

Controlling and Coercive Behaviour

LINCOLNSHIRE POLICE

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Controlling or Coercive Behaviour – What is it and how can Lincolnshire Police help?

It is a criminal offence in England and Wales for someone to subject you to controlling or coercive behaviour. If you experience this kind of abuse you can report it to the police.

The Serious Crime Act 2015 received royal assent on 3 March 2015. The Act created a new offence of controlling or coercive behaviour in intimate or familial relationships (section 76). The new offence closes a gap in the law around patterns of

controlling or coercive behaviour in an ongoing relationship between intimate partners or family members. **The offence carries a maximum sentence of 5 years' imprisonment, a fine or both.**

What is Controlling or Coercive Behaviour?

The cross-Government definition of domestic violence and abuse outlines controlling or coercive behaviour as follows:

Controlling behaviour is

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

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.

Controlling and Coercive Behaviour

When a person you are personally connected to, repeatedly behaves in a way which makes you feel controlled, dependent, isolated or scared.

Common examples of controlling or coercive behaviour include;

- Monitors your movements and activities
- Isolates you from your family and friends
- Repeatedly puts you down, calls you names, tells you are worthless
- Threatens to harm/kill you or your children
- Damages your property
- Controls how much money you have/how you spend it
- Threatens to publish information about you or report you to the police/authorities

Controlling or coercive behaviour does not relate to a single incident, it is **a purposeful pattern of behaviour** which takes place over time in order for one individual **to exert power, control or coercion over another.**

The abuser can be arrested for more than one offence for the same behaviour. For example if they broke your phone as part of their controlling or coercive behaviour they could be arrested and charged for controlling and coercive behaviour and also the offence of criminal damage.

The abuser can be found guilty of the offence of controlling or coercive behaviour if

- The controlling or coercive behaviour has taken place 'repeatedly or continuously'
- They are personally connected to you
- Their behaviour has had a serious effect on you, and
- They knew or ought to have known that this behaviour would have a serious effect on you.

Controlling or coercive behaviour does not only happen in the home, you can be monitored by phone or social media from a distance and can be made to fear violence on at least two occasions or adapt your everyday behaviour as a result of serious alarm or distress.

‘Personally Connected’ – what does that mean?

You are personally connected to your abuser if you are in an intimate personal relationship with them i.e. partner/spouse/someone who you have a romantic or sexual relationship with. This includes same-sex relationships. If you are no longer in an intimate relationship with the abuser but you still live together then you are still personally connected to them and the offence of controlling or coercive behaviour may apply.

You are also personally connected to your abuser if he/she is a family member who you live with. This is anyone you are related to, or have a child with, someone you have entered into or agreed to enter a marriage/civil partnership with. It can also be a person who your spouse is related to and that you live with i.e. parents in law.

‘Serious Effect’ – what does that mean?

A serious effect means if on at least two occasions you have feared that violence will be used against you, or you have felt serious alarm or distress and it has had a substantial effect on your day to day activities i.e. you have changed the way you socialise or how you care for your children, it has effected your mental or physical health. *It may have changed the way you live in order to keep you or your children safe from harm.*

The court will decide whether the abuser knew or ought to have known that their behaviour would have a serious effect on you.

In an emergency always contact the police by dialling 999. If it is not an emergency then you can contact the police by going to your local police station, or calling your local police station by dialling 101.

What happens if I report Controlling or Coercive Behaviour to the Police?

Controlling or Coercive behaviour is a criminal offence. If you experience this form of abuse you can report it to the police. The police may give your abuser a warning or they may arrest him/her for a criminal offence. If the police have enough evidence they will refer the matter to the Crown Prosecution Service (CPS). The CPS can start criminal proceedings against your abuser. If he/she is found guilty of an offence he/she can be sentenced up to 5 years in prison or made to pay a fine or both.

The court may also make a Restraining Order to protect you. The court can make Restraining Orders even if your abuser admits that he/she is guilty, if he/she is convicted (found guilty) even if he/

she is acquitted or not convicted of the crime. A Restraining Order is a court order which prohibits your abuser from doing certain things such as contacting you or attending your place of work or home address. Breaching (breaking) a Restraining Order is a criminal offence.

The offence of controlling or coercive behaviour can involve a range of criminal offences including assault, rape, threats to kill, burglary and criminal damage. It is a criminal offence even if you have not experienced any physical violence or damage to your property. You can report everything that has happened to the police and the police will identify which criminal offences may have been committed.

Evidence of Controlling or Coercive Behaviour

The police will investigate any reports of controlling or coercive behaviour and gather evidence.

You may be able to assist by providing copies of emails, text messages, voicemail recording, photographs of injuries or damage to property.



If you have been to your GP or A&E your medical records may show that your abuser accompanies you to appointments. You may be able to evidence financial abuse through bank statements, or you may have kept a diary of your daily experiences. You may be able to show you have lost contact with friends and family members, left your employment or withdrawn from activities. You can report to the Police any threats made by your abuser to make false allegations about you to the police/social services/immigration authorities/friends or family. These threats are part of the controlling and coercive behaviour.

If you do not have any of the evidence outlined above, you can still report the controlling and coercive behaviour to the Police. If you are providing any evidence to the police it will be discussed with you by the Officer whether it is safe for you to do so.

What if the Controlling and Coercive Behaviour happened before 29th December 2015?

The offence came into force on the 29th December 2015. It only applies to behaviour that happened after this date.

However, if your abuser started the behaviour before this date and it continued after, then he/she could be charged for the behaviour after 29th December 2015. He/She cannot be charged for the behaviour before this date, but it can be helpful in showing his/her bad character and it can support the case against them.

Age - The offence applies to anyone of the age of criminal responsibility (those aged 10 years and above) unless the behaviour in question is perpetrated against a child under 16 by someone aged 16 or over who has responsibility for that child. Where a victim is aged 18 and under child safeguarding procedures will be followed, regardless of whether there is any police action.



What if I am not personally connected to the abuser, or I am no longer living with this person/no longer in a relationship?

If you are not personally connected to the abuser i.e. colleague, neighbour, acquaintance, you may still be able to seek protection from the abuse under

the Protection of Harassment Act 1997 or Protection of Freedoms Act 2012 (sections 2A and 4A).

There may be cases where the victim and abuser are no longer living together or in a relationship, and the abuser is still attempting to exert control over the victim, for example, by stalking or monitoring the victim, or threatening or intimidating them. In such cases stalking and harassment legislation will be utilised.

“So Called” Honour Based Abuse (HBA)

Controlling or coercive behaviour may also occur in HBA cases. The use of other people to exert control over an individual or to coerce them might be particularly relevant in HBA cases. HBA can include a collection of behaviours which are used to maintain control within families or

other social groups. The risks can be high as there may be many abusers in the extended family or community networks. Other people in the family or community may pressure the victim to return to abusive situations or fail to support them.

Useful Contacts

FINDING A SOLICITOR

The Law Society

0207 320 5650

www.lawsociety.org.uk/find-a-solicitor or www.solicitors.com

NATIONAL CONTACTS

National Stalking Helpline

0808 802 0300

www.suzylamplugh.org/Pages/Category/national-stalking-helpline

Revenge Porn Helpline

0845 6000 459

www.revengepornhelpline.org.uk

24 Hour Domestic Violence Helpline

0808 200 0247

www.nationaldomesticviolencehelpline.org.uk

Police (emergency)

999

Karma Nirvana

0800 5999 247

www.karmanirvana.org.uk

Mankind Initiative

01823 334244

www.mankind.org.uk

LOCAL DOMESTIC ABUSE SERVICES

Boston & South Holland Domestic Abuse Service

01205 318600

Email: DAService@bostonmayflower.org.uk

East Lindsey

Domestic Abuse Service

01507 609830

Email: eastlindsey@ncha.org.uk

West Lincolnshire Domestic Abuse Service

01522 510041

www.wldas.org.uk

Email: info@wldas.org.uk

Boston Women's Aid

01205 311272

NOVA
Say **NO** to Violence and Abuse

CALL YOUR
LOCAL
POLICE



101

IN AN
EMERGENCY
ALWAYS
CALL **999**

Lincolnshire Police Headquarters PO Box 999 Lincoln LN5 7PH | www.lincs.police.uk

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