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How economic abuse is reflected in successful prosecutions of controlling or coercive behaviour

Nicola Sharp-Jeffs with Sarah Learmonth
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1 Introduction

Setting the scene

Economic abuse involves behaviours that interfere with an individual's ability to acquire, use and maintain economic resources¹ such as money, transportation and somewhere to stay. It is both controlling and coercive.

It is controlling in that it makes the individual economically dependent on the abuser, thereby limiting their ability to escape and access safety. Research has shown that women are three and a half times more likely to be subject to domestic violence if they find it impossible to find £100 at short notice.²

It is coercive in that economic abuse rarely takes place in isolation. When it is interwoven with psychological, physical and/or sexual abuse it creates a context in which the individual is intimidated and isolated. Challenge is dangerous, compelling a victim to act in accordance with the abuser's wishes, rather than their own. Economic barriers to leaving can therefore result in an individual staying with an abuser for longer and experiencing more abuse and harm as a result.³ When individuals experience economic abuse within a context of coercive control then they are also at increased risk of domestic homicide.⁴

Despite high reporting rates,⁵ economic abuse has received only limited attention in research and practice. A recent evaluation showed that police officers rank economic issues nearly bottom in terms of importance when assessing risk in domestic abuse cases.⁶ This is concerning given that economic issues were identified in just over a third of intimate partner homicides analysed by the Home Office.⁷

This report seeks to shine a light on economic abuse. It presents an analysis of how economic abuse has been reflected within the offence of controlling or coercive behaviour in intimate/familial relationships since its introduction in December 2015. Until this point there were limited mechanisms within criminal law to address this form of abuse.

The offence of controlling or coercive behaviour

Section 76 of the Serious Crime Act (2015) created a new offence of controlling or coercive behaviour in intimate or familial relationships. The legislation was brought in to recognise that domestic violence is rarely a single incident but a purposeful pattern of behaviour through which one individual exerts power over another, thereby limiting their space for action.⁸

The new offence reflects the cross-government definition of domestic violence and abuse which was amended in 2013 to recognise this:

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members, regardless of gender or sexuality. This can encompass, but is not limited to: psychological, physical, sexual, financial and emotional abuse.⁹

Controlling behaviour is defined by the cross-government definition as: 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 defined by the cross-government definition as: 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.

If controlling or coercive behaviour causes someone to fear that violence will be used against them on at least two occasions or causes them serious alarm or distress which has an adverse effect on their usual day-to-day activities then the offence may apply.

“Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members, regardless of gender or sexuality. This can encompass, but is not limited to: psychological, physical, sexual, financial and emotional abuse.”

From financial to economic abuse

Financial abuse is included within a list of the types of behaviour associated with control or coercion set out in statutory guidance. No policy definition exists for financial abuse; however the guidance states that it can include control of finances such as ‘only allowing a person a punitive allowance’.¹⁰

A broader understanding is captured within the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 which defines financial abuse as: having money or other property stolen; being defrauded; being put under pressure in relation to money or other property; and having money or other property misused.¹¹

Reference to ‘other property’ within the Welsh definition serves to illustrate that control or coercion can extend beyond money and finances to other economic resources such as housing, household goods and transportation. Indeed also included on the list of controlling or coercive behaviours within statutory guidance are: criminal damage (such as the destruction of household goods); preventing a person from having access to transport; and preventing a person from working. For this reason, the term economic abuse better describes the range of behaviours that abusers will use to exert power within intimate or familial relationships. Researchers now understand financial abuse as a part of the wider concept of economic abuse, meaning that the terms should not be used interchangeably.¹²

Economic abuse has previously been conceptualised as a form of psychological abuse.¹³ It is only recently that researchers have demonstrated that it is a distinct construct.¹⁴ They argue that it is important to disaggregate different forms of ‘non-physical’ abuse, since they may have different trajectories and vary both in prevalence and their relationship to physical violence.¹⁵

Attempts have been made to categorise behaviours that are economically abusive.¹⁶ Broadly speaking, they map onto the three elements of control identified within the definition of economic abuse outlined above (see table one).

Table one: Behaviours that interfere with the ability to acquire, use and maintain economic resources.

Examples	
Acquire	Interfering with/sabotaging partner's education, training and employment; preventing partner from claiming welfare benefits.
Use	Demanding receipts, checking bank statements; keeping financial information secret; making partner ask to use car/phone/utilities; threatening to throw partner out of home.
Maintain	Refusing to contribute towards household bills and the cost of bringing up children; spending money set aside for bills; generating costs such as destroying property that need replacing; using coercion/fraud to build up debt in victim's name.

The gendered nature of economic abuse

Controlling or coercive behaviour is motivated by a sense of ownership and entitlement.

Traditional attitudes toward gender roles mean that this form of behaviour is experienced almost exclusively by women and perpetrated by men.¹⁷ It is facilitated by gender inequality that places men at a social and economic advantage.¹⁸ Thus, whilst women can and do commit controlling or coercive acts it is unusual for them to be able to achieve the same kind of dominance.¹⁹ Nor is this supported by traditional gender norms.



2 Methodology

Media reports of successful prosecutions under the controlling or coercive legislation were identified over a five month period. Google and Twitter searches were made using the terms 'controlling and coercive behaviour', 'coercive and controlling behaviour conviction' and 'coercive control' alongside each of the forty-three police force areas in England and Wales.

Thirty-three cases were identified. An additional two successful prosecutions were found within the 2015–16 and 2016–17 Violence Against Women and Girls reports published by the Crown Prosecution Service (CPS). The sample for this study, therefore, was thirty-five successful prosecutions.

The description of each case was analysed for economically abusive behaviours. The behaviours were categorised according to the conceptual framework which identifies an individual's ability to (1) acquire (2) use and (3) maintain economic resources.

Limitations

Due to the absence of national data about the total number of successful prosecutions under the controlling or coercive behaviour legislation it is not possible to determine whether this is a representative sample.

The Crown Prosecution Service (CPS) reported that a total of 314 offences of coercive and controlling behaviour had been charged and reached first hearing since the time that the legislation came into force (29th December 2015) up until 31 March 2017.²⁰ However no data is provided in relation to how many of these proceeded to trial and resulted in a successful prosecution.

Ministry of Justice figures for 2016 show that 155 defendants were prosecuted for controlling or coercive behaviour, with 59 found guilty and 28 of those imprisoned.²¹ If a similar number were prosecuted and found guilty in 2017 then the sample represents around thirty per cent of all successful prosecutions. Yet given that the number of defendants successfully prosecuted is likely to have increased over time, this is probably an overestimate. It is not possible to know whether the identified cases are similar to those for which there was no identified media report.

The process of analysis was shaped by the level of detail captured within the media report. Some reports were very comprehensive about what the controlling or coercive behaviour comprised and others less so. For instance, in three media reports no details were given. The victim was described in one case as having been made to follow the perpetrator's rules. In another the perpetrator was described as having controlled and degraded the victim.

In three cases no descriptions of economically abusive behaviour were included within the account given of the controlling or coercive behaviour, although additional charges of criminal damage were brought indicating that economic abuse was present. Whilst likely that the criminal damage formed part of the wider pattern of behaviour, the decision was taken to exclude these cases. This was because the charge of criminal damage addressed the behaviour and detail was not provided as to what the criminal damage looked like.



155

the number of defendants
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coercive behaviour in 2016



59

of those defendants
found guilty



28

of those defendants
imprisoned

3 How economic abuse is reflected

Thirty-five successful prosecutions of controlling or coercive behaviour were identified across twenty-two police force areas. Just one case had been prosecuted in sixteen of these.

However, two police force areas had brought two cases to successful prosecution, three had brought three and one had brought four.²² All of the cases involved men abusing women reflecting the gendered nature of this crime. The thirty-three media reports all stated that the abuser had been in an intimate relationship with the victim which ranged from a couple of months to 'many years'. The two CPS reports did not state the nature of the relationship between defendant and victim.

The ages of the perpetrators were given in the media reports. The oldest man was eighty one and the youngest was eighteen. The average age was thirty-three. In order to protect anonymity, the victims' ages were reported in only 12 cases. Where they were, they ranged from eighteen to seventy-four. The average age was thirty-two.

The defendant pleaded guilty in two-thirds of the cases (n=23, 66%).²³ All but two (n=33, 94%) received a custodial sentence which ranged from ninety days to four and a half years (the offence carries a maximum sentence of five years). In addition, a restraining order was imposed in sixty-two per cent (n=22) of cases.

Media reports note that forty per cent (n=14) of the defendants had previous convictions related to domestic violence. In fact in one case the perpetrator was being prosecuted for controlling or coercive behaviour for the second time. In light of this it is interesting to note that only one report mentioned the perpetrator being ordered to complete a programme to address his behaviour. Another five defendants had other criminal convictions. In one case the perpetrator had 288 previous convictions.

Cases that involved economic abuse

Examples of economic abuse were identified within sixty per cent (n=21) of the successfully prosecuted cases of controlling or coercive behaviour.

3.21 Forms of economic abuse

Forty examples of economic abuse were identified across the twenty-one cases (C1–21) showing that more than one behaviour featured in some cases.²⁴ One case involved four types of economically abusive behaviour alone.

Acquiring economic resources

Nine counts of controlling or coercive behaviour were connected to the victim's ability to acquire economic resources. Seven of these related to women's employment. Five perpetrators made their partners leave their job, one threatened to get his partner sacked and one pressured his partner into reducing her working hours.

Two cases involved being allowed to work but being required to give the perpetrator their wages. In one case the abuser kept all but £500 of his partner's monthly wages of £2,000. In the other he gave her an allowance of £10 per week after taking all her bank cards.

Using economic resources

Another twelve counts of controlling or coercive behaviour were connected to the victim's ability to use economic resources.

In five cases this involved controlling or attempting to control her finances. One perpetrator restricted his partner's access to her bank account. One monitored her bank transactions and one checked her receipts.

In two cases the perpetrator restricted the victim's use of their mobile phone demonstrating how economic abuse is more than just about the control of access to money.

In one case he confiscated her phone and in the other he cancelled her mobile phone contract.

Yet another case involved the perpetrator controlling access to utilities by refusing to put credit on the gas or electric meter.

The remaining four examples all involved restricting the victim's ability to use their car. In two cases the perpetrator took the keys to the car. In the other two the perpetrator used their partners' car meaning that one had to catch the bus and the other had to walk to work.

Maintaining economic resources

The most common form of economic abuse was the perpetrator engaging in behaviours that prevented their partners from maintaining the economic resources they did have. Nineteen cases reflected this.

—Four examples were given of the perpetrator smashing their partner's phone, in one case on four separate occasions.

—Clothes were burned and thrown away in two cases.

—Three abusers demanded their partners 'lend' them money which was not paid back. In one case this amounted to £5,000.

—Damage to property featured in five cases. Two perpetrators threatened to smash up the victims' home and one threatened to pour paint over the carpets and her belongings. Another two threatened to burn houses down, including one with the victim in it.

—One perpetrator took his partner's bank and credit cards and emptied their joint bank account. Another demanded that his partner cleared her bank account and give him the money.

—Two victims ended up in debt due to their partners' demands. In one case the victim was £50,000 in debt. In the other, the abuser tried to coerce the victim into prostitution to pay the debt back.

—In one case the abuser refused to leave the house that his partner was paying rent for.

Two of these cases also illustrated how economic abuse can be directed at family members with the perpetrator damaging or threatening to damage the property belonging to the parents of the victim.

Naming economic abuse

None of the media reports named the behaviours outlined above as economic abuse.

Interestingly the headlines of the media reports and explanations about how the new legislation works focused on its ability to address psychological abuse.

A couple of reports listed the control of money as an example of a behaviour that can be addressed within the legislation. Just one named the behaviours as financial abuse: the case in which the abuser had caused the victim to run up £50,000 worth of debt.

Overlaps with other forms of abuse and criminal activity

Economically abusive behaviours were described as occurring alongside and also overlapping with other forms of abuse and criminal activities.

Economic and psychological abuse

Ninety per cent (n=19) of the economic abuse cases involved psychological abuse which included isolating and humiliating the victim.

He abused and belittled her, telling her she had no grasp of finances and would never manage to run the pub on her own.²⁵

He made me quit my job and beg with him on the streets...it was so embarrassing.²⁶

Economic and physical abuse

Eighty-six per cent (n=18) of the economic abuse cases involved physical abuse. In five cases the charges of grievous bodily harm (n=1), actual bodily harm (n=1) and assault (n=3) were brought alongside controlling or coercive behaviour.

After an argument over money, he first smashed her iPhone before attacking her with slaps and kicks, choking her and causing her to fall unconscious.²⁷

This is consistent with analysis carried out by the CPS in which it was noted that the majority of victims of controlling or coercive

behaviour did not make a report to the police until a physically violent act had occurred.²⁸ Comparing the proportion of restraining orders made in the non-economic abuse cases with those made in the economic abuse cases is interesting since analysis of the media reports indicate that more than double were made in the latter.

Economic and sexual abuse

The CPS analysis of controlling or coercive behaviour identified that 7.4 per cent of the 314 offences that were charged and reached first hearing were also flagged as rape.²⁹ Three of the economic abuse cases (n=21, 14%) involved sexual violence, two of which were rape although interestingly sexual violence was not named by media reports either. One report stated that the perpetrator 'insisted on sexual intercourse daily' and in another that he 'demanded sex'.

3.44 Economic, psychological and physical abuse

Nearly two-thirds (n=13, 61%) of the economic abuse cases involved both psychological and physical abuse reinforcing how this form of abuse rarely occurs in isolation but as part of a wider pattern of behaviour.

3.45 Economic, psychological, physical and sexual abuse

It is interesting to note that all three of the economic abuse cases in which sexual abuse was identified involved psychological and physical abuse too. This suggests that sexual violence is a marker of contexts which are particularly coercive.

3.46 Economic abuse and other criminal activities

Just eight cases involved the charge of controlling or coercive behaviour alone. In addition to grievous bodily harm, actual bodily harm and assault, other criminal offences charged alongside economic abuse included: criminal damage (n=5); manslaughter (n=1), putting a person in fear of violence (n=1), the use of threatening or abusive words or behaviour (n=1), sending communications conveying a threatening message (n=1), breaching a restraining order (n=2), stalking (n=1), arson (n=1) and animal cruelty (n=1).

4 Conclusions and recommendations

The new offence of controlling or coercive behaviour provides a mechanism through which economic abuse can be made visible. Behaviours that interfere with an individuals' ability to acquire, use and maintain economic resources were present in six out of ten cases revealing that it is more likely to be present than not.

Economic abuse causes economic harm. Where it takes the form of criminal damage (for example, the destruction of property) then remedial measures can be taken through the court ordering the perpetrator to pay costs. For example, in one case the perpetrator was ordered to pay £500 compensation for breaking the victim's phone. In this analysis several of the victims were left in debt as a consequence of economic abuse, yet there is currently no way of addressing this in either the criminal or civil justice system.

In no case was economic abuse the only form of violence, rather it took place within some combination of psychological, physical and/or sexual abuse. Links were particularly strong between economic abuse and psychological abuse (90%) and economic and physical abuse (86%). The CPS suggests that victims wait until a violent act has occurred before making a report. However it may also be the case that individuals do not recognise different forms of economic control as abuse; are unaware that legislation has the potential to address economic abuse; and only call the police when they are at immediate risk of harm.

The wider policy and practice implications include:

- 1** Statutory guidance on controlling or coercive behaviour should name and define economic abuse.
- 2** The Westminster Government should recognise economic abuse within the statutory definition of domestic violence that is being developed within the Domestic Violence and Abuse Bill.
- 3** Consideration needs to be given about how to address forms of economic abuse which result in economic costs to the victim in sentencing and possibly criminal injury claims.
- 4** Awareness-raising activity needs to be undertaken so that behaviours which seek to interfere with an individual's ability to acquire, use and maintain economic resources are understood as abusive.³⁰
- 5** The Westminster Government should consider making economic abuse a criminal offence.
- 6** Responses to domestic violence cases should incorporate an understanding of both physical and economic safety.

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- 23 Six entered a not-guilty plea; it was not clear from the media report in another six cases
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- 30 This could include sharing details of successful prosecutions so that victims can see the scope of the legislation

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