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“How can you capture what is hidden?” Police body-worn cameras and coercive control

Abstract

In December 2015, the criminal offence of coercive control was introduced in England and Wales. Occurring at a similar time was the increased widespread usage of police body worn cameras (BWC) in domestic abuse cases, with many UK based police forces and international jurisdictions, such as Australia and the US, encouraging their mandatory usage. Using empirical data gathered in one police force area in the South of England, this paper examines the extent to which coercive control is able to be captured by BWC, exploring police officer and victim/ survivor perceptions and experiences. The findings highlight concerns with the extent to which BWC is able to capture the hidden nature of coercive control and the ways in which the footage could have unintended consequences for victim/ survivors, particularly minoritized women.

Key messages

- BWC is able to capture what is ‘visible’, however, coercive control is mostly ‘invisible’.
- Police officers viewed BWC footage as a way of ‘covering their backs’ in domestic abuse cases, particularly when victim/ survivors did not want to pursue a prosecution. This leads to questions as to whose interests are being served by the increased mandatory usage of BWC’s in domestic abuse cases.
- Victim/ survivors voiced concerns with how women are able to represent themselves on camera in coercive control cases, often leading to unintended consequences for those women who do not present as ‘ideal victims’.

Introduction

In recent years, there has been a significant expansion of the use of video technology, such as hand-held/ tripod cameras and particularly body-worn cameras (BWC) in police responses to domestic abuse (DA)¹. This increased usage is a relatively new development, particularly for new offences such as coercive control. BWC’s are now used in almost all states in the US

¹ The term domestic abuse will be used throughout the paper, as this is the term most commonly used by police and other criminal justice agencies in this context.

and Australia and most constabularies in the UK. Key reasons proposed for using BWC globally is to assist police, prosecutors and the courts by providing higher quality evidence that may increase guilty pleas (Goodall, 2007) and increase confidence that perpetrators are held to account (Westera et al, 2013). However, as highlighted by Harris (2020), despite their increased use by police forces, there have been few evaluations of BWC usage internationally. McCulloch et al. (2020) evaluated the police trial of BWC's in DA cases in the state of Victoria, Australia, but concluded low usage of the technology by police and in court and an absence of victim-survivor perspectives, suggesting further evaluation should be undertaken.

Globally, increasing attention has been paid to the prevention of violence against women, with a key aspect of this debate in recent years in various jurisdictions being the criminalisation of coercive control. The presence of coercive control in intimate partner relationships and the gendered nature of this abuse has long been recognised (Schechter, 1982; Stark 2007; Pitman, 2017). What is relatively new, is its increasing embrace within the criminal justice policy domain. Early efforts to criminalize one understanding of coercive control were developed in Tasmania (Tasmanian Family Violence Act 2004), with jurisdictions such as Denmark and Scotland following suite. Such efforts are also being debated in various states in Australia, with the introduction of a new coercive control offence being debated in states such as Victoria, New South Wales and Queensland (see McMahon & McGorrey, 2016 and Walklate, Fitzgibbon & McCulloch. 2017). Stark's (2007) concept of coercive control has gained significant currency in the UK, with many academics, policy makers and practitioners understanding DA through this lens. His concept attempts to capture the 'cage' of intimidating, degrading and regulatory practices engineered by abusers (predominantly men) to inculcate fear and threat in victims' (predominantly women) everyday lives (Myhill, 2016 & Johnson, 2016). In England and Wales in December 2015, a new offence of 'controlling or coercive behaviour' (hereinafter 'coercive control') was introduced in Section 76 of the Serious Crime Act². The problems with the implementation of this offence, and the issues with the criminalisation thesis more broadly, have been discussed

² A person (A) commits an offence [of coercive control] if—

(a) A repeatedly or continuously engages in behaviour towards another person (B) that is controlling or coercive, (b) At the time of the behaviour, A and B are personally connected, (c) The behaviour has a serious effect on B, and (d) A knows or ought to know that the behaviour will have a serious effect on B.

at length elsewhere (Barlow & Walklate, 2022; Barlow & Walklate 2021; Walklate, Fitzgibbon & McCulloch, 2017).

However, despite the criminalisation of coercive control and the usage of BWC gaining increased global currency at similar moments in time, to date there has been limited consideration of the extent to which coercive and controlling behaviours are able to be captured by BWC. BWC is arguably able to capture what is ‘visible’, yet coercive control is mostly invisible. There has also been limited consideration of victim/ survivor perspectives of BWC in DA cases more broadly (with the exception of Harris (2020) in an Australian context). This paper therefore examines how the use of BWC’s translates to coercive control cases, exploring police officer and victim/ survivor perceptions and experiences. To be clear in what follows, this is not an evaluation of the use of BWC, nor does the paper reflect on the extent to which BWC evidence is used in DA cases more broadly. Rather the paper seeks to provide an overview of police officers and victim/ survivors perceptions and experiences of BWC within the context of coercive control cases, considering some of the problems and possibilities of using video technology within this context. It is also important to note that the paper features one partner police force and geographical force area in England. As discussed in what follows, each UK police force has different policies and practices related to BWC and DA cases. However, as this paper explores perceptions and experiences, rather than individual force policies, its findings will have significance beyond the context of the partner force, particularly for jurisdictions who regularly use BWC in police responses. This paper falls into five parts. The first outlines the literature related to BWC usage in DA cases. The second explores responses to coercive control. The third outlines the methodological approach adopted in the research. The fourth outlines key themes emerging from the data, namely the ability of BWC to capture and evidence coercive control, resourcing constraints and who are BWC’s intended to benefit (i.e. police officer or victim/ survivor). The conclusion considers the extent to which BWC footage can capture coercive control, how successful it does this and examines the potential unintended consequence of their increased usage.

BWC’s and domestic abuse

Supporters of BWC have claimed their presence can reduce complaints against police and enhance individual organisational accountability and transparency (Ariel, Farrar and Sutherland, 2015; White, Todak and Gaub, 2018). It has also been suggested that the presence of cameras can influence not only police but citizen behaviours, such as reducing incidents of incivility and use of violence against police (Stoughton, 2018). Video technology, such as BWC, are increasingly used in DA cases. Various states in Australia, for example, rolled out BWC usage as part of government packages, such as Queensland and Victoria (McCulloch, Pfitzner, Maher, Fitz-Gibbon & Segrave, 2020). In a UK context, BWC's are now widely used across most police forces, with some introducing mandatory use for all frontline responses to DA incidents. However, there is considerable variation in both the use of BWC in reality, with officer discretion still exercised in recording, and victim consent, with some forces not requiring this prior to the camera being turned on (Lister and Pina-Sanchez, 2018). The use of BWC in DA cases raises a number of questions, namely their effectiveness as a source of evidence and their impact on perceived victim/ witness credibility. Each of these will be discussed in turn.

A key measure of success in the use of BWC's relates to whether evidence assists in progressing DA cases through the justice system, with research indicating mixed results. Morrow et al (2016) investigated BWC deployment in Phoenix, USA and argued that footage was more likely to result in an arrest, charges and guilty pleas. The use of video technology has also been explored in relation to recording victim statements or interviews with victims of domestic and sexual abuse, with Westera et al (2016) suggesting this affords victims the possibility of more accurate and complete victim statements, thus strengthening the possibility of a conviction. In a UK context, Goodall (2007) reported that the Plymouth trial of BWC's had enhanced evidential quality. However, in Wolverhampton (Drover and Barak, 2015) and Essex (Owens, Mann and McKenna, 2014), it was suggested that there was no conclusive proof that the evidential threshold in DA cases had been extended by BWC footage. Furthermore, the extent to which BWC strengthens the evidential quality in coercive control cases has yet to be explored.

However, the presence of BWC's has been also identified by police officers as a positive development, helping them to de-escalate conflict in DA cases and increase their confidence in justifying decisions they make when responding to incidents (Lister et al, 2018). Similarly, Goodall (2007) suggested that police accountability had increased in Plymouth since the

introduction of BWC's. Stoughton (2018) also argues that BWC could help to identify suspicious behaviour or unprofessional conduct by police officers. Considering DA, Harris (2020) highlights that BWC footage could capture not only actions (misconduct) but failures to act in DA cases, particularly if police forces adopt mandatory usage.

However, issues have been raised regarding the use of BWC as evidence, in particular in cases involving so called 'victimless' prosecutions. Such cases usually involve a videotaped statement of victims detailing their abuse immediately following the incident being responded to by police, and this then being used as evidence in lieu of the victim speaking for themselves at trial. However, victim/ survivors may no longer support a prosecution for many and varied reasons, including electing to stay with the perpetrator, fear of retaliation or not being believed and limited access to resources (George and Harris, 2014). Therefore pursuing a prosecution against the victims wishes denies their agency and could potentially produce what Moore and Singh (2018) call 'the data double'. This data double can stand in conflict with the physical victim when the physical victim's account is deferred to by the criminal justice system, and this can inhibit the physical victim's ability to direct the course of their case (Moore and Singh 2018). Moore and Singh (2018) suggest that images or video capture have particular 'truth effects' in DA trials, which sit in direct relationship but also distinctly apart from the victim herself (see also Harris, 2020)

Relatedly, witness credibility is seen to be crucial in case proceedings and has been a particularly problematic and contentious issue in cases involving sexual and intimate partner violence for some time (Lees 1996). More recent work on the use of video as a medium for presenting evidence as a way of combating some of the problems with witness credibility, however, has had mixed results. Morrow et al (2016) found that BWC was seen as the superior form of evidence by police, judges and jurors, thereby influencing arrest decisions and guilty verdicts in DA cases. However, victim/ survivors communicate their experiences in varied ways. It is common for there to be discrepancies in victim/survivors accounts, particularly if the statement is recorded immediately after the police respond to a call (Epstein & Goodman, 2019). Recorded statements via BWC may therefore feed into 'ideal' and 'non-ideal' victim conceptualisations, particularly if this is the only opportunity victim/ survivors are able to communicate their experiences in a criminal justice context (Harris, 2020). This is particularly exacerbated for minoritized groups, such as black and minority ethnic, migrant and Indigenous women (see also Harris, 2020).

However, victim/ survivors perspectives of BWC more broadly have not been explored in great depth. Harris (2020) explores the perspectives of thirteen women who had experienced DA and had experience of/ reflections on BWC in an Australian context. While the original interviews did not focus specifically on BWC, Harris (2020) found that these women's main concerns with BWC in relation to DA incidents was with whether their use would enhance police accountability and serve their best interest. Furthermore, these issues and complexities in the use and perceived 'success' of BWC becomes more complex when we consider the presence of coercive control.

Williamson (2010) has pointed out that reframing DA to take account of its presence over and through time poses (at least) two new, but important, challenges for practitioners. Firstly, it focuses attention on the impact of a wider range of abusive behaviours (some differently criminalised, some not) on the victim. Secondly, it moves the focus of attention of criminal justice professionals away from responding to victims in terms of an individual incident-led approach to a process-led one. Coercive control demands that practitioners and the tools at their disposal, including BWC, take account of a course of conduct. In other words it makes clear the need to focus on the cumulative effect of the minutiae of everyday behaviours, some visible, some not, the total effect of which are abusively controlling (Barlow et al, 2020). It is easy to see how this process-led appreciation of DA may be difficult to capture via BWC footage, particularly as an evidence gathering tool. This paper offers an exploration of how the use of BWC's translate to coercive control cases.

Methods

The data presented here was gathered as part of a British Academy funded study done with the support of Women's Aid (England) and a policing partner in the south of England. This paper will focus on two data-gathering phases: focus groups and semi-structured interviews with police officers, and interviews with victim/survivors of coercive control. Ethical approval was granted by Lancaster University Ethics Committee prior to data collection. Each of these data gathering processes will be discussed in turn before considering the collective themes emanating from them.

Focus groups and semi-structured interviews were conducted with police officers of varying role and rank to capture their perspectives and responses to coercive control, which included a discussion of BWC's. Recruitment for the focus groups involved an email being sent to all staff, followed by an invitation to a face-to-face briefing session for those who sought further information. Members of staff who wanted to take part contacted the researchers directly via email. A contact in the force facilitated the organisation of the focus groups. Five focus groups with 25 participants in total (22 men and 3 women) were conducted. Four focus groups were conducted with frontline, investigating officers and call handlers and one with senior members of staff. Two further semi-structured interviews with senior, decision making officers (both men) were also conducted.

Ten interviews with victim/ survivors of DA/coercive control were conducted. These women were seeking the support of Women's Aid at the time of the interview and Women's Aid supported the research team with the recruitment of participants. This was to ensure that the women were provided with appropriate support and, if required, counselling after the interviews had taken place. The interviews focused attention on these women's experiences of police responses to coercive control, which included discussions related to BWC's. The focus group and interview data were coded and analysed using grounded theory and thematic analysis (Braun and Clarke, 2006) to identify overarching themes in the data. In order to enhance inter-rater reliability, two researchers performed this analytic stage where themes were independently identified within the data and then compared and discussed to reach a thematic consensus. Three themes relevant to this paper became apparent from the data analysis process, which will be discussed in turn, namely: the ability of BWC to capture and evidence coercive control, resourcing constraints and who are BWC's intended to protect in DA cases (i.e. police officer or victim/ survivor).

The ability of BWC to capture and evidence coercive control

The partner police force had a mandatory BWC policy in place for DA cases at the time of data collection, whereby all frontline response officers were required to switch their camera on when responding to DA incidents. However, this is perhaps mandatory in principle rather than practice, with discretion influencing police officers' decision-making regarding in which cases they switched the camera on and also which specific moments within those cases. For example, police officers reported turning their camera on to capture specific forms of

evidence and switching them off once this had been recorded, rather than turning the camera on before entering the scene and leaving this on for the duration of the response, as per force policy. One officer stated:

“It is force policy to have the camera on all the time, but that doesn’t happen in reality if we are honest. It tends to be we will put the camera on if we need to gather evidence, say if the house has been trashed, or if the victim has physical injury” (FG4, P1)

This highlights that similar to policing DA more broadly, discretion appears to be the ‘golden thread’ influencing officer’s decisions in using BWC during DA call outs (Barlow and Walklate, 2018; Myhill & Hohl, 2016). The presence of physical violence or evidence was a key motivator for turning the camera on for officers in this study. As coercive control cases may be less likely to feature physical forms of evidence (Barlow et al, 2020), the camera may therefore be used less frequently in such cases. Police officers stated that “I might not turn it on if it was just a row” (FG1, P5) and “the camera is useful to capture if there was evidence of a physical altercation or if the place was trashed” (FG3, P1). Evidence gathering was provided as a key reason for turning the BWC on in such instances, with officers stating “I would turn the camera on to capture the evidence” (FG2, P3) and “to help get stronger evidence for the prosecution” (FG2, P2). These statements stand in contrast to the limited evaluative research which supports claims that the evidential threshold in DA cases is extended by BWC footage (Goodall, 2007).

However, the presence of physical violence, as far as front-line officers are concerned, is key in informing assessments of risk (Barlow & Walklate, 2021; Robinson et al, 2016). As physical violence is measurable and visible it lends itself more readily to be captured by BWC and potentially used as evidence in court. This emphasis on what is visible equating to stronger evidence reinforces perceptions that coercive control is ‘hard to prove’ or difficult to evidence (Barlow et al, 2020; Weiner, 2018). This is also reflected in the following quote:

“trying to find supporting evidence is hard. Because it’s not like an assault where you have a black eye. It generally happens behind closed doors to the point where there is no evidence. So you have to think outside the box” (FG5, P4)

Although fifteen police officers in the focus groups reflected on the potential benefits of BWC in effectively capturing evidence during frontline responses to DA, it appears that these benefits were understood specifically in relation to evidencing physical violence rather than coercive control. Thus when responding to DA cases, including coercive control, these officers tended to focus on what is visible and actionable, what has been referred to elsewhere as ‘incidentalism’ (Barlow & Walklate 2021; Westmarland & Kelly, 2016). This suggests that BWC’s may exacerbate police officer’s tendency to focus on isolated incidents of abuse, rather than investigating a pattern of abusive behaviour as articulated in the coercive control offence. This focus on physical violence and evidence was also recognised by victim/ survivors interviewed as part of this study, with two women referring to this specifically in relation to BWC:

“I get that it is easier for police to go to a case where there is loads of physical evidence, like criminal damage or whatever. That’s the issue with coercive control. It’s like with body worn cameras that I know a lot of officers use now, how can you capture what is hidden? The victim herself probably isn’t even fully aware of what is going on or what is happening to her” (Rachael)

“I just don’t think any police that came to me really understood what coercive control was or what I was going through. It’s like with the cameras, they would have them on, come in to my house but there wasn’t anything there to ‘see’ if you get me, that would show what I had been through, because he was clever. I didn’t actually call (the police) after he hit me, I ended up calling because of the threats towards the end of the relationship. I said I wanted to leave and I genuinely thought he might kill me and I was terrified. But how do you see that on camera?” (Sarah)

These quotes also highlight that victim/ survivors themselves recognised the difficulty in capturing coercive control via BWC footage. BWC is increasingly viewed as a high quality threshold for evidence gathering in DA cases (Goodhall, 2007). An unintended consequence of this is that other evidence may be viewed as inferior. For example, one officer stated “The CPS (Crown Prosecution Service) are often looking for things like body worn or physical evidence in coercive control cases, that is the threshold we’re looking for” (FG1, P5). This clearly has implications for coercive control cases which do not feature such evidence,

particularly those which rely on victim/ survivor testimony. It may also lead to a hierarchy of evidential thresholds in DA cases more broadly, with those involving sources of evidence that can be captured by BWC being perceived as more likely to be supported by the CPS and thus more worthy of officer time and investment. Images have become increasingly integral to demonstrating good police practice in DA cases, with assumptions surrounding ‘seeing is believing’ contributing to the construction of visual evidence as an objective and neutral ‘truth teller’ in trials (Dawson and Dinovitzer, 2001; Moore and Singh, 2018). This recourse to what is ‘visible’ is particularly pertinent within the context of limited resourcing and the time taken to arrive to a DA incident.

Resourcing constraints

Previous research highlights that coercive control cases are less likely to receive a ‘category 1’ frontline response (i.e. emergency response) when compared to other DA offences, such as actual bodily harm (ABH) (Barlow et al, 2020). Furthermore, the current study was conducted at a time when the partner force, amongst others, was facing the consequences and impact of austerity measures on policing more generally. It is therefore important to consider police responses to coercive control within this context of austerity, impacting both resourcing and the ways officers navigate the competing demands of the job (Bayley and Bittner, 1989). These issues were reflected upon by officers:

“The worst is if you’re back on response after a few days off and you’re asked to go to a domestic that happened two days ago. Cause they haven’t had enough units because of resource or whatever and you turn up about an argument that happened days ago and they immediately don’t want to talk to you. They say ‘well where were you two days ago at 3pm when it all happened’ and you know, you’re kinda stuck for words. You know, BWC and things like that are limited when all of the evidence is gone and the victim doesn’t want to talk to you” (FG4, P2)

Issues with limited resourcing can also exacerbate existing problematic attitudes towards the seriousness of DA. For example, one police officer reflected on looking back at BWC footage of a colleague responding to a domestic incident:

“I had a case where officers spent 15 minutes with a high risk victim. Granted, she wasn’t saying anything. But I was really shocked when I saw. Massive black eye, son had seen him strangling her, clear coercive control, they spent 15 minutes there. The camera was on the entire time, 15 minutes start to end. The initial attendance is the most vital point. They are more likely to say something has happened when its first happened and when officers are there. Spending the time is important, give them the time they need, encourage them to come forward” (FG3, R4)

The lack of time spent with this particular victim-survivor highlights the ways in which police actions/ inactions, as well as limited capacity due to resourcing issues, influences BWC usage. Furthermore, irrespective of resourcing issues, the extent to which it is possible for BWC’s to effectively capture patterns of abusive behaviour, given the data discussed above, is questionable, particularly due to the tendency of police officers to focus on what is measurable and doable (i.e. incidents). Even with increased resourcing, these issues would likely persist. This collectively highlights the limits of BWC in being an effective evidence gathering tool in coercive control cases, due to the emphasis on what is actionable and visible and persistent issues with problematic attitudes towards such abuse, often exacerbated by resourcing issues. It is at this point useful to consider then who benefits from the presence of BWC’s?

Who benefits from the presence of BWC?

As discussed earlier in the paper, BWC’s have been heralded as a tool that can both protect police officers from violence and abuse from the public, and as a way of enhancing police accountability (Ariel, Farrar and Sutherland, 2015). However, in DA cases, it is often police inactions rather than actions which have the most significant impact on victim/survivors, which cannot always be captured by BWC footage (Harris, 2020). Sarah, a victim/ survivor interviewed for this study, reflected on this:

“I get the purpose of the cameras in some cases, like if you want to make sure police are acting appropriately. But in domestic abuse cases it isn’t really like that. So for me, it was the fact they didn’t arrest him and asked me to leave the property with my daughter and go and stay at my mums. Or the other time when I kept calling the police saying he was standing outside the refuge and they said they couldn’t do anything. You know, it’s that

stuff that matters” (Sarah)

This highlights that for Sarah, it was the lack of practical support that police provided her with and feeling ignored that she found particularly difficult to deal with, both of which could not be captured via BWC. Conversely, discussions with police officers highlighted that in some instances, BWC footage could be used as a form of protection for them, amounting to what they referred to as ‘covering their backs’. This is exemplified by the following quote:

“I think for domestics, we should do a memorandum of understanding saying ‘you’ve told us this information about what is going on, we have advised you what to do’ and if they don’t want to cooperate with us, we get them to sign it. So we are covering our backsides, so if something happens to them, they can’t really blame us. Body worn helps with that, so if we can capture these kinds of discussions on film, then that’s another layer of evidence for us showing we did what we could. Because then if that person does then get back with them and the assaults get worse and worst case scenario they are killed, we have something to say we tried and our backs are covered” (FG5, P1)

This suggests that for this officer at least, capturing a victim/ survivor account via BWC could be used to hold them to ransom should they not want to pursue a prosecution or progress a case further. These issues bring into question whose interests are being served by the presence of BWC’s at DA call-outs, particularly when considering their increased mandatory usage across many UK based police forces during the first response.

This is pertinent when reflecting on the ways in which victim/ survivors may present themselves and subsequently be perceived on video, in particular in coercive control cases.

This was discussed by two victim/ survivors, who highlighted their concerns:

“I think people have it in their head what a victim should behave like, especially police. You know, do we need to be visibly terrified, covered in bruises? That isn’t how it is all the time. That’s why I worry about the body cameras, I’m just thinking if that was used for me the first time I called. I was on another planet and I was just desperate for them to leave, as I didn’t want them to make it worse if they weren’t going to arrest him. The camera wouldn’t have shown how I actually felt at the time” (Lucy)

“I think, to understand that everyone is an individual and not everyone is a stereotypical victim. I know I am quiet, so I am not a stereotypical victim maybe. And sometimes they suggest ‘look out for these signs’ but it isn’t always obvious for some people. And I worry about that with the cameras. It may not always work in the victims favour. You know, I find it hard to explain what went on even now, and I’ve not been with him for a year, so I worry about how that would translate when the police first speak to you if its caught on camera” (Rumi)

The concerns raised by both women here were also echoed by victim/ survivors in Harris’ (2020) study. Harris (2020) suggests that expectations surrounding how victims should behave may have unintended consequences for women who do not adhere to ‘ideal’ conceptualisations. Some of these consequences could include dual arrests, misrecognition of the primary perpetrator (Reeves, 2021) and identification of the victim/ survivor as a non-credible witness. These concerns are particularly pertinent for coercive control cases for two related reasons. Firstly, as physical forms of evidence are not always available in coercive control cases, there is greater reliance on victim/ survivor testimony, with this being increasingly captured via BWC as well as or instead of written statements. This means that how victim/ survivors are able to present themselves when speaking with the police via BWC could have significant implications for the likelihood of prosecution and conviction. Relatedly, victim/ survivors of coercive control occupy a false world created by the perpetrator, meaning that there is potential for changes to testimony and demeanour throughout the duration of a case. This is particularly problematic when victim/survivor testimony is captured during the initial frontline response.

How women are perceived on BWC video is particularly significant for minoritized victim/ survivors, such as black and minority ethnic women, Indigenous, disabled or migrant women. Marginalised people are the most harmed by an over-reliance on criminal justice approaches, particularly black and minority ethnic people (West, 2013) and Indigenous people (Blagg, 2008). Women of colour and Indigenous women are less likely to voluntarily enter the criminal justice system, due to fears of racism and discrimination for both themselves and their partner, concerns of added layers of hostility they may experience by criminal justice professionals and exposure to greater risk of state violence and control (Sokoloff & Dupont, 2005; Blagg, 2008). Feelings of longstanding, deep rooted mistrust towards the police may therefore make such women feel more reluctant to freely disclose and discuss their

experiences on camera. If mandatory usage continues to be rolled-out across UK police forces, even if this is only in principle, this could lead to even further limited engagement with the police by minoritized victim/ survivors, highlighting the ways in which not all victim/survivors benefit from the presence of BWC's. These issues are captured by Rumi:

“In traditional Asian households, you don't really talk about it, especially not coercive control. I didn't even really know what this was until I got support from Women's Aid. I'm just thinking for me, that first time I called the police, if they had a camera on me, they would have thought I was crazy, I couldn't articulate myself properly. Then the second time, I just didn't really want to talk at all once they got there, especially with the camera on. But the police don't really get what it's like in other cultures. They don't get that it may take a long time to unpick what we have gone through. So thinking about it, the camera could actually be really harmful for some women”

Furthermore, migrant women may experience language barriers, unstable immigration status and a lack of knowledge of the support available and therefore may want to avoid interacting with the criminal justice system when experiencing DA (Graca, 2021). Such reluctances and confusions may negatively influence how they appear on BWC footage, particularly within the context of current harmful and punitive immigration policies and laws in the UK (Canning, 2020). Finally, disabled victim/ survivors often do not trust criminal justice agencies to respond effectively and reporting or engaging with the police can often cause them to fear losing their independence, children and personal pride (Radford et al, 2006). Furthermore, for disabled women, their perpetrator is often both their partner and primary carer, meaning there are multiple levels of fear and dependency present in such relationships. These complexities and nuances would be difficult to capture on camera. Achieving 'ideal' victim status in DA cases is hard enough, particularly in coercive control cases, where the impact of such abuse is often difficult to coherently articulate. However, for women with structural constraints, achieving this status and accurately reflecting their experiences via BWC, particularly during the initial call-out, is complicated. This collectively suggests that rather than BWC being a tool that may benefit victim-survivors, in reality this may not be the case, with particular consequences for marginalised and minoritized women.

Conclusion: Capturing the invisible

The findings of this paper relate to one police force in England and qualitatively captures the views of individual police officers and victim/ survivors in that force area. However, the implications of these findings have significance beyond this context. The increased mandatory usage of BWC's for domestic call outs in the UK and other jurisdictions such as the US and Australia may have good intentions, in making evidence-gathering easier for officers and providing alternative ways of capturing victim/ survivor testimony. However, this paper has highlighted the potential for notable issues to manifest in coercive control cases. In particular, it is clear that police officers regularly exercise their discretion in turning on the cameras, making it 'mandatory usage in principle' rather than in practice, with the presence of physical violence and evidence gathering being key motivating factors for using the cameras. However, the absence of physical evidence in many coercive control cases and perceptions that the offence is 'difficult to prove' means that they may not be used as extensively in such cases. This has potential negative implications for securing convictions in coercive control cases, particularly if greater emphasis continues to be placed on BWC as a key tool for evidence gathering for DA, producing a hierarchy of evidence gathering which may be difficult to achieve in many cases. These issues are even more profound in the context of resourcing issues and austerity. Furthermore, BWC's are currently used almost exclusively by first response officers, which inevitably leads to evidence gathering for isolated moments in time, and thus contradicting requirements of evidencing a pattern of abusive behaviour as specified in the coercive and controlling behaviour offence. The expansion of BWC has happened almost simultaneously to the increased criminalisation of coercive control across similar jurisdictions, so the cameras emphasis on what is visible contrasts with the emphasis on coercive control capturing what is mostly invisible (see also Harris, 2020). This highlights inherent tensions in implementing policies that have not been thought through holistically and with little to no victim/ survivor input. However, there is opportunity to use BWC's more creatively, such as capturing testimony later in a case if victim/ survivors wish to pursue a conviction (Westera, Kebbell and Milne 2016). Furthermore, BWC can be a highly useful evidence gathering tool when there is physical evidence present. However, most police force BWC policies focus on their usage during the initial frontline response, and coercive control is not always 'visible' at this stage of the investigation. Further consideration is required as to how BWC can be better used to support victim/ survivors of coercive control.

Furthermore, the paper also raises important questions such as who are the beneficiaries of BWC? Or how is success measured? The data in this study suggests that police officers see BWC footage as a way of ‘covering their backs’ in DA cases, allowing them to show that they have done their duty in cases where victim/ survivors may not want to pursue a prosecution. For these officers, having evidence to show that they have responded appropriately to victim/ survivors was identified as a measure of success. However, victim/ survivors questioned the efficacy of the usage of BWC’s, highlighting potential problems with practitioners and police officers engaging in ‘ideal’ victim narratives, influenced by how victims are able to present themselves on camera. It is a significant expectation for women to recall their experiences of coercive control coherently and clearly on camera when police officers first respond, particularly as it can be difficult for victim/ survivors to understand their experiences of abuse themselves. These kinds of nuances have particular negative consequences for minoritized and marginalised victim/ survivors, with the footage potentially discrediting women’s accounts. This is highly problematic, particularly in the possible absence of other forms of evidence in coercive control cases. It is argued here that BWC shouldn’t be used as a replacement for other forms of evidence gathering, such as gathering intelligence, speaking with friends and family and other forms of statement taking.

It is clear that what was more important for the women in this study was feeling listened to and supported, and the BWC added little, if anything, to this experience. This suggests that if fundamental issues persist in police responses to DA and coercive control, such as prioritising physical violence, responding to isolated incidents (Barlow et al, 2019) and persistent problematic attitudes towards DA more broadly (Myhill & Hohl, 2016), then the benefits of BWC’s from the perspective of victim/ survivors is limited.

BWC footage emerges as ‘fact’ in DA cases, often outweighing a victim/ survivors verbal testimony. Although this may be a relief for those victim/ survivors who do not want to relive and repeat a narrative of abuse, especially in court, for many, this can create a ‘data double’, whereby the mediated video version of herself is favoured over the testimony of the physical victim (Moore and Singh, 2018). As highlighted by Moore and Singh (2018:128):

“far from protecting victims from revictimization, the reliance on visual evidence often serves to facilitate the silencing of domestic violence victims and the further removal of their agency within the prosecution of their assaults”

In sum, the use and success of BWC usage in DA cases has been subject to minimal evaluation, with mixed results regarding their success and there has been even further limited evaluation of their efficacy from the perspective of victim/ survivors. BWC may be useful in some cases, particularly where the victim/ survivor supports a prosecution, however for minoritized women who experience structural constraints and who may not present as the ‘ideal’ victim, the presence of the camera, particularly during the first response, may have unintended consequences.

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Conflict of interest

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References

- Ariel, B., Farrar, W. A., & Sutherland, A. (2015). The effect of police body-worn cameras on use of force and citizens’ complaints against the police: A randomized controlled trial. *Journal of Quantitative Criminology*, 31(3), 509–535.
- Barlow, C and Walklate, S. (2022) *Coercive Control*. Routledge
- Barlow C and Walklate S (2021) Gender, risk assessment and coercive control: Contradictions in terms? *British Journal of Criminology*. <https://doi.org/10.1093/bjc/azaa104>
- Barlow, C. Johnson, K., Walklate, S. and Humphreys, L. (2020), ‘Putting coercive control into practice: problems and possibilities’, *British Journal of Criminology*, 60: 160–179. doi: 10.1093/bjc/azaz041.
- Bayley, D. & Bittner, E. (1984) Learning the skills of policing. *Law and Contemporary Problems*. 47, 35-59
- Blagg, H (2008). *Crime, aboriginality and the decolonisation of justice*. Federation Press

- Braun, V. and Clarke, V. (2006), 'Using thematic analysis in psychology', *Qualitative Research in Psychology*, 3: 77–101.
- Canning, V. (2020). Corrosive control: state-corporate and gendered harm in bordered Britain. *Critical Criminology*, 28, 259-275
- Dawson M and Dinovitzer R (2001) Victim cooperation and the prosecution of domestic violence in a specialized court. *Justice Quarterly* 18(3): 593–622
- Drover, P., & Barak, A. (2015). Leading an experiment in police body-worn video cameras. *International Criminal Justice Review*, 25(1), 80–97.
- Epstein, D., & Goodman, L. A. (2019). Discounting women: Doubting domestic violence survivors' credibility and dismissing their experiences. *University of Pennsylvania Law Review*, 16, 399–461.
- Goodall, M. (2007) Guidance for the police use of body-worn video devices. Home Office.
- Graca, S. (2021). Resistance and the paradox of legal entitlement: a theoretical analysis of migrant womens responses to domestic abuse in the host country. *Journal of Legal Pluralism and Unofficial Law*. DOI: 10.1080/07329113.2021.1925458
- Bridget A. Harris (2020): Visualising violence? Capturing and critiquing bodyworn video camera evidence of domestic and family violence, *Current Issues in Criminal Justice*, DOI: 10.1080/10345329.2020.1831730
- Lees, S. (1996). *Carnal Knowledge*. London: Hamish Hamilton.
- Lister, S. & Pina-Sanchez, J. (2018). Exploring the impacts of body-worn camera in domestic abuse incidents, N8 Project Report, <https://n8prp.org.uk/exploring-the-impacts-of-police-use-of-body-worn-cameras-at-incidents-of-domestic-abuse/>
- McMahon, M. & McGorrey, P. (2016). Criminalising controlling and coercive behaviour: The next step in the prosecution of family violence? *Alternative Law Journal*, 41 (2), 98-101
- McCulloch, J., Pfitzner, N., Maher, J. M., Fitz-Gibbon, K., & Segrave, M. (2020) *Victoria Police trial of digitally recorded evidence in chief – family violence*. Clayton: Monash Gender and Family Violence Prevention Centre, Monash University.
- Morrow, W. J., Katz, C. M., & Choate, D. E. (2016) Assessing the impact of police body-worn cameras on arresting, prosecuting, and convicting suspects of intimate partner violence. *Police Quarterly*, 19(3), 303–325.
- Moore, D., and Singh, R. (2018). Seeing crime, feeling crime: Visual evidence, emotions, and the prosecution of domestic violence. *Theoretical Criminology*, 22(1), 116-132.
- Myhill, A. and Johnson, K. (2016), Police Use of Discretion in Response to Domestic Violence, *Criminology & Criminal Justice* 16(1) 3–20

- Myhill A and Hohl K (2016) The 'golden thread': Coercive control and risk assessment for domestic violence. *Journal of Interpersonal Violence* 34(21–24): 4477–4497.
- Owens, C., Mann, D., & Mckenna, R. (2014). The Essex body worn trial: The impact of body worn video on criminal justice outcomes of domestic violence incidents. Essex: College of Policing.
- Pitman, T. (2017), Living with Coercive Control: Trapped within a complex web of double standards, double binds and boundary violations, *British Journal of Social Work* 47, 143–161
- Radford, J. Harne, L & Trotter, J. (2006). Disabled women and domestic violence as violent crime. *Social Work in Action*. 18, 4, 233-246
- Reeves E (2021) 'I'm not at all protected and I think other women should know that, that they're not protected either': Victim-survivors' experiences of 'misidentification' in Victoria's family violence system. *International Journal for Crime, Justice and Social Democracy*
- Robinson AL, Gillian M, Pinchevsky G and Guthrie J (2016) A small constellation: Risk factors informing police perceptions of domestic abuse. *Policing and Society* 40(3): 195–208. <https://doi.org/10.1080/10439463.2016.1151881>
- Schechter S (1982), *Women and Male Violence: The Visions and Struggles of the Battered Women's Movement*. Cambridge, MA: South End Press.
- Sokoloff, N & Dupont, I. (2005) Domestic violence at the intersections of race, class and gender: Challenges and contributions to understanding violence against marginalised women in diverse communities. *Violence Against Women*, 11, 1, 38-64
- Stark, E. (2007), *Coercive Control: How Men Entrap Women in Everyday Life*. New York: Oxford University Press
- Stoughton, S. W. (2018) Police body-worn cameras. *North Carolina Law Review*, 96, 1363–1424.
- Walklate, S., Fitz-Gibbon, K., and McCulloch, J. (2017), Is More Law the Answer? Seeking Justice for Victims of Intimate Partner Violence Through the Reform of Legal Categories, *Criminology and Criminal Justice* DOI: 10.1177/1748895817728561
- Westera, N., Kebbell, M. R., & Milne, R (2013) Losing two thirds of the story: A comparison of the video-recorded police interview and live evidence of rape complainants. *Criminal Law Review*, 4, 290–308.
- Westmarland, N. and Kelly, L. (2016), 'Domestic Violence: The Increasing Tensions Between Experience, Theory, Research Policy and Practice', in R. Matthews, ed., What is to

be Done About Crime and Punishment? Towards a Public Criminology, 31–55. Palgrave-Macmillan.

White, M. D., Todak, N., & Gaub, J. E. (2018) Examining body-worn camera integration and acceptance among police officers, citizens, and external stakeholders. *Criminology & Public Policy*, 17(3), 649–677.

Williamson, E. (2010), ‘Living in the World of the Domestic Violence Perpetrator: Negotiating the Unreality of Coercive Control’, *Violence Against Women*, 16: 1412–23. doi: 10.1177/1077801210389162.