

Support through the legal system

Criminal Law

We will take women through the whole criminal legal system. We explain the roles of the following agencies: the Police; Crown Prosecution Service (CPS); Probation Service; the Magistrates and Crown Courts; and the Prison Service. This includes their roles in Domestic Violence cases, their relevant policies and procedures, key personnel and what to expect.

Issues that are very important to women in terms of safety, which we will keep her informed of, are:

Bail Conditions which are set against the offender to protect her, for example not to contact her or approach her house/road;

Dates of hearings, when he is in court, when it has been adjourned to, why it has

been adjourned, what the next hearing will be and the implications of this on the court process and on her;

Convictions or sentences given, for example what a Community Rehabilitation Order (formerly a Probation Order) is and what the conditions attached to that mean, what to do if he breaches those orders, what compensation is and how it works, what certain convictions mean and whether he has to go on the Sex Offenders Register for example.

Any questions she may have about the process, her statement, giving evidence, why had specific events occurred, what to expect, what support is available, practical arrangements and emotional support.

Civil Law

Most people do not have an understanding of what their rights are under the civil law, and indeed what the differences are between the civil and criminal law.

The Civil Law is used when women need to apply for an injunction. We explain to women about their options, who are eligible, how to go about accessing this protection, what the process is, what will happen, costs and benefits.

We explain:

Injunctions that she can obtain, for example a personal protection order (Non-Molestation Order) or an order regarding living arrangements for the 'marital' home (Occupation Order).

Orders regarding the care of children, and their relevance. These include:

- Contact orders
- Residence orders
- Specific issues orders

- Prohibited steps orders
- Parental responsibility

Relevant legislation and give her all of her options. She then knows what she can do both criminally and civilly and we support her in her decisions, and act as her advocate. We also refer to relevant family law solicitors who are experienced in Domestic Violence.

Excellence in advocacy
and support for women
involved in the criminal
and civil law

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Aims of the Organisation

HALT Domestic Violence (Help, Advice & the Law Team) provide support, advice and advocacy to women, and their children, experiencing violence from a man they know. We support any woman who is involved in, or is considering, court proceedings. This means making sure women in Leeds are aware of our service, and that agencies refer women to us when appropriate.

We are a unique and specialised service that was thoroughly researched and a clear demand shown. There are few other services doing such innovative work in the UK.

Domestic Violence in Context

Violence against women is a serious social, criminal and community safety issue. In an average year one in ten women are known to have experienced violence from a partner, in Leeds alone this equates to over 35,000 women. One in four women will experience domestic violence at some stage in their lives (British Crime Survey, 1998). One third of all violent crime in West Yorkshire is domestic related (West Yorkshire Police). Latest Metropolitan Police research suggests that Police are called out to a domestic incident every 60 seconds with figures estimating that an individual is violently assaulted in their home every 6 to 20 seconds. (Metropolitan Police 2000).

However, the Criminal Justice System has traditionally not offered adequate protection for women. Court treatment of domestic violence cases often fail to recognise their seriousness and complexity. Often women feel let down and not supported when using the system.

The Criminal and Civil Justice Systems are very complex. Often women's voices do not get heard and they have little control over proceedings. Domestic Violence is often seen as less serious than other violence. We have worked hard in order for the issue of advocacy and support to be recognised. We have made strong and pro-active relationships with professional agencies including the Police, the Courts, the Crown Prosecution Service and the Probation Service.

How we achieve our aims

We offer legal advice, information, support and advocacy. We increase women's access to legal options for safety by providing:

- Confidential helpline service daily for women or agencies
- One-off telephone advice to women or agencies
- Face-to-face ongoing support and advice
- Advocacy with agencies such as the Police, Crown Prosecution Service, Courts
- Practical and emotional support throughout their contact with the legal system, including attendance at court hearings
- Tracking of cases through the criminal justice system
- Advice on protection orders/injunctions and issues around children
- Partnership work, for example the Leeds Domestic Violence Cluster Court Steering Group
- Training for relevant agencies and professionals
- Lobbying and campaigning around injustices and changes to the law

Types of Support Offered

Initial Contacts

Women referred to us are informed of their legal options, both in criminal and civil law. All women take this information and decide whether the time is right for them to proceed with court action and to access our services further. Some women do not feel that they have the ability to access services at that point in their lives. However many feel that by being made aware of all of their legal options, what the processes are, how to access support and what support is available, they can use this at a later stage. Research suggests that on average women experience Domestic Violence for around 7 years before they leave. Also, the majority of domestic related murders of women occur after the relationship has ended. Therefore by giving women immediate support and advice they are in a better position to plan for the future, with theirs and their children's safety being paramount.

Further in-depth Legal Advice

After initial contact, many women will then take up further support from our advocates. This support includes:

Basic Tracking/Advocacy

If the woman is involved in the criminal justice system in some way, we can track the relevant cases and act as her advocate. This may include liaising with any of the following agencies, with her consent, and sharing relevant information regarding the situation: the Police, CPS, Courts, Probation, and other statutory organisations (for example Housing). This is particularly useful, as 'victims' are often not regarded in either system and advocates can access information that she has no ability to obtain.

Ongoing Support Work and Advocacy

Once women have been given the above support, many receive on-going support from our advocates. Most criminal cases take between 4 and 5 months to be dealt with, some can go on for up to 18 months if in the Crown Court. This means intensive support and advocacy, preparing the woman for a difficult process of attending court.

We track any cases and explain the process. We also offer her the chance to visit the relevant court before the day and visit an empty courtroom. The set up is then explained to her and she can visualise the process.

We then organise a witness room for the day of the trial, which is away from the courtroom to avoid seeing the offender, and we give her emotional and practical support during the day. This may include liaising with the Police, CPS and Court Staff of any issues that arise. We then sit behind her in court as she gives evidence.

We also inform her of the result and go through the implications of this and her future safety planning.

In civil cases, we can arrange for her to meet a solicitor and make appropriate referrals. If she wants to apply for an injunction without a solicitor, she can do so on her own and we would support and advise her doing that. We can also attend with her to solicitor's appointments and attend relevant hearings at court.