

Understanding domestic and family violence - Key Literature

Altobelli, Federal Magistrate Tom 'Family Violence and Parenting: Future Directions in Practice' (Paper presented at the Australasian Institute of Judicial Administration Family Violence Conference, Brisbane, 2 October 2009).

This paper presents some of the findings and associated research from the 2007 Wingspread Conference, which brought together 37 practitioners and researchers 'to identify and explore conceptual and practical tensions that have hampered effective work with families in which family violence has been identified or alleged' (p1). The paper discusses some of the implications of those findings for the daily practice of family law, including the need to: differentiate families' experiences of family violence, screen and triage family violence effectively, assess the appropriateness of processes and services for different families, and ensure successful outcomes for children.

This paper draws on recognized research in this field to emphasise that there cannot be a 'one size fits all' approach to recognising family violence in family law proceedings, and presses for an understanding of the *variety* of behaviours and typologies of family violence that may occur in abusive relationships (pp12-13, 15). It stresses that understanding that different families experience violence in different ways assists not only in recognising family violence, but also managing effective responses to it in family law proceedings (p15, 19).

Australian Institute of Health and Welfare, *Family, domestic and sexual violence in Australia: continuing the national story 2019*.

This is primarily a data report to help inform government policies and plans and to assist in the planning and delivery of violence prevention and intervention programs. It builds on AIHW's inaugural *Family, domestic and sexual violence in Australia 2018 report*. It presents new information on vulnerable groups, such as children and young women. It examines elder abuse in the context of family, domestic and sexual violence, and includes new data on telephone and web-based support services, community attitudes, sexual harassment and stalking. It also includes the latest data on homicides, child protection, hospitals and specialist homelessness services, while noting notable data gaps on various aspects of family, domestic and sexual violence and work underway to fill the gaps and develop new data sources.

Australian Institute of Health and Welfare, *Family, domestic and sexual violence in Australia* (Report, 2018).

This report usefully compiles and summarises current statistics on family violence, domestic violence and sexual violence from multiple sources. Its key points are:

- > women are at greater risk of family, domestic and sexual violence;
- > some groups of women are more vulnerable to all three types of violence (in particular, women who are Indigenous, young, pregnant, separating from a partner or experiencing financial hardship and women with disability);
- > children are often exposed to the violence;
- > the three types of violence are leading causes of homelessness and adverse health consequences for women and create significant financial cost; and
- > family violence is worse for Aboriginal and Torres Strait Islander people.

The report also identifies important gaps in the current research on family, domestic and sexual violence. No or limited data is available on:

- > children's experiences, including attitudes, prevalence, severity, frequency, impacts and outcomes of these forms of violence;
- > specific at-risk population groups, including Indigenous Australians, people with disability, and lesbian, gay, bisexual, transgender and intersex (LGBTI) people, including those in same-sex relationships;
- > the effect of known risk factors, such as socioeconomic status, employment, income and geographical location;
- > services and responses that victims and perpetrators receive, including specialist services, mainstream services and police and justice responses;
- > pathways, impacts and outcomes for victims and perpetrators; and
- > the evaluation of programs and interventions.

Australian Law Reform Commission and New South Wales Law Reform Commission, [Family Violence - A National Legal Response](#), Report No 114 (Australian Law Reform Commission and New South Wales Law Reform Commission, 2010).

This comprehensive report considers understandings of and legislative definitions of domestic and family violence across Australian jurisdictions. Part B of this report titled 'Family Violence: A common Interpretative Framework' provides a wide-ranging review of literature and views about understanding domestic and family violence. From page 300-301 this report includes a discussion of the common features and dynamics of domestic and family violence. At 235 this report identifies that the improvement of the safety of victims of domestic and family violence and that definitions, and understanding, of family violence are key starting points to ensure safety.

Australia’s National Research Organisation for Women’s Safety. *Violence against women: Accurate use of key statistics* (ANROWS, 2018).

This ‘Key Facts’ sheet presents an overview of statistics sourced primarily from research from the 2016 ABS Personal Safety Survey and Australian Institute of Criminology. It identifies for example that in Australia:

- > women are significantly more likely than men to experience domestic and family violence;
- > Approximately one quarter of women have experienced at least one incident of violence by an intimate partner;
- > On average, one woman a week is killed by her intimate partner;
- > Women are most likely to experience physical assault in their home;
- > Just over 9 out of 10 women reported that their last incident of physical assault by a male was perpetrated by a man they know (most commonly a former partner);
- > Just under 9 out of 10 women reported that their last incident of sexual assault was perpetrated by a man they know (most commonly a former partner); and
- > Of women who have experienced violence by a current partner since the age of 15, 82% had never contacted the police.

Australia’s National Research Organisation for Women’s Safety, *Women who kill abusive partners: Understandings of intimate partner violence in the context of self-defence* (ANROWS, 2019).

This resource offers an alternative model of intimate partner violence (IPV) for legal contexts, based on a social entrapment framework. It focuses on a criminal case, however, it is relevant to instances in which an understanding of facts involving intimate partner violence (IPV) is essential to the application of the law. In particular, it has a resource on pages 9-10 that steps through the use of a “social entrapment framework” to understand IPV. A social entrapment framework recognises, in line with current research, that the victim’s ability to resist abuse is constrained by the abuser’s behaviour, her available safety options, and broader structural inequities in her life. A social entrapment framework helps to recognise the risks and complexities of leaving a violent relationship, and moves away from reliance on responses that require initiation by the victim and generate a one-off reaction rather than ongoing assistance. Social entrapment framework recognises ongoing risk, and acknowledges flaws in systemic responses to IPV—including recognising that an ineffective or inadequate response can escalate the danger that a victim/survivor is in.

Ayre, Julie, et al., *Examination of the burden of disease of intimate partner violence against women in 2011: Final Report* (ANROWS, 2016).

This report notes that, '[e]xposure to intimate partner violence (IPV) has serious health outcomes for Australian women and their children, and its prevention is a recognised national priority. Burden of disease studies measure the combined impact of living with illness and injury (non-fatal burden) and dying prematurely (fatal burden) on a population. This report estimated the amount of burden that could have been avoided if no adult women in Australia in 2011 had been exposed to IPV during their lifetime. This "attributable burden" is reported in terms of total, non-fatal and fatal burden' (p.7).

Key results for national estimates of burden:

- > 'Overall, it was estimated that 1.4% of the disease burden experienced by women aged 18 years and over in 2011 was attributable to physical/sexual IPV by a current or previous cohabiting partner. Anxiety disorders made up the greatest proportion of this attributable burden (35%), followed by depressive disorders (32%) and suicide & self-inflicted injuries (19%) (Figure 5.1). More than one-quarter (27%) of this burden was fatal (Figure 5.2)'.
- > 'Physical/sexual IPV was responsible for almost half (45%) of the total burden due to homicide & violence among adult women in 2011 (Figure 5.3)'.
- > 'When the definition of IPV was broadened to include physical/ sexual IPV by non-cohabiting partners, it was estimated that 2% of the burden experienced by Australian adult women could have been avoided if no exposure to IPV occurred. When emotional abuse was also considered, it was estimated that 2.2% of all burden experienced by adult women was due to IPV (Table 5.5) and could have been avoided if no exposure to IPV occurred' (p.7).

It notes that there has been little change in the rate of burden between 2003 and 2011.

Boxall H & Lawler S 2021. [How does domestic violence escalate over time?](#) *Trends & issues in crime and criminal justice* no. 626. Canberra: Australian Institute of Criminology.

Abstract: A key assumption in the domestic violence literature is that abuse escalates in severity and frequency over time. However, very little is known about how violence and abuse unfolds within intimate relationships and there is no consensus on how escalation should be defined or how prevalent it is.

A narrative review of the literature identified two primary definitions of escalation: a pattern of increasingly frequent and/or severe violent incidents, or the occurrence of specific violent acts (ie outcomes). Escalation appears to be limited to serious or prolific offenders rather than characterising all abusive relationships. However, disparities in prevalence estimates between those provided by victim-survivors and recorded incident data highlight the difficulty of measuring this aspect of abusive relationships.

Boxall, Hayley and Anthony Morgan *Repeat Domestic and Family Violence among Young People*, Research Report No 591, February 2020, Australian Institute of Criminology.

This paper adds to what is known about family violence perpetrated by adolescents. It examines short-term reoffending patterns – including timing, prevalence, the peak period for repeat violence, and cumulative rates – as well as predictors of repeat violence, particularly those relating to prior histories of family violence or breaches of orders, given that this information is readily available to frontline responders. The paper draws on incident data from Victoria Police for almost 4,000 young people aged 12-18 involved in domestic or family violence. Approximately one in four of these young people were involved in repeat violence in the six months following an incident, with the risk peaking at around 30 days following an incident in domestic violence cases and at around three to four weeks for family violence cases. Violence was largely perpetrated against intimate partners or parents. The findings show how the violence histories of young people can be helpful for identifying who will be involved in repeat violence in the short term, and who will be involved in multiple violent incidents. Frequency of prior incidents of violence is a better predictor of future short-term reoffending than prevalence of prior violence, but they are both useful indicators of future risk.

Bradley, Judge Sarah *'Family and Sexual Violence and the Development of the Law in Queensland and Australia'* (Paper delivered at the launch of the Papua New Guinea Judicial Women's Association, Port Moresby, 22 – 23 November 2012).

In this paper, Bradley J provides an overview of the overlap and conflict between varying jurisdictions' legal frameworks governing domestic, family and sexual violence, particularly in light of *The National Plan to Reduce Violence against Women and their Children 2010 – 2022*. The focus of analysis is on Queensland and Commonwealth legislation. In relation to Queensland, the operation of the *Domestic and Family Violence Protection Act 2012* is explained. Similarly, Commonwealth laws including the *Family Law Act 1975*, and migration and social security law, are described.

Reference is made to the ways in which abusive behaviours are understood in Queensland (p4) and Commonwealth (p5) legislation, and examples of behaviours especially prevalent in the context of elder abuse are highlighted (p5).

Campbell, Elena, Jessica Richter, Jo Howard and Helen Cockburn, *The PIPA Project: Positive Interventions for Perpetrators of Adolescent Violence in the Home (AVITH)* Research Report No 4, March 2020, ANROWS.

The 2016 Victorian Royal Commission into Family Violence found that adolescent family violence was poorly identified and had no considered systemic response. To help address this gap in knowledge, this report investigates the initial legal responses that adolescents and their families receive when they first come to the attention of the legal system. It compares legal and service sector interventions across three jurisdictions at very different stages of legislative, policy and definitional development – Victoria, Western Australia and Tasmania – focusing on awareness of adolescent family violence amongst practitioners and whether and how a legal response was provided. It also examines the characteristics of this form of violence and the impact of responses on families, using data from Victoria Legal Aid regarding 905 adolescents involved in either civil protection order matters or protection order breach matters. The study found that, across all three jurisdictions, current legal responses may not be addressing the objective of reducing risk to families and indeed may be deterring families from reporting.

Dowling, Chistopher and Anthony Morgan, *Is methamphetamine use associated with domestic violence?* (Australian Institute of Criminology Report No. 563 December 2018).

Report abstract:

There is considerable evidence of the impact of methamphetamine use on violent behaviour. This paper presents findings from a review of existing research on the association between methamphetamine use and domestic violence.

Eleven studies met the criteria for inclusion. Domestic violence is common among methamphetamine users; however, methamphetamine users account for a small proportion of all domestic violence offenders.

There is evidence that methamphetamine users are more likely than non-users to perpetrate domestic violence. Importantly, methamphetamine use is frequently present along with other risk factors. This means methamphetamine use probably exacerbates an existing predisposition to violence, rather than causing violent behaviour.

Fehlberg, Belinda et al, and Juliet Behrens, *Australian Family Law – The Contemporary Context* (Oxford University Press, 2015).

See especially [5.3] Fehlberg and Behrens focus on the term ‘family violence’ in their analysis. The authors note that behind considerations of the appropriate definition or the types of conduct that fall within the purview of domestic or family violence, there have been long-standing debates regarding appropriate descriptors. They list those terms that are most commonly applied, including ‘family violence’, ‘domestic violence’, ‘family and domestic violence’ and ‘intimate partner violence’. Although stating that ‘all of these terms are seen to have strengths and drawbacks,’ the authors don’t explain the strengths and drawbacks. They do, however, note that ‘[a] central concern in developing and applying terminology [is] to recognise

that the behaviour being described occurs in the context of relationships...but not to allow the words acknowledging this to suggest the behaviour is somehow less serious than violence that occurs in other contexts' (p134).

Hunter, Rosemary, 'Narratives of Domestic Violence' (2006) 28 Sydney Law Review 733.

See especially 'Judicial Knowledge About Domestic Violence' (from p754) drawing on observations of court proceedings the author notes that magistrates varied greatly in being supportive or minimising harm, affirming or not affirming women, with some questioning why the applicant stayed with her abuser (p755). Several themes emerge from this court observation study. Magistrates'...

- > emphasis on physical violence, especially recent incidents, as discrete incidents rather than patterns of abusive behaviour;
- > understanding relationship conflict as the cause of violence (resulting in obligations to leave, encouraging reconciliation, making mutual orders, and providing potentially insufficient duration of orders);
- > inconsistency around child contact by allowing an exception to protection orders to exercise child contact;
- > denying and minimising violence through reactions to stories;
- > engaging in narratives that frame women as bad mothers or strategically using intervention orders for the purposes of family law proceedings.

Jordan, Lucinda, and Lydia Phillips, 'Women's Experiences of Surviving Family Violence and Accessing the Magistrates' Court in Geelong, Victoria' (Report, Centre for Rural and Regional Law and Justice, Deakin University, 2013).

Drawing on interviews with 37 women who had survived family violence and 23 workers supporting women survivors this research considers among other things the experience of court processes in relation to domestic violence. Of particular relevance is section 3. The research found:

- > many women felt they had a limited opportunity to speak and be heard (from p23)
- > women who reported magistrates were fair described magistrates as demonstrating compassion and understanding family violence (from p24)
- > some women reported their partners made cross applications which they described as a game to further manipulate and shame them(from p26)
- > women had a strong perception that family law was over-emphasised at the expense of their protection (from p27)
- > women reported that undertakings were ineffective and inappropriate (from p28)

KPMG for the Commonwealth Department of Social Services (2016) [The cost of violence against women and their children in Australia: Final Report.](#)

Extract: KPMG’s estimates highlight the risk of experiencing violence faced by women and the extent of the issue for governments and communities in Australia today:

1. This year alone over 1 million women have or will experience violence, emotional abuse and stalking.
2. The cost of violence against women and their children in Australia is \$22 billion in 2015-16.
3. Victims and survivors bear \$11.3 billion, or 52 per cent, of the total costs.
4. The Australian Government, state and territory governments bear \$4.1 billion or 19 per cent of the total costs.
5. The community, children of women experiencing violence, the perpetrators, employers, and friends and family bear \$6.5 billion, or 29 per cent, of the total costs.
6. Underrepresentation of Aboriginal and Torres Strait Islander women, pregnant women, women with disability, and women who are homeless within national prevalence estimates may add a further \$4 billion to the cost of violence against women and their children in Australia in 2015-16.

Mitra-Kahn, Trishima, Carolyn Newbigin and Sophie Hardefeldt, [Invisible women, invisible violence: Understanding and improving data on the experiences of domestic and family violence and sexual assault for diverse groups of women: State of knowledge paper \(ANROWS, 2016\).](#)

Although violence is perpetrated against women from all cultures, ages and socio-economic groups, the extent, nature and impact of such violence is not evenly distributed across communities in Australia, and domestic and family violence may present in unique ways in diverse communities. Various aspects of identity may intersect for women in the diverse groups, compounding disadvantage, marginalization, and barriers to help seeking (p 18). There are also tactics of abuse that are specific to particular communities. Women without permanent immigration status in Australia, women from culturally and linguistically diverse (CALD) communities, women in prison, women with disabilities and/or activity limitations, and people identifying as lesbian, gay, bisexual, transsexual, intersex, or queer (LGBTIQ) are vulnerable to tactics of

abuse that exploit their unique lived situation. These tactics might include, for example, not complying with immigration processes, taking advantage of a lack of knowledge of local legal systems or rights, taking advantage of dependency when playing a carer role, or threatening to “out” someone’s sexual orientation (pp 18-31). There is limited data on the prevalence of domestic and family violence in diverse communities, and many of the main reporting mechanisms struggle to capture information on diverse groups (p 61), for example, women in the CALD community, or women with disabilities. The outcome of these factors is the invisibility of women from diverse groups and invisibility of the violence which is perpetrated against them.

Morgan, Anthony, Hayley Boxall and Rick Brown, *Targeting repeat domestic violence: Assessing short term risk of reoffending* (Australian Institute of Criminology Report No. 552 June 2018).

Report abstract:

Drawing on repeat victimisation studies, and analysing police data on domestic violence incidents, the current study examined the prevalence and correlates of short-term reoffending.

The results showed that a significant proportion of offenders reoffended in the weeks and months following a domestic violence incident. Individuals who reoffended more quickly were more likely to be involved in multiple incidents in a short period of time. Offenders with a history of domestic violence—particularly more frequent offending—and of breaching violence orders were more likely to reoffend. Most importantly, the risk of reoffending was cumulative, increasing with each subsequent incident.

The findings have important implications for police and other frontline agencies responding to domestic violence, demonstrating the importance of targeted, timely and graduated responses.

National Community Attitudes towards Violence against Women Survey (NCAS) 2017 (ANROWS).

This website includes information, reports, summaries etc from the 2017 National Community Attitudes towards Violence against Women Survey (NCAS). This survey collected information through mobile and landline telephone interviews with a representative sample of 17,500 Australians aged 16 years and over. It tells us how people understand violence against women, their attitudes towards it, what influences their attitudes, and if there has been a change over time. It also gauges attitudes to gender equality and people’s preparedness to intervene when witnessing abuse or disrespect towards women.

Salter, M., Conroy, E., Dragiewicz, M., Burke, J., Ussher, J., Middleton, W., Vilenica, S., Martin Monzon, B., & Noack-Lundberg, K., *"A deep wound under my heart": Constructions of complex trauma and implications for women’s wellbeing and safety from violence* (Research report, 12/2020). Sydney: ANROWS.

Complex trauma refers to multiple, repeated forms of interpersonal victimisation and the resulting health problems and psychosocial challenges. Women with experiences of complex trauma are a significant but

overlooked group of victims and survivors of gender-based violence in Australia. They often have interlinked health and safety needs, and are frequently in contact with crisis services and police. This research project sought to develop a comprehensive picture of how complex trauma is being constructed in public policy and practice, and how it is viewed by women with experiences of complex trauma. It found that at the policy level, complex trauma overlaps with frameworks on violence against women and mental health. However, the impact of complex trauma is not comprehensively addressed by these frameworks, which contributes to the fragmented response to women in distress. The research demonstrated that there is a strong need for a whole-of-government commitment to the implementation and coordination of trauma-informed practice across sectors.

Stavrou, Efty, Suzanne Poynton and Don Weatherburn, 'Intimate partner violence against women in Australia: related factors and help-seeking behaviours' [2016] 200 *Crime and Justice Bulletin* 1.

The aim of this study was to 'determine which factors were associated with (1) female experiences of intimate partner violence (IPV), (2) female reporting of physical or sexual assault by an intimate partner to the police and (3) females seeking help and support after experiencing IPV'. It found that, '[t]he risk of IPV varies greatly across the community. Factors associated with a higher risk of IPV included being younger, Australian-born, having a long-term health condition, lacking social support, experiencing financial stress, having previously been a victim of child abuse and having experienced emotional abuse by an intimate partner' (p.1).

It also found that, '[w]here the most recent incident of physical or sexual assault in the last two years was perpetrated by an intimate partner, less than one in three assaults were reported to the police. Intimate partner assaults were less likely to be reported to the police if the perpetrator was still a current partner of the victim at the time of the interview, the assault was sexual (not physical) and if the victim perceived the assault was "not a crime" or "not serious enough". Having a physical injury after the incident was associated with an increased likelihood of reporting the assault to the police. Where the most recent incident of violence (assaults and threats) was perpetrated by an intimate partner, a counsellor or social worker was consulted after 30% of all incidents' (p.1).

Tarrant, Stella, Julia Tolmie and George Giudice, *Transforming legal understandings of intimate partner violence: Final report* (ANROWS, 2019).

The report examines homicide trials in which self-defence is raised by women who have killed an abusive intimate partner. It explores how legal professionals and experts understand intimate partner violence (IPV). These understandings influence which facts are selected and presented as relevant to understanding a case, the language used to frame those facts, and the conclusions drawn from them. The report outlines and applies a “social entrapment framework” analysis. A social entrapment framework recognises, in line with current research, that the victim’s ability to resist abuse is constrained by the abuser’s behaviour, her available safety options, and broader structural inequities in her life. Using a social entrapment framework requires analysis at three levels:

- > documenting the full suite of coercive and controlling behaviours employed by the abuser, including the strategic and responsive dimensions of this behaviour (and the isolation and fear that this creates for the victim);
- > examining the responses of family, community and agencies to the abuse; and
- > examining the manner in which any structural inequities experienced by the victim supported the abuser’s use of violence (including thwarting her attempts to resist the abuse).

The National Council to Reduce Violence against Women and their Children, [Domestic Violence Laws in Australia](#) (Commonwealth of Australia, 2009).

This document reviews all State and Territory and New Zealand domestic violence- specific laws providing for the making of protection orders as at 2009. Among other matters, it identifies the range of relationships within the legislative scope of domestic and family violence legislation and identifies how it varies across Australia in terms of the kinds of behaviours covered and the types of orders that can be made.

Wakefield, Shellee and Annabel Taylor, [Judicial education for domestic and family violence: State of Knowledge Paper](#), (ANROWS, 2015).

This paper reports on findings from a survey conducted with 66 judicial officers from Victoria and Queensland. The paper also discusses literature previously published about judicial understandings and attitudes to domestic and family violence (see pp16-20).

The survey invited judicial officers’ views on domestic and family violence and judicial education for domestic and family violence. Almost half of the participants reported family violence matters was one of their primary work areas. The study found that judicial staff in Australia tend to feel that they have a high level of understanding of domestic and family violence, including for people from diverse backgrounds (p 22). Despite high levels of confidence in their own abilities to understand the dynamics of domestic and family violence, responses were split as to whether respondents thought other judicial officers in their state received sufficient training in domestic and family violence to make informed decisions (pp 25-26).

Webster, Kim, *A preventable burden: Measuring and addressing the prevalence and health impacts of intimate partner violence in Australian women: Key findings and future directions* (ANROWS, 2016).

This resource provides a summary of *Examination of the burden of disease of intimate partner violence against women in 2011: Final report*. There is an excellent fact sheet on pp.2-4 with an overview of the most recent statistics on the burden on the health of women and their children of intimate partner violence (IPV). An overview of the key findings is available at p.7 of the report. Some of these findings about intimate partner violence (IPV) are that:

- > IPV affects one in three women (since the age of 15)
- > IPV has serious impacts on women's health including poor mental health, problems during pregnancy and birth, alcohol and illicit drug use, suicide, injuries and homicide.
- > IPV contributes an estimated 5.1% to the disease burden in Australian women aged 18-44 years. More than one quarter (27%) of this burden is fatal.
- > IPV contributes an estimated 2.2% of the burden in women of all ages.
- > Physical/sexual IPV was responsible for almost half (45%) of the total burden due to homicide and violence among adult women in 2011 (see p 21).

International

Hyman, Judge Eugene M. and Liberty Aldrich, 'Rethinking Access to Justice: The Need for a Holistic Response to Victims of Domestic Violence' (2012) 33 *Women's Rights Law Reporter* 449.

While this paper has been written by a US based judge his overview of the issues suggests strong similarity with some of the issues reported in the Australian context. Justice Hyman highlights the variety of issues in the court system in addressing domestic violence, including lack of information-sharing, and court structures creating silos for specific legal issues where families experience multi-faceted ones. It discusses the specific court structure of California's superior court system, including the Family, Probate, Juvenile (Dependency and Delinquency) and Criminal Courts, and the training the respective judges receive to deal with domestic violence. It encourages judicial education on domestic violence, and better understandings of the roles of each of the various players at court.

In providing an overview of domestic violence, the paper notes that: 'Domestic violence manifests itself in many forms. The most commonly recognized forms of abuse are physical aggression and sexual abuse. However, the lesser known forms of abuse that may fall under the radar can be just, if not more, devastating, such as emotional abuse, controlling behavior, intimidation, stalking, and economic deprivation' (p450).

Hyman, Judge Eugene M; Wanda Lucibello and Emilie Meyer, 'In Love or In Trouble: Examining Ways Court Professionals Can Better Respond to Victims of Adolescent Partner Violence' (2010) 61(4) *Juvenile and Family Court Journal* 17.

While this paper has been written by a US based judge his overview of the issues suggests strong similarity with some of the issues reported in the Australian context. In this article Justice Hyman explores adolescent partner violence and the responses to it from the legal system. He observes that research suggests that as many as 45% of high school students have experienced some form of adolescent partner violence. Despite these findings, the legal response to domestic violence has focused on assisting adult victims and has often excluded adolescents. When discussing the nature and characteristics of adolescent partner violence, this article notes that, similar to adult domestic violence, a range of behaviours are used 'as part of the pattern of controlling behaviour', including isolation, sexual and physical violence, stalking and emotional manipulation (p20). Furthermore, adolescent partner violence 'is not limited to, or even typified by, physical assaults' (p20).

Lo, M., [A Domestic Violence Dystopia: Abuse via the Internet of Things and Remedies Under Current Law](#). *California Law Review*, [s. 1.], v. 109, n. 1, p. 277–315, 2021.

US based note. Abstract: Tactics of domestic violence are nothing new. However, as with various other aspects of modern life, technology threatens disruption. The increasing prevalence of Internet of Things (IoT) devices has given abusers a powerful new tool to expand and magnify the traditional harms of domestic violence, threatening the progress advocates have made in the past thirty years and creating novel dangers for survivors. An IoT device is a "smart," stand-alone, internet-connected device that can be monitored or controlled from a remote location. They are cheap and increasingly common—the number of IoT-enabled devices in the world is already in the billions and expected to grow quickly. IoT devices allow abusers to overcome geographic and spatial boundaries that would have otherwise prevented them from monitoring, controlling, harassing, and threatening survivors. Various advocates are finding ways to protect survivors, and the broader public, from these new dangers. In the domestic violence sphere, domestic violence service providers are creating resources for survivors that explain IoT-facilitated abuse and how to better secure their smart devices. In the technology sphere, consumers, businesses, digital experts, and the media are broadcasting the security risks of IoT devices. Unfortunately, significantly fewer outlets describe the legal remedies available for IoT-facilitated abuse. This Note aims to bridge that gap. It demonstrates that IoT facilitated abuse is a form of technology-facilitated domestic violence and explores how society can use current laws to address IoT facilitated abuse. However, it also questions whether the existing remedies are sufficient and offers recommendations for legal and nonlegal changes that will better protect survivors of IoT-facilitated abuse and hold perpetrators accountable.

Special Issue on Coercive Control: *Criminology & Criminal Justice* Volume 18, Issue 1 2018.

Edited by Kate Fitz-Gibbon, Sandra Walklate and Jude McCulloch.

Authors in the special issue cover the following topics:

- > What is coercive control and to what extent does it offer a *new* lens for understanding intimate partner abuse?
- > How do you distinguish coercive and controlling behaviour in law? And to what degree is coercive control experienced by women in domestically abusive relationships?
- > When legislating in the area of domestic violence, should the criminal law remain gender neutral or be framed to reflect the gendered nature of domestic abuse?
- > To what extent can an understanding of coercive control inform practitioner views and practice?
- > Is legislating for another criminal offence the answer or part of the answer to improving court responses to domestic abuse?
- > What challenges and unintended outcomes may arise, or have emerged, in jurisdictions that have introduced a new offence to capture patterns of non-physical violence?

Stark, Evan, *Coercive Control: How Men Entrap Women in Personal Life* (Oxford University Press, 2007).

This book is a key text on domestic and family violence. Although Stark is based in the United States his work has been highly influential in Australia. In this book Stark explains that domestic and family violence is a pattern of controlling behaviours more akin to terrorism and hostage-taking. Drawing on court records, interviews, and FBI statistics, Stark details coercive strategies that men use to deny women their very personhood, from food logs to micromanaging dress, speech, sexual activity, and work. Stark urges us to move beyond the injury model and focus on this form of victimization. Stark reframes abuse as a liberty crime rather than a crime of assault. He explains how the perpetrator is able to control the victim through a variety of techniques which essentially lead to deprivation of liberty (pp373-374).

Taylor, Gregory, [The Chief Public Health Officer's Report on the State of Public Health in Canada, 2016: A Focus on Family Violence in Canada](#) (Public Health Agency of Canada, 2016).

While focused on Canada, this report gives a good overview of the impacts of domestic and family violence on health. It notes the economic costs of family violence (p.15), how violence, abuse and neglect can increase the risk for early death by homicide and suicide (p.16), and examines the impacts of family violence on physical and mental health (see an overview fact-sheet at p.17). The report shows that family violence has indirect impacts such as chronic stress, increasing risky behaviour (such as alcohol consumption, drug taking), and affecting mental health. Other impacts of family violence including negatively affecting social relationships, increased difficulties at school for children, and challenges at the

workplace (p.18).

Todd, C, Bryce, J & Franqueira, VNL 2021, 'Technology, cyberstalking and domestic homicide: informing prevention and response strategies', *Policing & Society*, vol. 31, no. 1, pp. 82–99.

UK based study. An emerging concern in relation to the importance of technology and social media in everyday life relates to their ability to facilitate online and offline stalking, domestic violence and escalation to homicide. However, there has been little empirical research or policing and policy attention to this domain. This study examined the extent to which there was evidence of the role of technology and cyberstalking in domestic homicide cases based on the analysis of 41 Domestic Homicide Review (DHR) documents, made available by the Home Office (UK). Three interviews were also conducted with victims or family members of domestic homicide in the UK. It aimed to develop a deeper understanding of the role of technology in facilitating these forms of victimisation to inform further development of investigative practice, risk assessment and safeguarding procedures. Key themes identified by the thematic analysis undertaken related to behavioural and psychological indicators of cyberstalking, evidence of the role of technology in escalation to homicide and the digital capabilities of law enforcement. Overall, the results indicated that: (1) there was evidence of technology and social media playing a facilitating role in these behaviours, (2) the digital footprints of victims and perpetrators were often overlooked in police investigations and the DHR process and (3) determining the involvement of technology in such cases is important for risk assessment and earlier intervention to prevent escalation of behaviour to domestic homicide. It also indicates the importance of further developing evidence-based approaches to preventing and responding for victims, the police and other practitioners.

Westmarland, N. and Kelly, L., 'Naming and Defining 'Domestic Violence': lessons from research with violent men', (2016) 112 *Feminist Review* 113.

In this paper the authors draw on data from in-depth interviews with men who have used violence and abuse within intimate partner relationships to provide a new lens from which to view the conceptual debates on naming, defining, and understanding 'domestic violence', and the consequent policy, legislative and practice implications in England and Wales. They argue that the reduction of domestic violence to discrete 'incidents' supports and maintains how men themselves talk about their use of violence, and that this in turn overlaps with contentions about the appropriate interventions and responses to domestic violence perpetrators. The authors revisit Hearn's 1998 work, *The Violences of Men*, connecting it to Stark's later concept of coercive control in order to develop and extend understandings of violence through analysis of the words of those that use it.