

Coercive and Controlling Behaviour: Gathering Evidence and Case Building

Efforts aimed at gathering evidence to build a robust prosecution case should focus on the wider pattern of behaviour and on the cumulative impact on a person. It should also be noted that a victim may not know the full extent of a perpetrator's conduct therefore all potential lines of enquiry should be explored.

The [Statutory Guidance](#) outlines a non-exhaustive list of the types of evidence that could be used to prove the offence of controlling or coercive behaviour; the following list including and builds on the examples provided in the Statutory Guidance:

- Copies of emails
- Phone records
- Text messages
- Evidence of abuse over the internet, digital technology and social media platforms
- Photographs of injuries such as: defensive injuries to forearms, latent upper arm grabs, scalp bruising, clumps of hair missing
- 999 tapes or transcripts
- CCTV
- Body worn video footage
- Lifestyle and household including at scene photographic evidence
- Records of interaction with services such as support services, (even if parts of those records relate to events which occurred before the new offence came into force, their contents may still, in certain circumstances, be relied on in evidence)
- Medical records
- Witness testimony, for example the family and friends of the victim may be able to give evidence about the effect and impact of isolation of the victim from them
- Local enquiries: neighbours, regular deliveries, postal, window cleaner etc
- Bank records to show financial control
- Previous threats made to children or other family members
- Diary kept by the victim
- Victims account of what happened to the police
- Evidence of isolation such as lack of contact between family and friends, victim withdrawing from activities such as clubs, perpetrator accompanying victim to medical appointments
- GPS tracking devices installed on mobile phones, tablets, vehicles etc.,
- Where the perpetrator has a carer responsibility, the care plan might be useful as it details what funds should be used for

Even where there is a decision to take no further action, prosecutors should ask police officers to advise the victim to take steps to gather records to support any future investigation. This might include:

- A diary of events (ideally in a bound book or timed by keeping an electronic record) noting that there are potential risks to the victim if the perpetrator were to discover this;
- Safely noting details of witnesses who may have observed or heard these events;
- Storing messages or taping calls made by the defendant;
- Safely speaking to neighbours, colleagues, family, friends or [specialist support services](#)

However, note that it might be particularly difficult for some disabled people in receipt of informal or employed care support to gather evidence.

The police should advise the victim how to keep information in relation to incidents and themselves safe. In addition, they should also signpost the victim to specialist domestic abuse services, such as Leicester, Leicester, Leicestershire and Rutland's United Against Violence and Abuse (UAVA) 0808 80 200 28 <http://www.uava.org.uk/>

Relevant Behaviours

Prosecutors are advised that a pattern of controlling or coercive behaviour can be well established before a single incident is reported. In many cases the conduct might seem innocent - especially if considered in isolation of other incidents - and the victim may not be aware of, or be ready to acknowledge, abusive behaviour. The consideration of the cumulative impact of controlling or coercive behaviour and the pattern of behaviour within the context of the relationship is crucial. This approach will support the prosecutor to effectively assess whether a pattern of behaviour amounts to fear that violence will be carried out; or serious alarm or distress leading to a substantial adverse effect on usual day-to-day activities.

Further assistance can be obtained from the [Statutory Guidance](#) published by the Home Office pursuant to section 77(1) of the Serious Crime Act 2015.

Building on examples within the Statutory Guidance, relevant behaviour of the perpetrator can include:

- Isolating a person from their friends and family
- Depriving them of their basic needs

- Monitoring their time
- Monitoring a person via online communication tools or using spyware
- Taking control over aspects of their everyday life, such as where they can go, who they can see, what to wear and when they can sleep
- Depriving them access to support services, such as specialist support or medical services
- Repeatedly putting them down such as telling them they are worthless
- Enforcing rules and activity which humiliate, degrade or dehumanise the victim
- Forcing the victim to take part in criminal activity such as shoplifting, neglect or abuse of children to encourage self-blame and prevent disclosure to authorities
- Financial abuse including control of finances, such as only allowing a person a punitive allowance
- Control ability to go to school or place of study
- Taking wages, benefits or allowances
- Threats to hurt or kill
- Threats to harm a child
- Threats to reveal or publish private information (e.g. threatening to 'out' someone)
- Threats to hurt or physically harming a family pet
- Assault
- Criminal damage (such as destruction of household goods)
- Preventing a person from having access to transport or from working
- Preventing a person from being able to attend school, college or University
- Family 'dishonour'
- Reputational damage
- Disclosure of sexual orientation
- Disclosure of HIV status or other medical condition without consent
- Limiting access to family, friends and finances

This is not an exhaustive list and prosecutors should be aware that a perpetrator will often tailor the conduct to the victim, and that this conduct can vary to a high degree from one person to the next. It will be open to the courts to consider acts by a defendant and to conclude whether those acts constitute criminal behaviour.

There might be confusion about where the 'appropriate' dynamic of a relationship ends and where unlawful behaviour begins. [The College of Policing Authorised Professional Practice on Domestic Abuse](#) states: "In many relationships, there are occasions when one person makes a decision on behalf of another, or when one partner takes control of a situation and the other has to compromise. The difference

in an abusive relationship is that decisions by a dominant partner can become rules that, when broken, lead to consequences for the victim."

Therefore, prosecutors should consider the impact on the victim of following, or not following, rules imposed upon them within the wider context of the relationship. Also consider the range of offending behaviour with particular reference to other crimes, such as enforced sexual activity including rape.