag, whereas a much lower risk offender on a non-determinate sentence may have a mandatory GPS tracking device fitted for a year. I believe this is an area that should be considered further by the Government, particularly with the upcoming Sentencing Bill.

### **3. A study published in September this year found that 1 in 4 victims of sexual abuse and violence felt that their mental health had been damaged as a direct result of what police did, or did not do, in their case. What are the police getting so wrong in their handling of these cases, to be having such a negative impact on so many victims?**

We do, unfortunately, still have a long way to go before the police and criminal justice system are responding well to violence against women and girls. I facilitated two listening sessions for the Baroness Casey review of the Metropolitan Police, primarily involving victims of VAWG offences. Only one victim-survivor out of fifteen said that they would report again after their experience of reporting.

I believe that the main concerns from victims in the police response are:

- A lack of empathy, sensitivity, cultural competence and understanding of trauma;
- A failure to adhere to their basic responsibilities as set out in the Victims Code;
- An approach which is focused on their (the victim's) credibility and a lack of professional curiosity regarding the offenders behaviour;
- A failure to conduct a thorough investigations; and

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<sup>3</sup> Press Association (2017) 'Sex offender treatment scheme led to increase in offending' *The Guardian*  
<https://www.theguardian.com/uk-news/2017/jun/30/sex-offenders-on-group-treatment-programme-more-likely-to-reoffend>

- A lack of information and/or inconsistent updates.

I provide more details on the police response to rape investigations in my response to question 6 below but, to briefly summarise, my London Rape Reviews highlighted the negative impact of common investigation practices on sexual offence victim-survivors and the need for reform. Specifically:

- Requests for therapy records and for other third-party material such as education, medical and social care records;
- Inappropriate requests for mobile phone data;
- A failure to understand the impact of trauma and deliver a trauma-informed response;
- Long and ineffective investigations which fail to focus on a suspects behaviour.

The Home Office funded project Operation Soteria, which emerged following my London Rape Review 2019 and was originally funded by the Mayor's Office for Police and Crime (MOPAC), is looking to address these issues. It has developed victim products that will improve the delivery of procedural justice for victim-survivors and encourage a suspect focused approach to investigations. I hope that this will improve the experience of reporting for rape and sexual offence survivors in the future and that the approach will be applied across sexual offences and to other form of VAWG and at the court stage. I provide further details of these concerns in my response to question 6 below.

A poor and retraumatising police response may also be seen in other areas of VAWG. For example, in 2022 the Suzy Lamplugh Trust made a super-complaint about the police response to stalking, which outlines the problems faced by stalking victims in having their cases identified and investigated. It will be critical that agencies listen to the recommendations that are made by His Majesty's Inspectorate of Constabulary (HMIC), Independent Office of Police Conduct (IOPC) and the College of Policing (COP) in response to this super-complaint, in order to improve the experience of stalking victims and better address repeat offenders.

There are also issues faced by victims in stalking or controlling or coercive behaviour cases, as currently the onus is very much on the victim to demonstrate the impact of the crimes on them if they wish to obtain a relevant charge.

In London I've strongly advocated for a multi-agency response to victims but particularly on VAWG and stalking. MOPAC have sustained the Stalking Threat Assessment Centre, which can be seen as a model of good practice, bringing together agencies from mental health, policing and specialist services to ensure risk is understood and addressed in a timely way. I've also pushed for specialist points of contact on stalking within each Borough Command Unit in the Metropolitan Police, to ensure that understanding of stalking is embedded and cascaded. I believe we need more multi-agency working across VAWG offences.

I will also continue to call for a Victim Care Hub model so that victims are centred in the criminal justice process, with support from an independent advocate who builds a team around the victim by ensuring justice agencies are effectively responding to victims and upholding their rights.

#### **4. How does the police response to reports of escalation differ when low-level behaviour has already been reported?**

Firstly, we must see police identifying VAWG offences correctly and certainly in the case of stalking, this is not always the case as highlighted in the recent super-complaint. I've also seen it in the cases that come to my office, that it is only once I escalate concerns that cases are properly picked up.

However, when it is identified, I think that if police and CPS are aware of other reports from other victims, reports can be taken more seriously. This is frustrating for me when I see a victim is repeatedly reporting but it is only once the offending is reported by someone else that an investigation is really gripped. Victims shouldn't have to wait until a perpetrator offends against someone else before they are taken seriously. One case recently involved a victim having 8 contacts with the police, but it was only once I

escalated the case, and the perpetrator began offending against other people, that there was an effective response.

It is important to stress however, that the police identifying repeat offending requires them to have the right systems and processes in place. In all Operation Soteria pathfinder forces, of which the Met was one, more than half of the named rape suspects had come to police attention before. Yet the year one Operation Soteria report highlighted that there is a lack of systematic review of criminal history and intelligence force data, meaning checks of prior reports of rape suspects are not always conducted<sup>4</sup>.

The Operation Soteria year one report also identified many investigators lacked knowledge about what constituted a repeat suspect, how to identify offending and how to bring that in as part of a successful investigative strategy. Forces also lacked tactical intelligence and criminal intelligence analysts to support investigations.

We need to see better join up between different parts of the system. A recommendation from the Serious Further Offence review into the murder of Zara Aleena, is that there must be a process in place to ensure that when someone on probation is acquitted of an offence, but this remains relevant to risk of harm assessment, that this is put on their record. I believe that the public and women and girls would be concerned to hear that this isn't already happening.

We also need to see better clarity on the use of bad character evidence, which was picked up by the Law Commission in their consultation on evidence in sexual offences cases. They found that applications to admit bad character evidence are not made consistently or where applications are made, the evidence is not always admissible. I support their recommendations for more guidance for police and prosecutors on the use of bad character evidence and I am also calling for the introduction of legal representation for sexual offence victims when sexual behaviour evidence is raised. I hope to see this introduced via the Victims and Prisoners Bill.

**5. It was reported in November this year that 129 Metropolitan Police officers under investigation for sexual and/or domestic abuse were still carrying out frontline duties. What impact do statistics like that have on women's willingness to report cases of escalating abuse to the police?**

These statistics do undermine victims' and survivors' confidence in reporting VAWG offences, including escalating offences, but particularly crimes perpetrated by the police or other perpetrators in positions of power.

The Met is reviewing all cases of officers or staff members who remain in post and who have allegations of sexual offending or domestic violence made against them over a 10-year period leading up to April 2022. This is called Operation Onyx and it includes an independent VAWG scrutiny panel to provide external expertise and challenge to the reviewing of these cases. In January I will be visiting the Met's Domestic and Sexual Offences (DASO) Team, who provide dedicated support to victims of Met perpetrated VAWG offences. This is critical as we know victims face need enhanced support and confidentiality when a police officer is the offender.

I continue to ask questions, including via the new London Policing Board, as to what safeguards are in place for the remaining individuals who are still on full duties. I will also continue to push the Met to dedicate the resource necessary to complete and sustain their work on rooting out corrupt officers, whether this was committed on or off duty. It is critical that these officers are properly assessed so that the public and victims have confidence in the London police service.

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<sup>4</sup> Stanko, B (2022) *Operation Bluestone Year One Report 2021-22*  
[https://assets.publishing.service.gov.uk/media/63c02994d3bf7f6c287b9ff7/E02836356\\_Operation\\_Soteria\\_Y1\\_report\\_Accessible.pdf](https://assets.publishing.service.gov.uk/media/63c02994d3bf7f6c287b9ff7/E02836356_Operation_Soteria_Y1_report_Accessible.pdf)

Tackling these corrupt officers is the first commitment on the Met's new VAWG Action Plan which will be published shortly. It also includes a commitment to tackle sexism and misogyny within the force. I am informed that the Met have now designed and implemented an innovative process of using adverse intelligence to identify abusive officers and staff who should now have an immediate vetting review triggered. We are now seeing many more misconduct hearings taking place each month and I expect this will continue in 2024 as the Met continue this critical work.

However, as I mentioned during the evidence session, we do need new legislation to strengthen and speed up police misconduct and performance processes. The Mayor of London and the Rt Hon. Harriet Harman KC MP have developed a set of policy proposals to strengthen the misconduct and performance regulations which I hope to see being adopted as part of the Crime and Justice Bill.

Reforms include the need to:

- Automatically dismiss a serving officer who is convicted of a serious criminal offence
- Automatically suspend an officer charged with a serious criminal offence
- Automatically dismiss a serving officer who fails vetting
- Provide that Regulation 13 should be used to dismiss an officer whilst in their probation period
- Simplify and expedite the performance process (i.e., removal of an officer for poor performance) to a two-stage process
- Strengthen the pension forfeiture rules so that a criminal offence does not have to be committed 'in connection' with their service in order for an officer to lose their pension
- Create a 'duty to handover' to obtain relevant information from an officer's personal phone during a misconduct investigation

I will be urging the Government to adopt these proposals to expedite police forces efforts to address police perpetrated VAWG.

**6. The London Rape Review 2021 found that the number of cases where the victim/survivor withdrew from the process increased to 65% from 58% in 2019. What needs to be done to increase the confidence of victims in the justice system so that more stay in the process through to conclusion, particularly those who may have already endured a prolonged period of escalation?**

The two London Rape Reviews in 2019 and 2021 which I called for demonstrated the very high withdrawal rate for rape victims<sup>56</sup>. This was 58% in 2019 and 65% in 2021. Concerningly, 64% were withdrawing within 30 days. We see this too in domestic abuse cases with a recent deep dive piece of research from MOPAC on Domestic Abuse in London finding that 73% of cases ended with withdrawal and that there was an average of 15 days between initial report and victim withdrawal but over 50% of those who withdraw did so on the same day<sup>7</sup>.

This suggests that the interactions victims/survivors have after reporting and at the outset of an investigation have huge ramifications for their decisions around supporting an investigation and that agencies must get this initial response right to prevent victim attrition and successfully pursue repeat offenders.

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<sup>5</sup> Waxman, C (2019) *The London Rape Review: Reflections and Recommendations*

[https://www.london.gov.uk/sites/default/files/vcl\\_rape\\_review\\_-\\_final\\_-\\_31st\\_july\\_2019.pdf](https://www.london.gov.uk/sites/default/files/vcl_rape_review_-_final_-_31st_july_2019.pdf)

<sup>6</sup> Waxman, C (2021) *The London Rape Review- 2021 Update: Reflections and Recommendations from London's Victims' Commissioner* <https://www.london.gov.uk/publications/london-rape-review-2021-update>

<sup>7</sup> Dawson, P., Charleton, B., & Conroy, L. (2022) *A Research Deep Dive into Domestic Abuse in London* [https://www.london.gov.uk/sites/default/files/da\\_deepdive\\_final.pdf](https://www.london.gov.uk/sites/default/files/da_deepdive_final.pdf)

The London Rape Review research found that there was a disproportionate focus on victim credibility, through requests for data from mobile phones and personal records such as counselling notes, and that this was contributing to victim attrition. They also highlighted the lack of understanding of the impact of trauma and how this might impact on victim disclosure and recall.

We need to address these issues for victims. That is why I campaigned for the reforms brought in via the Police, Crime, Sentencing and Courts Act 2022 which brought in an "Extraction of information from electronic: devices code of practice" which limits mobile phone requests by police and CPS. I understand that the code is having a positive impact in limiting the intrusion into victim-survivors privacy.

I am currently also supporting calls for the Victims and Prisoners Bill to include a measure so that there is judicial oversight of requests for victim's counselling records pre-charge, to ensure they are only requested in the most relevant and exceptional circumstances and that victim-survivors of rape and sexual offences have access to legal advice and representation when they are requested. We must also have more consistent training on trauma. The CPS responded to the London Rape Review by improving their training for prosecutors on the impact of trauma but there is still much more to do before the criminal justice system can recognise a victim's trauma symptoms and respond effectively.

As previously mentioned, Operation Soteria is looking to address many of these issues and we are starting to see indications of the success for this project in London, with 500 more rape charges being issued in the last 12 months.

I am concerned however that lower-level offences, or other forms of VAWG such as domestic abuse or child sexual abuse, are not having the same focused input or specialist response. It is critical that the lessons of Operation Soteria are applied across the criminal justice response to Violence Against Women and Girls.

I am also concerned that this excellent work is only focused on the police and CPS, but the negative experience victims have at court, which I frequently hear about via my office, is not being addressed simultaneously. This experience includes:

- undue focus on a victim's credibility in the way of introducing sexual behaviour evidence;
- poor communication with witnesses, including prosecutors not adequately following 'Speaking to Witnesses at Court' guidance;
- victims not being provided with special measures in a timely way or in the way that will be most supportive to them;
- being dissuaded from attending the remainder of proceedings, which leaves victims feeling disenfranchised and confused about outcomes;
- last minute requests for victims' personal data, contrary to new legislation and guidance such as the limitations on mobile phone data extraction introduced in the Police, Crime, Sentencing and Courts Act 2022

We must ensure there is a joined up and consistent response, otherwise victims will continue to be retraumatised and let down by the process.

The catalogue of issues faced by victims across the victim justice journey is why I remain resolute in my call for a multi-agency Victim Care Hub for all victims of crime. I believe this is the only way in which victims can be at the centre of our criminal justice system response.

Furthermore, I believe there are opportunities to strengthen victim confidence in the criminal justice system via the Victims and Prisoners Bill by:

- Strengthening the Bill, to be clear that agencies must deliver victims' rights
- Stronger measures to drive compliance with the Victims Code
- Expanding 'Jade's Law' to protect the children who have been abused by a parent



- Making transcripts of Crown Court proceedings accessible to victims
- Improving victims access to the Unduly Lenient Sentence Scheme
- Acknowledging the needs of victims and bereaved families of crimes abroad, and their right to access support in England and Wales.
- Placing an information-sharing 'firewall' between police and immigration enforcement for victims of VAWG
- Recognising the crucial role of all specialist independent advisors and advocates in the justice system, particularly stalking advocates
- Introducing a Victims' Commissioner within each PCC area to strengthen the voice of victims in influencing policy and practice
- Reforming the system of court-awarded compensation to better provide for victims
- Transformation of the Family Courts to protect victims of crime and their children
- Using Part 3 of the Bill to make provisions for victims in the Parole process, including longer respite periods between hearings and greater access and involvement in hearings

Thank you once again for the important work of the committee on this inquiry and for the opportunity to contribute to it. Please do not hesitate to contact me if I can be of any further assistance for this inquiry or future work of the committee.

Yours sincerely

A handwritten signature in black ink, appearing to be 'C. Waxman', written on a light-colored, textured background.

Claire Waxman OBE

Independent Victims' Commissioner for London