

Using criminal histories to empower victim–survivors of domestic abuse

European Journal of Criminology
1–17

© The Author(s) 2022



Article reuse guidelines:

sagepub.com/journals-permissions

DOI: 10.1177/14773708221128249

journals.sagepub.com/home/euc



Katerina Hadjimatheou 
University of Essex, Colchester, UK

Abstract

The Domestic Violence Disclosure Scheme (DVDS) was first introduced in England and Wales in 2014 and has since been reproduced across the world. Its aim is to empower victim–survivors by giving them access to a partner’s criminal history and thereby helping them make informed decisions about their relationship. Yet the relationship between information and empowerment in this context remains contested and unexplored both theoretically and empirically. This paper draws on findings from the largest qualitative study of the DVDS to date as well as coercive control, to show that police are using disclosures to undermine perpetrators’ ‘monopolies on perception’ and in doing so aiming to empower victim–survivors to redefine their own realities. The implications for practice-oriented models of empowerment and evaluation methodologies are explored.

Keywords

Disclosure scheme, domestic abuse, empowerment, survivors, victims

Introduction

Since the 1990s, political rhetoric around crime in the UK and elsewhere has emphasised the need to readjust the balance between offenders’ rights and victims’ rights in favour of the latter (Savage and Charman, 2010). One way in which such a rebalancing has been pursued in practice is by making it easier for members of the public to access the criminal records of people with a history of offending who may pose a risk to them. A notable initiative is the Domestic Violence Disclosure Scheme (DVDS) – also known as Clare’s Law – introduced in England and Wales in 2014. The DVDS gives members of the public new rights to request and receive information about their current or recent partner’s history of abuse; it also enables the police to share such information

Corresponding author:

Katerina Hadjimatheou, University of Essex, Wivenhoe Park, Colchester CO2 3SA, UK.

Email: kdhadj@essex.ac.uk

proactively with those they consider to be at risk. The DVDS has expanded fast, with the rate of disclosures doubling each year since its introduction, rising from a total of 1938 in 2014 to 13,439 in 2020–2021. Today, sharing a perpetrator's criminal history with a victim or potential victim has become a routine aspect of domestic abuse police work across many countries in the English-speaking world, with similar schemes now operating in Scotland, Northern Ireland, New Zealand¹ and parts of Australia² and Canada.³

The rationale for disclosure schemes rests heavily on the assertion that access to criminal history information 'empowers' victims and potential victims of domestic abuse to make informed decisions about their relationships and the safety of themselves and their families (Goward cited in Gerathy, 2016). The 'empowerment' of the victim-survivors has long been a primary and unifying aim of domestic abuse advocacy and support services (Cattaneo and Chapman, 2010; Kasturirangan, 2008; Stark, 2007: 153). And it remains core to much feminist work in this field (Wangmann, 2016). Precise interpretations of what empowerment entails have always diverged to some extent (Rowlands, 1997). But its enduring centrality to both victim-survivor advocacy and support is reflected by the fact that it remains a key aim of all major domestic abuse support organisations in the UK.⁴

However, the precise ways in which the sharing of criminal history information might promote empowerment have never been articulated or explored systematically. The few evaluations of disclosure schemes that have been published are either too modest in scope or too focused on process (rather than outcome) to shed light on how these values are being pursued in practice.⁵ Previous research has shown that police working with the victim-survivors to deliver the DVDS describe their role explicitly in terms of individual empowerment (Hadjimatheou, 2021). But feminist scholars have expressed scepticism, pointing out that 'crude translations of the principle that knowledge is power' are frequently invoked in support of questionable neoliberal political strategies that shift responsibility for the prevention of crime from the state to individuals (Coy and Kelly, 2011: 160; see also Wangmann, 2017; Fitz-Gibbon and Walklate, 2017). Are empowerment and informed choice merely 'mantras' (Grace, 2021: 50) deployed unreflectively or even cynically to deflect responsibility for the rising rates of domestic abuse from police onto victims themselves, and are disclosure schemes merely a convenient vehicle to do this (Greene and O'Leary, 2018)? Or is there a meaningful sense in which police seek to promote empowerment through the disclosure of criminal history information?

This paper takes a qualitative empirical approach to addressing these questions, presenting findings from the largest qualitative study of the DVDS to date, involving in-depth interviews with 32 domestic abuse police officers across 14 police forces. The discussion draws on coercive control theory to develop a granular account of the specific kinds and dimensions of 'empowerment' pursued through criminal history disclosures. It is argued that police use criminal history information primarily to try to weaken perpetrators' 'monopolies of perception' and thereby to try to reduce victim-survivors' self-blame and shame and to increase their self-confidence in decision-making. These insights can advance current theoretical models of empowerment in the context of domestic abuse— which until now have remained silent about the potential for criminal history information to empower victim-survivors (Cattaneo and Chapman, 2010; Kasturirangan, 2008)— and improve understandings of the role and potential value of criminal history information in public protection more broadly.

Criminal histories, public protection and empowerment in domestic abuse

Police in the UK has always had the legal power to make disclosures to potential victims of crime about the criminal histories of others. But until recently confidentiality rules inhibited them from doing so unless there was a serious and imminent danger to life (Bessant, 2015). That began to be challenged in the 1990s, with a shift in policing towards measures designed to reduce risk to the public, known as public protection.⁶ In practice, public protection operates on two fronts: one which seeks to manage the risk posed by offenders through direct interventions with them, and one which seeks to protect and empower (or ‘safeguard’) those vulnerable to crime. Both areas of activity rely on the ability of police to identify determinants of future risk of criminality, and the key such determinant operating today is criminal history. In the field of domestic abuse, in particular, the fact that a person has used abuse in their past relationships is taken as the single most important indicator that they will do so again in the future (Hester, 2006: 79–90; Robinson et al., 2014; Stark, 2007: 99). Domestic abuse disclosure schemes embody what Monckton-Smith has called this ‘official acceptance of the risk of history’ (2019: 8).

While proponents of domestic abuse disclosure schemes claim that access to criminal history information empowers victim-survivors ‘to be sure about the risks they face’ and make ‘informed choices’ about their relationships and their safety (Home Office Guidance, 2016: para 12a; Urbis, 2020), it is unclear how this fits with existing models of empowerment in the field of domestic abuse. Such models have proliferated in recent years, providing theoretically grounded but practice-oriented frameworks for the provision of victim-facing domestic abuse services and support (Bennett et al., 1999; Cattaneo and Chapman, 2010; Kasturirangan, 2008; Russell and Light, 2006). All emphasise the provision of reliable information to the victim–survivors as an essential aspect of practitioners’ efforts to facilitate and promote their empowerment. Three categories of information are highlighted as particularly important, namely: information about resources, including signposting to sources of legal, financial, practical and psychological support that can help the victim–survivors both define goals and understand what must be done in order to reach them (Cattaneo and Goodman, 2014: 88); information about legal rights and options, including legal avenues to safety and to justice, such as restraining orders or prosecutions for abuse (Fleury-Steiner and Thompson Brady, 2011; Russell and Light, 2006: 378); and information about the sociopolitical forces affecting just and fair access to resources and rights, to raise ‘consciousness’ (Busch and Valentine, 2000) or ‘critical awareness’ (Kasturirangan, 2008: 1467). Taken together, these kinds of information are considered to promote empowerment by helping victim–survivors to recognise their situation as one of abuse and unjust domination (Stark, 2009: 1515), to value themselves as able and entitled to set their own goals and make decisions (Rowlands, 1997) and to identify ways to move towards those goals autonomously, gathering or strengthening necessary resources, recognition, and confidence along the way (Cattaneo and Goodman, 2014; Kasturirangan, 2008). In what follows, we explore the views of domestic abuse safeguarding police on the potential role of criminal history information in facilitating or promoting these and other dimensions of empowerment.

Methodology

The aim of this study was to understand how police in England and Wales are implementing the DVDS: what information is being disclosed, in what circumstances and contexts, and for what purpose. As very little was known about how the DVDS was being applied, the study adopted a qualitative approach, undertaking in-depth interviews with 32 domestic abuse police in 14 (just under 1/3) of England and Wales' 43 forces, between 2019 and 2020. Ethical approval was granted by the University of Essex Research Ethics Committee in 2018. A total of 18 participants were recruited from 13 different forces, while the remaining 14 were recruited from a single force, as part of a larger study into the uses of police data. Participating forces included a mix of large, small, urban and rural policing areas across the country. Recruitment was carried out directly by the author through existing contacts, emails to regional safeguarding panels, and a call for participation posted in the members' forum of a domestic abuse NGO.

Thirty participants were domestic abuse safeguarding specialists whose role included implementing the DVDS as a matter of their daily routine. The remaining two had more operational roles in domestic abuse.⁷ A total of 24 participants interacted directly with recipients of disclosures (rather than, e.g., merely authorising them), and the findings below are drawn from interviews with them specifically. While one-quarter of these 24 participants represent a single force, there were no observable differences in themes and responses across the 14 forces, which speaks to the generalisability of the findings. All participants had received specialist training in safeguarding, delivered by domestic abuse NGOs. The vast majority (27) of participants were police officers (of varying seniority). The remaining five were police staff, two of whom were domestic abuse caseworkers. A total of 21 participants were women and 12 were men, but the analysis of responses revealed no discernible gender-related variance. All were white, apart from one male participant with Asian heritage. Interviews lasted 30–90 min and were all carried out between 2019 and 2020 by the author, mostly on-site in police buildings but also online due to the introduction of Covid-19 restrictions.

The study adopted what Hunter et al. (2018) call a 'descriptive-explorative qualitative approach' as particularly suited to a new practice that has previously received little or no systematic attention. This approach, which favours minimal, open-ended questions followed by thematic analysis, allowed a detailed picture of how the DVDS is implemented to emerge, as well as an account of its significance and purpose from the perspective of those who implement it. Participants were asked to describe the DVDS and the stages of its implementation in detail; to explain how the DVDS functions in the context of their broader work with the victim-survivors; and to give their judgement as to the scheme's value and shortcomings.

The findings presented below begin by exploring the meaning attributed by police to criminal histories of abuse, and then examine in more depth the specific ways in which they use their powers to share their knowledge of those histories, with the aim of empowering recipients of disclosures. The findings are organised according to the stage of the relationship a recipient is in when they receive a disclosure, reflecting the fact that police reported seeking to promote distinct dimensions of empowerment at each of these different moments.

Findings

The meaning of criminal history: Patterns, propensities and perpetual risk that 'needs to be managed'

In seeking to understand how police understand the meaning and value of criminal history disclosures in a domestic abuse context, it is important to keep in mind the broader cultures of social control in which police operate, and how these construct perpetrators of abuse. In his seminal work on cultures of control, Garland observed an assumption today that there is 'no such thing as an "ex-offender" – only offenders who have been caught before and will strike again' (2001: 184). This depiction of offenders is consistent with coercive control theory, which claims that abuse is a rational, intentional, and strategic course of action (Stark, 2007) that unfolds in predictable stages and cycles and involves inevitable reoffending (Herman, 2001; Hill, 2020; Monckton-Smith, 2019; Okun, 1986; Stark, 2007). Eleven of the specialist domestic abuse police interviewed for this study cited coercive control theory as central to their understanding of domestic abuse and to their safeguarding practice more broadly. The findings presented below illustrate how this deterministic – even fatalistic – view of domestic abuse perpetration drives police decisions to disclose criminal histories.

The general view of perpetrators of domestic abuse taken by police interviewed for this study is encapsulated by the assertion of one female PC, who said 'DA perps should be managed as high risk to the public, as people that need to be managed because they are serial perpetrators' (P44). Although one senior female officer recognised the possibility of rehabilitation, saying 'we know there's an argument from our rehabilitation partners that perpetrators can change' (P47) the majority dismissed the likelihood of reform as wishful thinking, or even human rights posturing, indicating that they understand coercive control as indicative of a psychological profile that is, unlike many other criminal propensities, resistant to desistance. For example, one experienced female safeguarding officer explained: 'One of the things we should consider [when making disclosures] is should we give the perpetrator the chance, and of course we never do because it's ridiculous and pointless' (P51). As will now be explored, this conviction that future risk is determined by past offending has driven police practice to diverge significantly from the approach to the DVDS mandated in official Home Office Guidance, which requires them to 'balance' the rights of offenders against the need to protect victim-survivors.

The 2016 Home Office DVDS Guidance states that police must ensure their interference with an offender's rights is 'necessary and proportionate' to the prevention of abuse and stipulates the steps police should take to do this. For example, it states that decisions about disclosure should be taken by a consultative multi-agency panel known as a MARAC (Home Office, 2016), in order to ensure that the full range of risks and interests at stake are considered. None of the forces participating in this study followed this aspect of the Guidance. Rather, decisions in all cases were taken by a single authorising police officer. As the following quote from a female manager of a safeguarding team explains, MARACs 'would always come back with disclose', which led them to 'strip out the panel, so now they just sit with a supervisor' (P49).

The Guidance further states that police should disclose information only after establishing the existence of a ‘pressing need’ to do so, which should be determined by means of a risk assessment process (Home Office, 2016: 18). In practice, participants typically took the existence of a relevant criminal history as sufficient grounds to justify a disclosure. As one experienced female police officer explained: ‘Generally if they have a history of domestic violence ...we will always disclose, the emphasis is to disclose’ (P58, also P56). And as a male disclosure specialist in another force further confirmed: ‘Clare’s law is not risk based. If it’s disclosable then it’s disclosable despite the risk’ (P38).

Even when the immediate risk to an applicant for a disclosure seemed objectively minimal, participants would still disclose, as long as they had ‘information that is relevant for them to keep themselves safe’ (P54). The following description from a female sergeant further illustrates this:

I had one person who said on her initial application that the person didn’t even live in this country they lived in New Zealand, but she was subjected to stalking behaviour and was assaulted, but despite her restraining order he still emails her from time to time. I asked her ‘why do you feel you need this?’ and she said ‘I’m worried he’s going to return some time in the future I want to know should I move elsewhere?’ And he did have more history beyond her, where he did harassing and stalking and she said ‘I know now to sell the house and I know that he won’t let go’. (P41)

There were cases in which legal principles would regard the criminal history information in question as too old to be indicative of present risk, but here too participants still disclosed, as the following quote from a senior female officer illustrates:

Someone is making an application, they’ve been with this person for 10 years and the person has a restraining order and they’ve come to us for a Clare’s Law. It shows the turmoil some people are in. That said, there was a bit of information from before [their relationship], and I felt that regardless of the [historical] length of it, it was still an opportunity for us to sit down and go through with her, go through the history and that is still helping her to make that decision regardless of whether she ‘should’ know’. (P58)

Participants demonstrated a keen awareness of the legal principles around the rehabilitation of offenders.⁸ However, they consistently prioritised the protection of victims and the need to help them make informed choices. People with criminal histories were viewed as having forfeited their right to privacy and rehabilitation, justifying a default presumption in favour of disclosure. In the few cases where a potential dilemma about whether to disclose appeared to arise, police resolved this in favour of disclosure.

Disclosing at the start of a relationship: Inducing insight and informing the future victim–survivor

Most of the disclosures police described giving to people at the start of a relationship were offered proactively by police to new partners of known offenders under what is known as the ‘Right to Know’ strand of the DVDS. Participants described using these early-stage

disclosures to show and convince a (potential) victim-survivor that their partner is a dangerous person whose abusive tendencies are beyond correction and that their relationship is, or will soon reveal itself to be, abusive. Both of these objectives were achieved primarily through the disclosure of criminal records that show a 'pattern of behaviour in a subject's offending' (P49).

Police took the existence of this pattern as distinguishing the behaviour in question from one-off or sporadic incidents of violence or conflict and revealing it instead *as domestic abuse*. Without exception, participants took such 'patterns' as conclusive evidence that the current relationship is also abusive, even if this was not (yet) evident to the recipient of a disclosure. For example, one young female police officer described being able to 'see' the 'pattern of violence' from the criminal records and aiming through disclosures to induce a similar realisation in new partners:

There are cases where you can see on our computer systems if someone's had a history of allegations from the last three partners. You can see a pattern even if they've never been found guilty, you really can see a pattern of violence and for the new partner to know is important. (P46)

Thus police described disclosing patterns of behaviour as a way of using 'the facts' (P43) or 'factual evidence' (P45) at their disposal to expose the relationship as abusive and the perpetrator for what he 'really is', namely, 'a dangerous man' (P57, P47). They described their aim in disclosing at this early stage as 'to get [recipients of disclosures] to see they are at risk from that new partner' (P59, also P9), to realise 'how dangerous someone is' (P47), and ultimately to prompt them to 'chang[e] their view on the relationship' (P57).

Police desire to enlighten victim-survivors by bestowing privileged insight upon them is understandable, especially in light of studies showing that victim-survivors of domestic abuse consistently underestimate the danger posed to them by their partners (Campbell, 2004; Connor-Smith et al., 2011). However, there are also reasons to question the extent to which this apparently paternalistic approach is compatible with victim-survivor empowerment. For example, Kasturirangan (2008: 1467) has argued that domestic abuse practitioners should seek to avoid operationalising empowerment as something 'done to' or bestowed upon victim-survivors by experts. To do so is, she argues, self-defeating, because it does not respond to survivors' needs as they define them and therefore fails to promote genuine self-determination. More recently, Grace has questioned the value to victim-survivors of a scheme that seems to aim primarily 'to try to make them more "rational" about their partners' (2021: 49) rather than to induce their partners to stop being abusive.

Participants in this study did not report attempting to resolve these tensions and dilemmas, but neither were they blind to them. Though some expressed the hope that disclosures to new partners might prompt at least some recipients to make decisions to 'keep themselves safe' (P45, P54), 10 participants reported that disclosures at the early stages of the relationship did not induce the kind of realisation in recipients that they were hoping for. They explained this in part by reference to a general distrust of the police amongst members of the public, pointing out that refusals to accept the offer of

a disclosure were common amongst victim–survivors, which they put down to people being ‘suspicious’ of and ‘distrusting’ the police (P53, also P9) or even ‘having a hatred of the police’ (P23). But 11 also remarked that timing was important and that disclosure is likely to be more informative and meaningful to a recipient when they can recognise and relate to the behaviours it describes, which is less likely to occur when a relationship is still in its infancy. As one female PC explained: ‘if it’s too early [in the relationship] the perp is charming and this is where Clare’s Law struggles’ (P44). Indeed police described frequently feeling – Cassandra-like – that their efforts to warn people with early-stage disclosures were often met with scepticism and denial. As one experienced public protection officer said:

... quite a lot don’t want to believe it because they’re in a new relationship with someone who they think is wonderful, and it must be hard when they haven’t experienced it themselves. A very common reaction is ‘well he’s never hurt me’ or ‘it was all her fault and it was malicious’ and so on. (P60)

Nevertheless, most participants still insisted that trying to make early-stage disclosures was worthwhile even if recipients were reluctant or did not see them as useful at the time. Their modest hopes for these disclosures were that the information given would ‘plant the seed’ or give participants reliable insights about their partner and relationship that is ‘theirs’ to draw on ‘further down the line’ (P58), if and when the ‘right time’ (P50) arrives. One young female officer described a case in which this had occurred for her:

A woman at the time rejected it, said ‘no he’s different with me he’s a great bloke, no violence’. Then she called me six months later to tell me how very controlling he was and she could put all the pieces together. (P46)

In addition, five participants felt that early-stage disclosures did have the potential to confirm existing but unsubstantiated suspicions and therefore to contest a perpetrator’s narrative. As one experienced female officer noted:

People have heard a rumour and they don’t want to believe it, but we tell them and it cements it in their mind that it must be true then. (P57)

The fact that disclosures contain – at least in the eyes of police – information that is reliable also endows them with the power to cast doubt on the veracity of a perpetrator’s version of events:

Some people ... when they’re first contacted they say ‘well he won’t hurt me’ or ‘he wouldn’t do that’, but then they have a different view after we make the disclosure [and say] ‘I didn’t realise he was that bad’ or ‘I didn’t think that was how it happened’. (P42)

The kinds of micro-gains in awareness or informed choice just described – planting a seed, providing a piece in a puzzle, casting doubt and confirming suspicions – suggest that police see the value of early-stage disclosures as important in terms of ‘changing

[a person's] view on a relationship' (P42) but modest in terms of safety. This contrasts significantly with the policy rhetoric around the DVDS, which consistently promotes disclosure as a means of preventing victimisation altogether by revealing risk that was entirely unsuspected and therefore prompting people to escape a relationship before it becomes abusive (Grace, 2021: 100). That rhetoric was explicitly contested by one male Sargent when he said: 'It's very rare that someone says "oh my god I didn't know that" and walks away' [from their partner] (P51).

This apparent disconnect raises the question of whether safety – understood as reduced incidence of victimisation, or 'empowerment' should be the aim of disclosure schemes. The few current studies of disclosure schemes have focused exclusively on the former. For example, in his evaluation of the New South Wales disclosure scheme, Urbis (2020) found no evidence that reported victimisation reduces following a disclosure, and therefore concludes that disclosure schemes are therefore failing to achieve their aims. In his UK study, Grace (2021) did find some evidence (though not sufficient to be generalisable) that victimisation was less likely to be reported after disclosure in some forces, and took this as an indication that disclosures might be effective in some cases. Both of these studies conceptualise effectiveness purely in terms of safety. But police responses suggest that effectiveness should also include empowerment.

During a relationship: Using 'facts', and 'the truth' to expose an abuser, counter their lies and break their monopoly on perception

According to coercive control theory, domestic abuse is an intentional course of conduct designed to attack a person's freedom and autonomy (defined as the capacity to make critical decisions about one's future [Stark, 2007: 51]), rather than (merely) a violation of physical security. One of the strategies identified in the literature as deployed by perpetrators to achieve domination and control is the 'monopolisation of perception' (Biderman, 1956; Jones and Schechter, 1993; Stark, 2007). The monopolisation of perception can be understood as the enforced acceptance of a perpetrator's perspective and interpretation of reality, in order to undermine a victim-survivor's capacity to exercise independent judgement. By monopolising perception, an abuser can expand their own scope for domination as a 'primary source of interpretation and validation' (Stark, 2007: 262) or 'frame of reference' (Hill, 2020) for their victim. As Henning and Holdford (2006) note, multiple studies have shown that perpetrators frequently misrepresent their own histories to their partners in order to construct a new reality in which they are innocent of wrongdoing or even victims themselves. Specific misrepresentations include claiming that previous incidents of abuse were the fault of their ex-partner; manipulating their current partner to minimise or dismiss such incidents; and thereby encouraging their new partner to view past abuse as irrelevant to their own relationship and the problems they face within it.

While police in this study did not describe their disclosures explicitly in terms of countering 'monopolies on perception' their responses frequently indicated an intentional effort to use criminal history disclosures to empower victim-survivors by undermining and disrupting a perpetrator's (mis)representation of themselves, their past, and by extension their current relationship. As noted above, police described seeking to expose the

perpetrator *as* a perpetrator, by giving the ‘true’ (P9) story of their past abuse, revealing ‘what that person is really like’ (P59). One specific way in which this was seen as potentially empowering for victim–survivors was by undermining the narrative that they can ‘fix’ their partners and indeed that it is their own responsibility to do so, as the following quote from a mid-ranking male officer illustrates:

For people who are borderline where they’re thinking ‘I want to believe they are good’, I think DVDS is useful because it highlights that it’s a pattern, you can’t fix them, it’s not you. (P50)

This was echoed by a female staff member who explained:

... it helps me say, ‘It’s not the first time’ and ‘he’s had this amount of years to access help and change and he hasn’t’. (P45)

Participants also described using disclosures to expose the perpetrator as a liar and a manipulator whose version of reality (and in particular of past reports of abuse, which the victim–survivor may have some awareness of) is unreliable. This was seen as a vital step towards loosening the perpetrator’s grip on reality and thus opening the door for victim–survivors to rely on their own perceptions and judgement. As one officer authorising disclosures explained:

... We can be open and honest and knowledge can be power, because ... experienced offenders can spin a nice line in terms of previous victims and previous incidents she might be aware of, and [this is] having police telling her the facts of the case rather than his version of events. (P43)

And as another young female officer echoed:

A lot of people feel that they know what their partner’s history is – ‘She made it all up, he told me about that, he went to prison for eight years for stealing a mars bar’. Really? I mean, a lot of people feel that they know, so when you give them this other information – ‘Actually it was a rape he was convicted for, he wouldn’t have gone to prison unless there was a finding of guilt’. And you have to talk to people, talk them through and it’s very hard for them to accept in the moment. (P46)

One young female officer also described how being able to highlight a pattern of abuse in the disclosure helped her to head off a recipient’s dismissal or minimisation of past incidents, which she (like other participants) routinely anticipated and prepared for:

... we know that when we meet up they’ll justify that one thing – ‘she lied about him, she’s mad’, but then you can say ‘there’s three others’. (P53)⁹

This was echoed by a female PC, who said:

Victims nearly always said they don’t want to know, they said ‘I can’t leave’ or ‘but he just needs help’ or ‘I’m going to help him [and] he’s going to change’ ... Then you have to say, ‘We know, he said that before’. (P44)

From these findings, we can glean two important insights. First, that police are using disclosures to try to weaken a perpetrator's monopoly on perception and thereby to facilitate a recipient's ability to reclaim the narrative freedom to define their own reality. Second, that police believe there is more potential for criminal history disclosures to empower recipients when a relationship is already well-established, as they are more able at this stage to contextualise the information provided.

Once abuse is 'entrenched': Shifting the blame, reducing the shame, raising consciousness and increasing self-efficacy

The findings just presented focused on the ways in which police use disclosures to contest perpetrators' accounts of *what happened in relation to past abuse*, and therefore expose and discredit them. We now turn to focus on police efforts to contest the perpetrator's account of *who is to blame for current abuse*. Stark (2007: 153) has called for domestic abuse support services to seek to 'empower women by validating their claims, reducing their self-blame'. It is well-known that one way in which perpetrators of domestic abuse undermine the self-confidence and self-worth of their partners, and justify their own behaviour, is by displacing their own causal responsibility and moral blame for the abuse onto the victim-survivor, in a move Henning and Holdford (2006: 113) term the 'externalisation of blame'. Police making disclosures frequently described using criminal history information, in the words of one senior female manager, 'to illustrate to them: this is about the subject and his or her behaviour rather than about you ... to shift that blame' (P49). This blame-shifting potential of disclosures was seen as particularly important for the safeguarding of victim-survivors who had already experienced significant abuse at the hands of their partner and were 'entrenched' in the relationship (P50).

In seeking this dimension of empowerment, participants once again emphasised the importance of being able to reveal to victims 'the pattern from the disclosure' (P50) to show a propensity to criminality and a recognisable mode of abuse. As one experienced senior female officer explained:

she was pregnant and she had a saucepan mark on her stomach where he had burnt her which had happened 'by accident'. And she was saying 'this is a freak accident, I made him do it'. But he had burnt the stomach of a previous partner who was pregnant, with an iron. It demonstrates a propensity to a certain crime ... so I could say 'this is a dangerous man, this wasn't an accident, this is what he does'. (P57)

Revealing the patterns in abuse was also described as important in their relatability and therefore their potential to trigger the kind of recognition in victim-survivors that 'this is the kind of stuff he does with me' (P50). This was felt to have the potential to help victim-survivors begin to reinterpret their own experiences in a different light. As one mid-ranking female officer explained:

... it's also very much a reassurance that it wasn't just them and that's part of the psychology, they think 'my god I've been strangled and hit, controlled by this person'. Yet when they hear the disclosure – we pull out quite impactful things to disclose – you can see a pattern. So for example if strangulation is something that he used regularly, you tell somebody there were

another two women and you see a lightbulb moment – it wasn't something they did but it was inherent in the perpetrator that they tend to strangle. (P41)

Participants' emphasis on the importance of the pattern further illustrates the extent to which contemporary police understandings of domestic abuse are shaped by coercive control theory, which conceptualises abuse precisely as a systematic 'pattern of control' (Okun, 1986: 49–50; Stark, 2007: 201).

Apart from recognition and relatability, police also attributed distinct value to being able to convey to victims 'knowledge that they are not the first person this has happened to' (P50) and that 'it's not just me' (P51; P57). This points to the potential for a reduction in self-blame, as one female manager of a safeguarding team explained:

They're empowered knowing they're not the only one ... When you tell them about the conviction, when they can see a long list filling the page and you can add context, you add detail, they can see and relate to it, it resonates more and they start to believe [it]. The minute they see it has happened to numerous other people, it isn't about them, it's not something they did wrong that made them deserve that kind of treatment ... It's important to see that it has happened to others. (P49)

Participants also described using disclosures to try to reduce the residual sense of shame that can also accompany recognition of victimhood but is distinct from self-blame. A sense of shame can arise from a perception of having been – in the words of one survivor whose written feedback was shared by police with the author – 'gullible' and having 'allowed someone' to dupe, manipulate and oppress them (shared by P41). In contrast, facilitating an understanding in victim-survivors that what has happened to them is neither unique nor unusual, but something that, in the words of Australian activist survivor Rosie Batty, 'happens to everyone and anyone' (quoted in Hill, 2020: 4), was described by participants as potentially destigmatizing of a victim-survivor's personal experience, and indeed domestic abuse as a phenomenon. As one male domestic abuse officer observed:

Abusive relationships don't just happen, it's conditioning of the victim and slowly eroding all that independence and free thought, free spirit. It's why people often don't recognise a person at the end of that process ... they're so downtrodden they don't believe they could do anything else [they think] that's how life should be. Of course it shouldn't. It's about recognising that what is happening to them is wrong. (P52)

This emphasis on the importance of facilitating a victim-survivor's awareness not (only) of their experience as one of having suffered moral *harms* but also of having been subjected to moral *wrongs* was a strong theme in participants' responses. It suggests a consciousness-raising element to disclosures, as police appear to be using them to try to draw victim-survivors' attention to the fact that their rights have been violated, and to empower them to reassert those rights.

The distinct kind of awareness suggested here sits at the intersection between two concepts of consciousness-raising currently dominant in the literature on empowerment. The

first is the philosophical account of consciousness-raising propounded in Tengland's (2008) paper on empowerment, and the second is the more sociological notion of 'critical consciousness' proposed by theorists of empowerment in domestic abuse (e.g., Kasturirangan, 2008; Cattaneo and Goodman '2014; Busch and Valentine' 2000). Whereas Tengland defines consciousness-raising as increased awareness of one's personal situation (2008: 85), the latter body of work focuses on awareness of one's social position in terms of unequal access to various kinds of (social and political) resources. The notion of consciousness-raising articulated here by police is more political than Tengland's in its focus on justice and rights, and more personal than that of Kasturirangan and others in its recognition of the intimate relationship as a site of injustice. Yet by bridging the gap between these two existing concepts, it can be drawn upon to enrich current models of empowerment in domestic abuse practice.

The end of the relationship: Verifying concerns, confirming judgments and helping to 'stay away'

Police frequently expressed the view that disclosures can be empowering for people who are 'walking away from a relationship', as a way of 'verifying concerns' (P51), 'checking on their decisions and making sure' (P58) and to 'help them to make their mind up, if they're ready' (P41). They described using disclosures to help victim-survivors confirm existing doubts, intuitions and judgements and thus to help them gain confidence in and build reliance on their own decision-making powers, which have often been undermined by the perpetrator:

They're told they're the only one. They're isolated. [After a disclosure] they don't feel as crazy, it reduces the gaslighting ... and they think, 'okay maybe he isn't the world, maybe it's not all true, maybe I can trust my gut' it's empowering ... A Clare's Law says to someone 'you're not alone, you're not isolated, you're not making this up'. (P44)

As the following feedback from a victim-survivor further suggests, disclosures are also used to try to validate victim-survivors' judgements, and thereby encourage them to rely more on themselves, and less on the perpetrator:

It felt like a rollercoaster, I didn't know what DA was, I went to my GP and thought I was mad and they said 'we think you're in a DA relationship' so I googled it at work and I did 32 questionnaires online and they all came out positive. I felt sick and it was a sudden bombardment. But [after the disclosure I could say] I'm doing the right thing ... This is what he does, it's not me, I haven't made him like this. I haven't made this relationship go out of control. (shared by P41)

This potential of a disclosure to increase self-confidence – understood here as 'the belief about one's general capacity to handle situations and tasks in life' (Tengland, 2008: 87) – appeared to be confirmed by feedback given to one force by a victim-survivor, who wrote: 'I was shocked and questioning myself as to why I was so gullible. It made me confident I'd made the right decision to leave' (shared by P41).

Disclosures were frequently deployed in an effort to help recipients stick to the decision to leave and 'not go back' (P53). In one case, the head of a safeguarding team

reported that a victim support worker had asked her to fast-track a disclosure for a woman who had already made a decision to leave her partner:

we had a Right to Ask going in and I was contacted by the [name of victim support agency] worker to say she has split up with him, and if we could get in there quickly we can help her stop resuming the relationship, so we've been able to rush it through. (P56)

Here disclosures are used not only to try to help people make informed choices but also to reaffirm and consolidate those choices. Feedback from one victim-survivor to a safeguarding unit in another force expressed that the disclosure played this kind of role in her decision-making: 'It was the point at which I needed to be a bit firmer about keeping away, and I did' (shared by P41). This is echoed in Urbis's (2020) evaluation, which found that disclosures helped to 'deepen resolve about a decision or course of action they have already made to leave the relationship or take legal action against their partner/ex-partner' (46).

Participants also reported using disclosures after the end of a relationship to try to help victim-survivors understand better the existence of persistent risks and put appropriate safety measures in place, especially when a perpetrator had a history of stalking and harassment post-breakup (P50, P53):

For some people it would be that a relationship ended perhaps with a violent incident and they've decided 'I've been assaulted, am I at more risk? Maybe I should act, what is his history? Do I need to be taking precautions? Is he really as violent as I think now we've ended the relationship? Some people who find it really hard to make decisions and feel they need this information even though they've [already] been a victim of violence'. (P41)

Many of the victim-survivors described by participants as benefiting from disclosures while 'on the road to ending a relationship' (P58) share important features with Clare Wood, after whom the DVDS was originally named. Clare Wood had been in an abusive relationship with the man who eventually killed her and had sought police help repeatedly as she tried to end the relationship. Fitz-Gibbon and Walklate have argued that because 'Clare Wood was acutely aware of her partner's violent tendencies ... a domestic violence scheme in itself would not have assisted in addressing her risks or needs' (2017: 294). In doing so, they suggest that disclosures of criminal history information cannot contribute valuable insight for those already entangled in or indeed trying to disentangle themselves from abusive relationships. In contrast, the findings presented in this section show that police consider disclosures to be more valuable as a tool of victim empowerment at the later stages of a relationship.

Discussion

The lack of evidence around the effectiveness of disclosure schemes has fuelled and entrenched scepticism towards them in academic circles, even as they become more embedded in domestic abuse practice across the world. However, there remains very little reflection on and even fewer attempts to articulate systematically what 'effectiveness' in disclosures schemes would consist of. This study has shown that police

implementing the DVDS understand effectiveness in terms of undermining perpetrators' monopolisation of reality and thereby facilitating victim-survivor empowerment, which disaggregates in turn into micro-gains in autonomy, self-confidence, awareness of specific risk and raised consciousness, as well as corresponding reductions in self-blame and shame. These insights can enrich existing theoretical models of empowerment already in use in domestic abuse practice by individualising and distinguishing components of empowerment, which in turn have the potential to provide some key parameters for the development of an empowerment-focused assessment and evaluation methodology for domestic abuse disclosure schemes. This would go some way towards answering Huis et al.'s (2019) call for studies of domestic abuse practice to 'clearly specify on which dimension of empowerment an intervention focuses' and thereby to offer more systematic insights in women's empowerment across studies (Huis et al., 2019).

Such a methodology would also resist current efforts to reduce effectiveness to narrow interpretations of 'safety' such as 'reduced incidence' of domestic abuse or violence (Grace, 2021; Greene and O'Leary, 2018). It would also provide grounds for questioning assertions that the lack of evidence of reductions in incidents of violence is alone sufficient to demonstrate a lack of effectiveness in disclosure schemes (QLRC, 2017; Urbis, 2020). Improved safety should undoubtedly be a vital aim of any domestic abuse intervention (Wangmann, 2016: 234) but it is not the only measure of effectiveness. A disclosure scheme that could be shown to promote even the micro-gains in the dimensions of empowerment such as the police describe in this paper, could form one useful element of a broader constellation of worthwhile interventions and support for people experiencing domestic abuse. In order to demonstrate the achievement of such gains, however, it is necessary to undertake systematic empirical work with victim-survivors, to investigate what criminal history information means to them and how, if at all, it has contributed to their empowerment.

Funding

The authors disclosed receipt of the following financial support for the research, authorship, and/or publication of this article: This work was supported by the Economic and Social Research Council (grant no. S/M010236/1).

ORCID iD

Katerina Hadjimatheou  <https://orcid.org/0000-0002-6848-7244>

Notes

1. The 'Family Violence Information Disclosure Scheme' was introduced in 2015.
2. The Domestic Violence Disclosure Scheme in New South Wales pilot began in 2018 and was extended till June 2021 (Marshall, 2020).
3. Alberta and Saskatchewan both launched schemes in 2019.
4. See the mission statement of one of the largest domestic abuse support providers in the UK, Women's Aid (<https://womens-aid.org.uk/domesticabuse/mission/>). Similarly, domestic abuse charity SafeLives state that 'Anyone who works with victims of domestic abuse will know that empowerment is a key part of helping a woman stay safe long-term' (Morrish, 2015).
5. See evaluations by Home Office (2016) and Urbis (2020).

6. Police spending on public protection in England and Wales rose from 16 percent to 22 percent from 2013 to 2016, just as police funding was cut by almost 30 percent (HMICFRS, 2019: 9).
7. Significant resources are devoted to the DVDS. One participating force employed two officers to work full-time on disclosures. In another rural force five officers reported spending 60 percent of their time on disclosures. Officers in forces that only disclose unspent convictions spend less time researching a disclosure than those in forces that disclose all criminal history information. This makes it difficult to generalise.
8. Six participants mentioned the higher legal threshold around disclosing old or 'spent' convictions.
9. Urbis's (2020) evaluation of New South Wales's disclosure scheme lends support to this, citing the feedback of one survivor who said that a disclosure helped her realise that her partner's abusive behaviour could not be explained away by reference to external or circumstantial pressures (31).

References

- Bennett L, Goodman LA and Dutton MA (1999) Systemic obstacles to the criminal prosecution of a battering partner: A victim perspective. *Journal of Interpersonal Violence* 14: 761–772.
- Bessant C (2015) Protecting victims of domestic violence—Have we got the balance right? *The Journal of Criminal Law* 79(2): 102–121.
- Biderman A (June 1956) Communist Patterns of Coercive Interrogation. In: Hearings Before the Permanent Subcommittee on Investigations of the Committee on Government Operations, US Senate, 84th Congress, 2nd Session, Washington, DC.
- Busch N and Valentine D (2000) Empowerment practice: A focus on battered women. *AFFILIA* 15(1): 82–95.
- Campbell JC (2004) Helping women understand their risk in situations of intimate partner violence. *Journal of Interpersonal Violence* 19(12): 1464–1477.
- Cattaneo L and Goodman L (2014) What is empowerment anyway? A model for domestic violence practice, research, and evaluation. *Psychology of Violence* 5(1): 84–94.
- Cattaneo LB and Chapman AR (2010) The process of empowerment: A model for use in research and practice. *American Psychologist* 65(7): 646–659.
- Connor-Smith JK, Henning K, Moore S, et al. (2011) Risk assessments by female victims of intimate partner violence: Predictors of risk perceptions and comparison to an actuarial measure. *Journal of Interpersonal Violence* 26(12): 2517–2550.
- Coy M and Kelly L (2011) *Islands in the Stream: An Evaluation of Independent Domestic Violence Advocacy Schemes*. London: Trust for London.
- Fitz-Gibbon K and Walklate S (2017) The efficacy of Clare's Law in domestic violence law reform in England and Wales. *Criminology & Criminal Justice* 17(3): 284–300.
- Fleury-Steiner R and Thompson Brady L (2011) The importance of resources and information in the lives of battered mothers. *Violence Against Women* 17(7): 882–903.
- Garland D (2001) *The Culture of Control: Crime and Social Order in Contemporary Society*. Oxford: Oxford University Press.
- Gerathy S (2016) NSW Police introduces domestic violence disclosure scheme to protect potential victims. *ABC News*.
- Grace J (2021) *Domestic Abuse Disclosure Schemes: Problems with Policy, Regulation and Legality*. Cham: Palgrave Macmillan.
- Greene E and Leary J (2018) Domestic violence disclosure schemes: effective law reform or continued assertion of patriarchal power? *Bond Law Review* 30(1): 55–82.
- Hadjimatheou (2021) 'Social care told me I had to': Empowerment and responsabilisation in the Domestic Violence Disclosure Scheme. *British Journal of Criminology* 62(2): 320–336.

- Henning K and Holdford R (2006) Minimization, denial, and victim blaming by batterers. How much does the truth matter? *Criminal Justice and Behavior* 33(1): 110–130.
- Herman J (2001) *Trauma and Recovery: From Domestic Abuse to Political Terror*. London: Rivers Oram.
- Hester M (2006) Making it through the criminal justice system: Attrition and domestic violence. *Social Policy and Society* 5(1): 79–90.
- Hill J (2020) *See What You Made Me Do: Power, Control and Domestic Abuse*. London: C. Hurst & Co.
- HMICFRS (His Majesty's Inspectorate of Constabulary and Fire & Rescue Services) Annual Assessment of Policing in England and Wales (2019) Available at: <https://www.justiceinspectors.gov.uk/hmicfrs/search?cat=annual-reports-cat&force=&frs=&year=2019&s=&type=publications>.
- Home Office (2016) *DVDS One Year on: Home Office Assessment of National Roll-Out*. London: Home Office.
- Huis MA, Hansen N, Otten S, et al. (2017) A three-dimensional model of women's empowerment: Implications in the field of microfinance and future directions. *Frontiers in Psychology* 8: 1678.
- Hunter DJ, McCallum J and Howes D (2018). Defining Exploratory-Descriptive Qualitative (EDQ) research. In: Proceedings of Worldwide Nursing Conference 2018. Available at: https://researchonline.gcu.ac.uk/ws/portalfiles/portal/26339044/J.McCallum_formatted_WNC_2018_Singapore_EDQ_abstract_updated.pdf (accessed 19 August 2021).
- Jones A and Schechter S (1993) *When Love Goes Wrong: What to do when you can't do anything right*. New York: HarperCollins.
- Kasturirangan A (2008) Empowerment and programs designed to address domestic violence. *Violence Against Women* 14(12): 1465–1475.
- Monckton-Smith J (2019) Intimate partner Femicide: Using Foucauldian analysis to track an eight stage progression to homicide. *Violence Against Women* 26: 1267–1285.
- Morrish J (2015) SafeLives Blog: Dash – a tool for empowerment, not just risk. Available at: https://safelives.org.uk/practice_blog/dash-tool-empowerment-not-just-risk.
- Okun L (1986) *Woman Abuse: Facts Replacing Myths*. New York: SUNY Press.
- Queensland Law Reform Commission (2017) Domestic violence disclosure scheme. Report No. 75. Available at: https://www.qld.gov.au/_data/assets/pdf_file/0010/541189/qld-report-no-75.pdf.
- Robinson A, Clancy A and Hanks S (2014) *Prevalence and Characteristics of Serial Domestic Abuse Perpetrators: Multi-Agency Evidence from Wales*. London: National Offender Management Service Wales.
- Rowlands J (1997) *Questioning Empowerment: Working with Women in Honduras*. Oxford: Oxfam.
- Russell M and Light L (2006) Police and victim perspectives on empowerment of domestic violence victims. *Police Quarterly* 9(4): 375–396.
- Savage S and Chapman S (2010) Public protectionism and 'Sarah's Law': Exerting pressure through single issue campaigns. In: Nash M and Williams A (eds) *Handbook of Public Protection*. Devon: Willan, pp. 434–454.
- Stark E (2007) *Coercive Control: How Men Entrap Women in Personal Life*. New York: Oxford University Press.
- Stark E (2009) Rethinking coercive control. *Violence Against Women* 15(12): 1509–1525.
- Tengland P (2008) Empowerment: A conceptual discussion. *Health Care Analysis* 16(2): 77–96.
- Urbis (2020) NSW Domestic Violence Disclosure Scheme evaluation and crisis assistance service review pilots—final report. Available at: https://www.women.nsw.gov.au/_data/assets/pdf_file/0004/670009/Domestic-Violence-Disclosure-Scheme-Pilot-Evaluation-and-Crisis-Assistance-Scheme-Review-Final-Report.pdf.
- Wangmann J (2016) Has he been violent before? domestic violence disclosure schemes. *Alternative law journal* 41(4): 230–234.