

# Coercive Control Fact Sheet

## What is Coercive Control?

Section 76 of the Serious Crime Act 2015 creates a new offence of controlling or coercive behaviour in intimate or familial relationships. This became an offence on 29 December 2015. It recognises that Domestic Abuse is not always violent and can take other forms. This offence currently carries a maximum sentence of 5 years, a fine or both. The offence is designed to 'Help victims identify the behaviour they are suffering as wrong and encourage them to report it, [as well as] cause perpetrators to rethink their controlling behaviour.'

Controlling or coercive 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. The cross-Government definition of domestic violence and abuse outlines controlling or coercive behaviour as follows:

- Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.
- Coercive behaviour is: a continuing act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

## What Constitutes an Offence?

There are four tests to satisfy for the offence to apply:

### **1. The controlling or coercive behaviour must take place "repeatedly or continuously".**

- Continuously = **ongoing** basis. There is no set number of incidents to meet the threshold.
- The behaviour must be so that it may cause the victim to change their way of living.
- Behaviour displayed on only one occasion would not amount to repeated or continuous behaviour and courts may look for evidence of a pattern of behaviour established over a period of time rather than, for example, one or two isolated incidents which do not appear to establish a pattern.
- The Act does not specify a timeframe between the incidents of the behaviour when it takes place repeatedly, therefore, the occurrences do not necessarily have to take place in immediate succession. However, two such controlling incidents taking place 10 years apart (for example) are unlikely to be sufficient, because it is unlikely that this will be considered to be behaviour that is occurring "repeatedly or continuously".

### **2. The pattern of behaviour has to have a "serious effect" on the victim-**

- The victim is caused to fear that violence will be used against them on "at least two occasions", **OR** they are caused serious alarm or distress which has a substantial adverse effect on their usual day-to-day activities. Fear of violence does not need to be solely from the perpetrator – it can be someone acting on their behalf.

### **3. The behaviour must be such that the perpetrator knows or "ought to know" that it will have a serious effect on the victim.**

- This is an objective test – any 'reasonable' person in possession of the same information 'ought to know'.

### **4. The perpetrator and victim have to be 'personally connected' when the incidents took place-**

- Personally connected can mean they were in an intimate personal relationship (whether they lived together or not), they lived together and were family members or they lived together and had previously been in an intimate personal relationship.
- It is not necessary for the perpetrator and victim to still be cohabiting or in a relationship when an incident is reported so long as it took place when they were "personally connected", and after the offence came into force.
- If they were not personally connected, or the incidents took place after a relationship/cohabitation, the stalking and harassment legislation may instead apply.

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## **Types of Behaviour** (Taken from the Home Office statutory guidance framework)

The types of behaviour associated with coercion or control may or may not constitute a criminal offence in their own right. It is important to remember that the presence of controlling or coercive behaviour does not mean that no other offence has been committed or cannot be charged. However, the perpetrator may limit space for action and exhibit a story of ownership and entitlement over the victim.

Such behaviours might include (non-exhaustive list):

- Isolating a person from their friends and family; Monitoring their time;
- Depriving them of their basic needs or access to support services, such as specialist support or medical services;
- 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;
- 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;
- Threats: to hurt or kill; to a child; to reveal or publish private information (e.g. threatening to 'out' someone).
- Assault; Rape;
- Criminal damage (such as destruction of household goods);
- Preventing a person from having access to transport or from working.

## **Types of Evidence** (Taken from the Home Office statutory guidance framework)

Evidence gathering is crucial in proving Coercive Control offences. Agencies need to ensure they fully document any disclosures and these are located securely. Types of evidence could include:

- Copies of emails; phone records; text messages;
- Evidence of abuse over the internet, digital technology and social media platforms;
- Evidence of an assault; photographs of injuries such as: defensive injuries to forearms, latent upper arm grabs, scalp bruising, clumps of hair missing. medical records;
- 999 tapes or transcripts; CCTV; body worn video footage;
- Lifestyle and household including at scene photographic evidence;
- Records of interaction with services such as support services, (even if parts of those records relate to events which occurred before the new offence came into force, their contents may still, in certain circumstances, be relied on in evidence);
- Witness testimony, for example the family and friends of the victim may be able to give evidence about the effect and impact of isolation of the victim from them.
- Local enquiries: neighbours, regular deliveries, postal, milk delivery, window cleaner etc;
- Bank records to show financial control;
- Previous threats made to children or other family members; diary kept by the victim
- Victim's account of what happened to the police,
- Evidence of isolation such as lack of contact between family and friends, victim withdrawing from activities