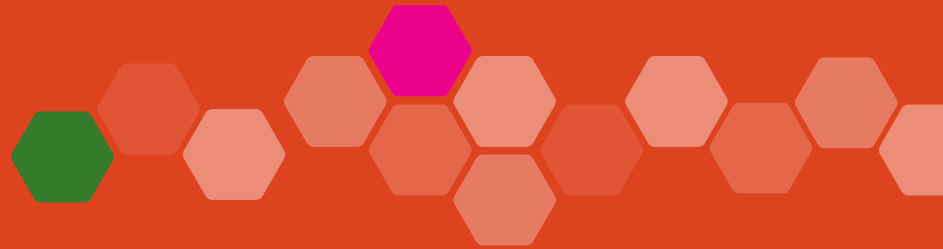


The Domestic Abuse (Scotland) Act 2018: emerging findings of male victims' experiences of the Criminal Justice System



Crime and Justice

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List of Abbreviations

AMIS	Abused Men in Scotland
CJS	Criminal Justice System
COPFS	Crown Office and Procurator Fiscal Service
DASA	Domestic Abuse (Scotland) Act
MS	Microsoft
NHO	Non-Harassment Order
SCJS	Scottish Crime and Justice Survey

Key findings summary

This report presents the findings from a survey which aimed to capture the views and experiences of male adult victims/survivors in order to improve our understanding of the operation and effectiveness of the Domestic Abuse (Scotland) Act 2018 (referred to as ‘the Act’) in its first three years of implementation, and to meet – in part - the relevant legislative reporting requirement (Section 14 2(f)). The survey was completed by 18 men who had made their initial contact with the criminal justice system after the implementation of the Act (1 April 2019).

A note on the findings: The small, self-selecting sample of men who responded to the survey and the unprecedented impact of the COVID-19 pandemic on the operations of the justice system during two of the first three years of the Act’s implementation, means that there are limitations in the conclusions that can be drawn from the findings in this report. This means that findings cannot be generalised. In particular, there were too few responses to report on key aspects of male victim experiences of court, and specific provisions in the Act (e.g. non-harassment orders). That said, the findings lend valuable insight into the lived experience of some male victims of domestic abuse who were involved with the Criminal Justice System (CJS) during this time.

The key findings are as follows:

- A striking finding was the number of male respondents, all of whom had identified as victims of domestic abuse, being reported by their partner/ex-partners as perpetrators (11 out of 18).
- The majority of the respondents spoke of negative experiences at various stages of the criminal justice system. Where respondents had a negative experience with one part of the system, they had a tendency to generalise this discontent to other aspects or the justice system as a whole.
- The majority of men in this research felt there to be a system-wide gender bias against them – as men - which meant that procedures and processes were perceived by them as ineffective. They felt their experiences of abuse were minimised, that they were not believed, supported or taken seriously as victims.
- Most respondents felt that the system assumes men are the perpetrators of abuse, and where children are involved, that it is best for women to have custody.
- Most respondents reported feeling unprotected and let down by the criminal justice system and expressed distrust of the police, and other statutory and support agencies. They questioned services’ willingness to help and their skills and training to do so. Positive experiences, characterised by being listened to and believed, were the exception.

- For the majority of respondents, the most desired outcome of going through the criminal justice system would have meant, in order of the most common responses: feeling in control of their lives, feeling safe, and feeling their children were safe. 16 out of 18 respondents said none of these outcomes had been achieved. In only one case did a respondent reach what they felt was a positive outcome.
- Due to not all respondents answering all the questions, the data on impact on victim safety is limited. However, the majority of respondents reported continued abuse from the alleged perpetrator after their (initial) involvement with the Police and Procurator Fiscal. Regardless of the decision taken by these agencies, ranging from criminal court to no further action, the majority of respondents reported that the perpetrator “used the decision to show them the criminal justice system couldn’t help them” (n=12) and that “the system did not care about them” (n=13).
- 14 out of 15 respondents (who answered that question) said the criminal justice system got ‘nothing’ right during their experience.
- 11 out of 18 respondents said they would not have chosen to become involved with the criminal justice system if they had known what it would be like. Three said they would have chosen to be involved and one other respondent said they were not sure. The remaining three respondents selected ‘other’, and reported negative feelings about their experience.
- In terms of improving the experiences of male victims of domestic abuse in their journey through the criminal justice system; being listened to and supported were key for most respondents. Issues of improving policing and other agency training on handling domestic abuse involving a male victim, alongside recognising the role men play in parenting and children’s lives were also identified by respondents as priority areas for improvement.
- Further research with a larger sample of male victims during a period of ‘normal’ court processes (post pandemic) would help draw more definitive conclusions regarding how well the Act is working for male victims of domestic abuse and how it can be improved.

Introduction and background

This report has been collated as part of the Reporting Requirement (Section 14) of the Domestic Abuse (Scotland) Act 2018 (DASA) to assess the effectiveness of the new law. The Domestic Abuse (Scotland) Act 2018 (referred to as ‘the Act’) came into force on the 1st April 2019. The Act aims to improve how the justice system responds to domestic abuse by ensuring that the criminal law reflects that domestic abuse can often be a course of conduct which takes place over a sustained period of time and that this can consist of both physical violence and threats, and psychological and emotional abuse. Under Act Section 14, subsection 2 (f) is the requirement to provide ‘information about the experience of witnesses (including witnesses who are children) at court’¹.

This report presents the findings from a survey capturing the views and experiences of male adult victims/survivors in order to improve our understanding of the operation and effectiveness of the new domestic abuse legislation.

In addition to this survey, the Scottish Government funded research on the experiences of child and adult victims/witnesses in domestic abuse court cases, including a survey for female victims of domestic abuse and in-depth, qualitative research with child and adult victims/witnesses, including a small number of men.²

There are a number of data sources which collect information on domestic abuse in Scotland.³ Police Scotland recorded 65,251 incidents of domestic abuse in 2020-21, 40% (25,825) included the recording of at least one crime or offence. Where gender was recorded 18% of victims of reported domestic abuse were male (8,325). In incidents leading to the recording of a crime or offence, 4,118 had a male victim and 21,512 had a female victim. Where both the gender of the victim and the accused is known, 16% involved a male victim and a female accused (80% had a female victim and a male accused). This increased slightly from 15% in 2019-20. In the remainder of domestic abuse incidents, the victim and accused were the same gender.⁴ In relation to the Domestic Abuse (Scotland) Act 2018, 1,384 crimes were recorded under the Act in 2020-21, accounting for 4% of crimes and offences recorded as part of a domestic abuse incident in 2020-21. This was the same proportion of crimes and offences as in 2019-20.⁵

¹ The full wording of the requirement can be found here: [Domestic Abuse \(Scotland\) Act 2018 \(legislation.gov.uk\)](https://legislation.gov.uk)

² Lombard, N. et al. (2022) [Domestic Abuse \(Scotland\) Act 2018 and the Criminal Justice System: Women’s Experiences](#), SCCJR; Houghton, C. et al. (2022) Domestic Abuse Court Experiences Research: the perspectives of victims and witnesses in Scotland, The Scottish Government.

³ Police Scotland, the Scottish Government Scottish Crime and Justice Survey (SCJS), the Crown Office & Procurator Fiscal Service (COPFS), the Scottish Government Criminal Proceedings in Scotland statistics.

⁴ [Domestic abuse: statistics recorded by the Police in Scotland - 2020/21](#)

⁵ [Domestic abuse: statistics recorded by the Police in Scotland - 2020/21](#)

The most recent Scottish Crime and Justice Survey (SCJS)⁶, published in March 2021, found that in 2018/20, 16.5% of adults said they had experienced at least one incident of partner abuse since the age of 16. Since the age of 16, just over one in ten men have experienced partner abuse (11.2%), compared with just over one in five women (21.2%). Similarly, experiences of partner abuse in the 12 months prior to interview were less common for men (2.6%) than women (3.7%).

The Crown Office and Procurator Fiscal Service (COPFS) reported that in 2020-21, 33,425 charges were reported with a domestic abuse identifier. 28,975 (87%) of the charges reported with a domestic abuse identifier were in cases where the accused was male. 1,581 charges were reported under the Domestic Abuse (Scotland) Act 2018, accounting for 4.7% of all domestic abuse charges reported. This represents an increase of 48% on the 2019-20 total of 1,065 (3.5% of all domestic abuse charges reported). Court proceedings were commenced in 95% of the DASA charges reported. 95% (1,505) of the DASA charges reported were in cases where the accused was male.⁷

In 2020-21, 383 people were convicted of crimes under DASA, up by 81% from 212 in 2019-20. Of the total number of people convicted under DASA in 2020-21, 96% were male (369), compared to 14 females. The vast majority of people convicted of an offence with a domestic abuse statutory aggravation were male (5,765 convictions or 89%).⁸

It is important to note, however, that the available published data over the period of implementation from 2019 to 2021 is likely to have been significantly impacted by the COVID-19 pandemic (e.g. court closures). The data is therefore unlikely to be indicative of any longer term trends and, as such, caution should be exercised when interpreting or drawing conclusions from these datasets at this stage.

Survey aims and research questions

The primary aim of the research was to meet the reporting requirement of the Domestic Abuse (Scotland) Act 2018 Section 14 (2f) as set out above.

The research aimed to capture the views and experiences of (male) adult victims/survivors at court in order to improve our understanding of the operation and effectiveness of the Act. The survey initially aimed to address the following research questions:

Since the introduction of the Domestic Abuse (Scotland) Act in April 2019,

- How do male victims of domestic abuse experience the justice system, and specifically, going to court?
- In relation to the above, are there any points in the court process that victims find particularly difficult? And conversely, which aspects work well?
- What impact, if any, do the various stages of court processes and sentencing have on victims' reports of abuse?

⁶ [Scottish Government Scottish Crime and Justice Survey \(SCJS\)](#)

⁷ [Domestic Abuse and Stalking Charges in Scotland 2020-21](#)

⁸ [Criminal proceedings in Scotland, 2020-21](#)

- What is the impact of the court process on victims? What, if anything, do victims identify would improve their experiences of court?
- What do the findings tell us, if anything, about the impact and/or effectiveness of specific aspects of the DASA legislation including experiences of victims of coercive control, enhanced protection of children and, consideration and use of non-harassment orders (NHOs)?
- What has the impact of COVID-19 been on victim experiences of being involved in a domestic abuse court case? What are victim experiences of remote courts and how do they vary in relation to those that attend in person?

The research also set out to explore any differences in experience by victim demographics (e.g. age, ethnicity, disability), type of court (specialist vs non-specialist), and factors associated with positive or negative experiences. Due to the small sample size it was not possible to address these aspects or answer all of the research questions above. More information on research scope and limitations is provided in the section below.

Methodology, scope and limitations

Survey design and dissemination

An online survey was developed to gather information about male victim experiences of criminal courts since the introduction of the Act. It was distributed via support organisations including Abused Men in Scotland (AMIS), Shared Parenting, and ASSIST. Details of how to take part in the research were also included in Victim Information and Advice letters sent from COPFS to individuals when their domestic abuse case had concluded. At the start of the survey, respondents were asked to confirm that they identified as male, were aged over 18 years old and had involvement, as a victim/survivor of domestic abuse, with the Scottish Criminal Justice System⁹ since 1st April 2019. The survey opened on 12 July 2021 and closed on 30 September 2021. It received 18 responses.

The survey ran over a similar period as a Scottish Government grant-funded survey to understand women's experiences of the criminal justice system since the implementation of the Domestic Abuse (Scotland) Act.¹⁰ Scottish Government researchers from Justice Analytical Services, with permission, adapted the survey developed by Lombard et al; some sections were excluded to make it quicker and easier to complete and to focus the

⁹ Involvement with one or more of the following agencies; Police Scotland, Crown Office and Procurator Fiscal Service, Scottish Court Service, Scottish Prison Service, Parole Board, Defence solicitors

¹⁰ Lombard, N. et al. (2022) [Domestic Abuse \(Scotland\) Act 2018 and the Criminal Justice System: Women's Experiences](#), SCCJR

The women's survey ran from May to September 2021. The survey was part of a wider Justice Analytical Services Grant research programme on improving the evidence base around the experiences of users of the justice system which included research on women's experiences of the criminal justice system having reported coercive control, stalking and related crimes.

survey on key research questions around court experiences.¹¹ The adapted survey was reviewed by support organisations who work with male victims of domestic abuse before it was disseminated to ensure it reflected the experiences of men. A limited search of the literature was undertaken to sense check it against the evidence base. Nevertheless the survey approach remains broadly consistent with the women's survey to allow for comparisons to be drawn where possible/appropriate.

The survey gathered quantitative data as well as qualitative data with a mix of closed and open questions; all questions were optional. It included 112 questions¹² and covered the following topics:

- **Participant eligibility criteria** – to participate in the survey respondents were asked to confirm that they identified as a man and that their experience of the criminal justice system took place in Scotland since April 2019.
- **Participant consent** – respondents were asked to read and consent to a number of statements which covered the voluntary nature of consent and data protection matters.
- **Initial involvement with the Scottish Criminal Justice System** – this section covered questions about the type of abuse reported and the gender and relationship of the alleged perpetrator to the survey respondent, and whether any children were living with the respondent at the time of reporting.
- **Procurator Fiscal decision & experiences** – this section included questions about the decision made by COPFS and subsequent victim experiences.
- **Pre-court experience** – this section included questions about experiences before court including the plea hearing and court delays.
- **Court and trial** – this section asked questions about victim experiences of court, the trial and NHOs.
- **Verdict and sentencing** – this section included questions on the verdict and sentencing and victims' views and experiences of this.
- **Statutory support** - this section covered victim experiences of the following agencies; Criminal Justice Social Work, Children and Families Social Work, The Children's Reporter, Child Contact Centres, The Children's Panel, Parole Board.
- **Reflections on victim experiences with the Criminal Justice System** – this section included questions about victims' general views on their involvement with the criminal justice system, their expectations and what worked well/not so well.
- **Respondent demographics** – this section asked respondents about their age, gender, sexuality, if English was their first language, ethnicity, disability, and which local authority they reside in.

¹¹ The emphasis of the adapted survey was on court experiences and victim experiences to reflect the reporting requirement. This meant that some content including questions about being falsely accused by the perpetrator and detailed questions about pre-court experiences were not included.

¹² Many of these included optional open text boxes provided after most set questions to allow respondents to answer the survey in a way that worked for them.

Data analysis, scope and limitations

The survey was analysed by Scottish Government researchers in Justice Analytical Services. The responses were analysed using MS Excel in order to conduct descriptive analysis of the quantitative data and thematic analysis of the qualitative data.

The low response rate of the men's survey may be due to a number of factors: methodological limitations and the challenges associated with engaging participants in research of a sensitive nature with the potential for retraumatisation¹³; limited pool of male victims who had experienced court processes from start to finish since the implementation of the Act¹⁴, which was likely exacerbated by ongoing disruption to the criminal justice system caused by the onset of the COVID-19 pandemic in March 2020. The small sample size is reflected in similar research, most recently, Lombard et al's (2022) survey of women which was completed by 29 respondents, of which 12 cases were referred to court.¹⁵

As a result of the small sample, some of the quantitative questions in the survey received fewer than 5 responses and were therefore excluded from the analysis and reporting.¹⁶ As not all respondents' cases progressed as far as the courts, these included in particular questions relating to experiences of the criminal courts, the period before, during and after the trial, applying for special measures, giving evidence, non-harassment orders and sentencing. Useable quantitative data with over 5 responses is reported where possible and all qualitative data (answers to open questions) was included in the analysis.

Some of the responses indicate participant confusion with either the survey questions and/or the court process. For example, there appeared to be some confusion over which case was covered in the survey responses where both the victim respondent (as an alleged perpetrator) and the alleged perpetrator were referred to the criminal courts. Respondents' understanding and perceptions of the criminal justice system may not necessarily reflect the precise operations and running of the system e.g. where a victim refers to 'the courts' they may or may not be referencing COPFS for example. These sometimes contradictory responses affected the reliability and validity of the data and for that reason, some were excluded from the analysis.

Finally, as respondents were self-selecting there is the potential for bias within the sample. For example it is possible that people may be more likely to participate in research of this nature if they have had an 'extreme' experience such as a very bad or a very good experience, as was referenced in the Lombard study.¹⁷

¹³ See Armstrong, S. et al. (2020) [Measuring Justice: Defining Concepts, Developing Practice](#), SCCJR; [Researching emotionally sensitive subjects](#) (UK Government, 2019)

¹⁴ Although the Act came into effect at the start of 2019, the full course of conduct – for DASA Section 1 offences - has to have taken place on or after 1 April 2019.

¹⁵ Lombard, N. et al. (2022) [Domestic Abuse \(Scotland\) Act 2018 and the Criminal Justice System: Women's Experiences](#), SCCJR

¹⁶ Approximately 30 questions

¹⁷ Lombard, N. et al. (2022) [Domestic Abuse \(Scotland\) Act 2018 and the Criminal Justice System: Women's Experiences](#), SCCJR

The survey data does not therefore provide a representative sample of adult male victims who have been involved in a domestic abuse court case in Scotland since the Act came into force. Rather, it represents a snapshot in time of a small number of male victims and, due to limited responses to some questions, focuses on their overall expectations and experiences of the Scottish criminal justice system when reporting domestic abuse. These findings, whilst providing very valuable insights to the lived experience of male survivors, should therefore be considered as indicative rather than conclusive evidence. Despite these limitations, the findings shine a light on key issues regarding some male victims' experiences of the criminal justice system in Scotland.

Throughout the report, men who completed the survey are referred to as respondents. Results shown in the report exclude any responses that were left blank or were given to questions that were filtered out via the survey routing. The number of respondents answering a question is shown in the table as (n). Quotations are taken from comments left by respondents in open text questions. Minor edits to spelling and grammar were made as appropriate to aid understanding.

Survey findings

Participant demographics

All respondents (n=18) reported that they identified as male, were aged over 18 years old and had “involvement, as a victim/survivor of domestic abuse, with the Scottish Criminal Justice System (i.e. one or more of the following agencies; Police Scotland, Crown Office and Procurator Fiscal Service, Scottish Court Service, Scottish Prison Service, Parole Board, Defence solicitors) since 1st April 2019”. Most participants were aged over 35 (n=15), as set out in table 1.

Table 1: Age of Respondents

Age category	Count
18-24	1
25-34	2
35-44	7
45-54	3
55-64	3
65-74	1
75+	0
Prefer not to answer	1
N	18

The majority of respondents reported that they were heterosexual (n=15), with three indicating that that they were homosexual (n=2) or bi-sexual (n=1). Similarly, most respondents said that their first language was English (n=15), with two indicating it was not, and one preferring not to answer.

Just over half of the respondents reported that they did not have a disability (n=11), with seven reporting that they did (of which six said it was not visible to other people). The majority of respondents reported that they were white (n=15), with two respondents reporting that they were black or 'mixed' background, and one preferring not to answer. Respondents reported that they resided in a total of 13 different local authority areas.

Tables featuring participants' demographics can be found in [Annex A](#).

Reporting domestic abuse

Key findings:

There was a striking crossover between respondents, all of whom had identified as victims of domestic abuse, reporting incidents to the police (male as victim) (n=12) and their partners/ex-partners reporting incidents against them (male as alleged perpetrator) (n=11), and in some cases both (n=6).

The majority of the respondents described negative experiences of their initial involvement with the police and wider criminal justice system, feeling let down, disbelieved and unsupported as victims. The majority felt there to be a system-wide gender bias against them from the outset.

The majority (n=15) of respondents had reported one perpetrator to the police for acts of domestic abuse or stalking, with three reporting they had done so for two perpetrators.¹⁸

In 16 out of 18 cases the perpetrator was a woman, in two it was a man. At the time of reporting, about half of the victims were no longer residing with the perpetrator (eight were separated, one divorced, one co-parenting), whilst the remaining were still together (two cohabiting, three married/civil partnership and three boyfriend/girlfriend/partners).

At the time of their involvement with the Justice System, 11 out of 18 respondents had children under the age of 16 living with them, five did not, and two preferred not to say. Out of the 11 who had children living with them, in almost all instances (n=10) the victim and perpetrator were both parents of the child(ren).

¹⁸ Survey respondents who indicated they had had criminal justice system involvement relating to two perpetrators were asked to answer questions relating to the case that had involved the most criminal justice contact. All respondents confirmed at the start of the survey that they have had involvement, as a victim/survivor of domestic abuse, with the Scottish Criminal Justice System since the implementation of the Act.

When asked what prompted initial contact with the police, respondents (all of whom identified as victims of domestic abuse at the start of the survey), were almost as likely to report an incident as they were reported against them. As set out in table 2, the majority of respondents reported that they contacted the police directly to report an incident (n=12), but over half reported that the perpetrator “made a malicious/false report” against them (n=11).¹⁹ In six of those cases, both the respondent and the perpetrator made reports (n=6). One respondent reported that the perpetrator “had made a report against me for something I did to defend myself” and the remaining respondent selected ‘other’.²⁰ In none of the cases did someone else (e.g. a family member or neighbour) report the incident.

Table 2: Initial contact with the police

What prompted INITIAL contact with the police? (please tick all that apply)	Count
I reported an incident against me	12
Someone else reported an incident (e.g. a neighbour, family member, child living with you, other witness)	0
The perpetrator made a malicious/false report against me	11
The perpetrator made report against me for something I did to defend myself	1
Other (please specify)	1
N	18

All respondents said more than one incident or type of behaviour was reported during the initial contact with the police (by them or about them or, in some cases, both). Because it is not clear whether the incident reported to the police related to respondents’ reports of victimisation or a report made against them (by their partner/ex-partner), the findings do not allow conclusions to be drawn about the most common form of abuse experienced by the male victims in this survey. Caution should therefore be taken in interpreting these findings.

The most frequently reported behaviours overall were physical violence/abuse (12), emotional/psychological violence/abuse (13) and coercive control (10), as set out in table 3. 10 reports were made of threats against them (8) or someone important to them (2). Four reported stalking, three sexual violence/abuse and three selected ‘other’. These ‘other’ responses included self-harm, false allegations, and emotional and psychological abuse against children.

For most respondents their involvement with the criminal justice system had ended at the time of completing the survey (n=13). Three had ongoing involvement and two preferred not to say.

¹⁹ It is not known what the nature of the false report was.

²⁰ No further information was provided by the respondent.

Table 3: Types of behaviours reported to the police

What was reported in the initial contact with the police? (please tick all that apply)	Count
stalking	4
physical violence/abuse	12
emotional/psychological violence/abuse	13
coercive control (using intimidation, threats or other emotional/psychological abuse to control you)	10
sexual violence/abuse	3
a threat that was made against me	8
a threat that was made against someone important to me	2
Other (please specify)	3
N	18

Respondents were asked about their initial involvement with the Scottish criminal justice system. Most described a negative experience, for example feeling let down, disbelieved and unsupported. Respondents generally spoke of adverse encounters with the police, the first step in their involvement with the system. This included experiences such as police officers reinforcing gendered stereotypes, being biased towards women as victims and failing to take action on respondents' reports, instead assuming that they were the perpetrators. For some respondents, involving the police had made them feel less safe and acted as a barrier to accessing further help and justice.

"I went to an unstaffed police office and reported on the wall phone that I had been assaulted. Punched repeatedly, kicked and kicked down the stairs. It was late at night. No-one came to see me. I was forced to go home because I had nowhere else to go and had come out without any money. I was also bleeding so didn't want anyone to see me. When I got home I discovered that police had already been there to ask if my wife, who had assaulted me, was ok. That was it. No-one asked if I was alright or to assess my injuries or take a statement. That told me that in future there was no point whatsoever in asking the Police for help if it happened again [...] I felt I was assaulted twice - once by my wife and once by the Police who made it clear that they were so prejudiced the only concern they showed was for the perpetrator because she was the right sex and I was the wrong one."
Respondent 5

"Never got any support from the police. The case was ignored." Respondent 1

Specific criticisms of and negative experiences with the police extended to the wider justice system. Respondents reported having no trust in the system. Some avoided initially reporting domestic abuse to the police due to advice from family, friends and support

organisations to avoid criminal justice on the basis that as a man they would not be believed. For some, their subsequent experience of reporting confirmed this. Throughout the responses, men tended to frame their experiences of the justice system through a gendered lens. They believed they were treated unfavourably specifically because they were men.

“I left the family home because of my ex partner's abusive behaviour (physically violent, financially controlling, coercive control, cut off from friends and family) and advice from helplines and friends. I was advised not to report this to the police at the time by a helpline and friends because they said I would be arrested even though my partner was being abusive, as I am a man and she is a woman.” Respondent 7

“I was the victim. And was treated as if I was the perpetrator. The system is very unbalanced towards men.” Respondent 9

Two respondents provided positive reflections about their initial involvement with the justice system. In one of these cases, the respondent felt listened to and supported by police officers, but nevertheless noted that practical support and police action were lacking. For the other respondent, the online police reporting form was seen as a positive tool because it allowed him to report his abuse without having to verbalise it over the phone or in person.

“I have spoken with police about all incidents and I feel the support is good on a verbal basis but doing anything about it to an extent that protects me and my child's safety is not very helpful.” Respondent 3

“The online form was really helpful as I was too scared to call the police.” Respondent 4

Preparing for and attending court

Key findings:

This research found that, as with the police, the men in this survey generally recounted negative experiences of pre-court and/or court processes.

The majority of respondents (n=16) reported continued abuse from the perpetrator after their (initial) involvement with the Police and Procurator Fiscal. Regardless of the decision taken against the perpetrator from these agencies, ranging from criminal court to no further action, respondents reported that the perpetrator used the decision to show them “the criminal justice system couldn't help them” (n=12) and that “the system did not care about them” (n=13).

This research found that, as with the police, the men in this survey generally recounted negative experiences of COPFS and/or court processes. 13 out of 18 respondents said

that no further action was taken against the perpetrator after reporting to the police / after the Prosecutor Fiscal assessed the case.²¹ Three respondents said that the case against the perpetrator (their partner/ex-partner) was referred to the criminal courts and for four respondents, the case against them was referred to the criminal courts. For one respondent, both cases were referred to the criminal courts (table 4).

Table 4: Procurator Fiscal decisions

After the Procurator Fiscal assessed your case, what decision was made? (please tick all that apply)			
	Count		Count
The case against the perpetrator was referred to the criminal courts	3	The case against me was referred to the criminal courts	4
The perpetrator was given a warning	0	I was given a warning	1
The perpetrator was given a fine	1	I was given a fine	1
The perpetrator was given a work order	0	I was given a work order	1
The perpetrator was given a diversion from prosecution (e.g. referred to support, treatment, or something like mediation)	0	I was given a diversion from prosecution (e.g. referred to support, treatment, or something like mediation)	1
No further action was taken against the perpetrator	13	No further action was taken against me	2
N			18

The decision to take no further action against the perpetrator in the majority of cases was associated with men’s feelings of being disbelieved, unsupported and let down by a system which they felt does not take domestic abuse against male victims seriously. Some respondents, particularly those where the case against them was referred to the criminal courts, reported that they felt pursued and treated as the perpetrator instead of the victim, on, what was reported as, malicious/false reports made by the alleged perpetrator. One respondent, whose case against the perpetrator was referred to the courts, described not feeling supported in making their case heard and having evidence ignored.

“Still don’t understand why, it was as if the focus was on me - as opposed to what happened to me.” Respondent 4

²¹ Not all cases referred to by respondents were necessarily assessed by the Procurator Fiscal, some may have not progressed after the report to the police. Respondents understanding and perceptions of the criminal justice system may not necessarily reflect the precise operations and running of the system e.g. where a victim refers to ‘the courts’ they may or may not be referencing COPFS.

“Despite hours of recordings, of physical and emotional/verbal abuse in front of a child, the evidence was ignored completely.” Respondent 8

“During the court time, I and the witness in my case asked the Prosecutor Fiscal three times if we could have a recant of our statements due to the time period of when the incidents happen [...] this was denied and we were unable to provide the best possible case against my attacker.” Respondent 13

Other respondents reported feeling like decisions and outcomes were made before cases reached court and that there were insufficient consequences for perpetrators, either on conviction or for those who had made false reports.

“I feel that when it is proven that one brings up a false allegation of domestic violence, there should be a form of reprimand or fine. This will deter others from doing the same things, wasting tax payers money and just walking away unabated.” Respondent 2

“It’s absolutely ridiculous that the prosecutor fiscal doesn’t do more like giving people prison sentences, rehabilitation or community service. Instead their giving a 6 month non harassment order and a fine for £320.” Respondent 14

Table 5: Men’s responses about what happened after Procurator Fiscal decision

What happened after the decision? (please tick all that apply)	Count
The abuse/stalking continued	7
The abuse/stalking stopped	1
The abuse/stalking got worse	8
The abuse/stalking didn’t stop but it was less	1
The perpetrator used the decision to show me the criminal justice system couldn’t help me	12
The perpetrator used the decision to show me the criminal justice system didn’t care about me	13
I used the decision to show the perpetrator the criminal justice system would help me	1
I used the decision to show the perpetrator that the criminal justice system cared about me	2
N	18

The majority of respondents (n=16) reported continued abuse from the perpetrator after their involvement with this initial stage of the justice system. As set out in table 5, eight out of 18 respondents said the abuse and/or stalking worsened, and seven out of 18 reported that it continued. 13 respondents said the perpetrator used the Police / Prosecutor Fiscal’s

decision to 'show them that the criminal justice system didn't care about them', and 12 respondents said the perpetrator 'used the decision to show them the criminal justice system couldn't help'. This echoed respondents' comments that they felt that the criminal justice system is biased against male victims of domestic abuse and that it is used by the perpetrator to abuse further.

"Scotland has no care about male victims of domestic abuse." Respondent 13

"I feel let down by the courts [...] despite conviction, the sentence of absolute discharge gave the perpetrator the message that she could continue to control me." Respondent 16

The response rate to the quantitative questions on respondents' experiences with the criminal courts, including trial delays, applying for special measures, giving evidence, non-harassment orders and sentencing was too low to report on.²² As were the quantitative questions around feelings of safety and the impact of criminal court on victims. However, when respondents (n=3)²³, reflected on their experiences of attending court as a victim²⁴, two of the three described a negative experience. They described the harmful impact that going to court had on their mental health; one described experiencing distress in seeing their perpetrator at court despite measures put in place to avoid this, whilst another felt treated as though they were the perpetrator. Neither respondent felt believed.

"I was treated as if I was a stalker/harasser." Respondent 10

"I was asked to appear early so that I would not cross paths with my attacker, having arrived early I was asked to go to a witness room upstairs. Going there I crossed the path of my attacker before getting into the court room. Was then told that the court had moved room and had to go to another witness room, once again crossing the path of my attacker [...] Felt the way in which questions were asked and things were portrayed was absolutely pointless and had no care in the face of what my attacker had done. Was made out to be a liar and that I wasn't telling the truth." Respondent 13

For the respondent who reported a positive experience, this related to the overall support and quality of service he received from a range of agencies of the criminal justice system.

"Excellent service from Police. Procurator Fiscal's Office and support organisations."
Respondent 11

²² Questions in the survey received fewer than 5 responses were excluded from the analysis.

²³ Two of these respondents attended court as a victim. One of these respondents went to court as both the victim and as the accused. One respondent had only attended a plea hearing.

²⁴ At any stage of the court process

Respondents attending court as the accused (n=4)²⁵ (on what they felt were false/malicious reports), likewise expressed negative experiences at court and reported feeling stressed and anxious. These respondents emphasised that they were there because of “false allegations”. For one respondent, such allegations were seen as a tactic used by their perpetrator to further abuse them.

“It was highly stressful knowing I should never have been there and was only there as the perpetrator was using the system as an extension of her abuse.” Respondent 9

Experiences with other public sector agencies

Key Findings:

This research found that respondents generally had negative experiences of the criminal (and civil) justice support agencies they had contact with.

Most felt that the system assumes men are the perpetrators of abuse, and where children are involved, that it is best for women to have custody. Some reported feeling that their perpetrator used their interactions with agencies as a means to continue to abuse them and/or their children.

Table 6: Contact with public sector agencies

Did you have contact with any of the following agencies? (please tick all that apply)	Count
Criminal Justice Social Work	0
Children and Families Social Work	4
The Children's Reporter	4
Child Contact Centres	4
The Children's Panel	0
Parole Board	0
I did not have contact with any of these agencies	8
Other (please specify)	5
N	18

²⁵ Three of these respondents attended court as the accused. One of these respondents went to court as a both victim and as the accused.

Four out of 18 respondents noted they had contact with other public sector agencies during their involvement with the criminal (and civil) justice system.²⁶ Table 6 provides details of these agencies and how many respondents were involved with each, with most contact being related with children and families social work.

The quantitative data is too small to provide details about respondents' interactions with these agencies. However, the agencies men report having contact with is reflective of the themes of 'family rights' and 'shared parenting' which featured repeatedly in men's qualitative responses. Respondents raised issues of gendered assumptions and preferences given to women in relation to the care and custody of children. Respondents reported feeling that their perpetrator could use their interactions with agencies as a means to continue to abuse them and/or their children because the agencies were unwilling to listen to them or take their experiences seriously.

"Take this male receiving abuse serious and realise that sometimes the best parent for the children are the father." Respondent 3

"They are hopeless. They are keeping children with their abuser only because she is a woman." Respondent 6

"They have aided my abuser [to] abuse me and our son further. They did not investigate, but only took my abuser's word for it. When I tried asking for help, they simply turned me down. This includes directors of nursing, health visitors, doctors, social services."
Respondent 18

As indicated by the responses above, this research found that the men who completed this part of the survey on statutory support (n=4) generally had negative experiences of the criminal (and civil) justice support agencies they had contact with. They repeated feelings of not being taken seriously, listened to or believed, emphasising that the system is gendered and prejudiced against men, and unwilling to recognise woman as perpetrators of domestic abuse.

"Don't seem to take things that you think are serious and matter into consideration, basically hit a wall of unless something really bad happens and you are in severe danger they don't want to act." Respondent 3

"They were not able to help me, mainly because I am a man and my abuser is a woman, not the other way." Respondent 6

"I do not trust the justice system in Scotland [...] after my experiences of family court where my ex claims I am abusive to her and our kids and this is accepted despite no

²⁶ The survey did not include questions about voluntary sector organisations. As noted, it was adapted from an existing survey so as to allow for comparison, and was shortened to focus on key research questions.

evidence and no police involvement. The curator in the contact court case hasn't even met my children, seen me with them, spoken with the school or nursery, or anyone who is familiar with my children when in my care - he even declined to look at photos of me with my kids, and wouldn't accept evidence from me or my lawyer. My kids have no voice, and I don't believe the criminal justice system in Scotland would accept a woman can be abusive - there seems to be societal and systemic gender bias. I understand 2/3 of domestic abuse victims are women, but 1/3 are men - everyone deserve[s] support and abuse is never acceptable regardless of gender, race, religion, nationality, sexuality, etc. People are people." Respondent 7

This respondent highlighted a lack of signposting to support organisations from the criminal justice system and other public sector agencies. The survey would suggest that there is a demand for support for male victims of domestic abuse as ten out of 18 respondents asked to see contact details of support services at the start of the survey.

"At no point did anyone in a position of authority in the criminal justice system recommend support such as from Abused Men in Scotland (although I found them myself and they have been very supportive). I also contacted Scottish Women's Aid - they said they had sent me details of an organisation that helps men because they don't, but it was actually an organisation to help male perpetrators of domestic abuse. This was very upsetting. I have since had involvement with the Domestic Abuse Liaison Officer, who Abused Men in Scotland put me in touch with, and they were helpful and did encourage me to pursue a case." Respondent 7

Overall reflections of the criminal justice system

Key Findings:

For the majority of respondents, the most desired outcome of going through the criminal justice system would have meant feeling in control of their lives (n=13 out of 17), feeling safe (n=11), and feeling their children were safe (n=11). 16 out of 18 respondents said none of these outcomes were achieved.

11 out of 18 respondents said they would not have chosen to become involved with the criminal justice system if they "had known what it would be like."

14 out of 15 respondents said the criminal justice system got 'nothing' right during their experience.

In terms of improving the experiences of male victims of domestic abuse in their journey through the criminal justice system, being listened to and supported were key for most respondents. Issues of improving policing and other agency training on handling domestic abuse involving a male victim, alongside recognising the role men play in parenting and children's lives were also identified as areas for improvement.

Respondents were asked questions prompting them to reflect on their overall experience of the Scottish criminal justice system. Overall, their responses paint a negative picture. 11 out of 18 respondents said they would not have chosen to become involved in the Scottish criminal justice if they ‘had known what it would be like’, of which nine said ‘definitely not’ (table 7). Three said they would have chosen to be involved and one other respondent said they were not sure. The remaining three respondents selected ‘other’, providing further negative responses about the “corrupt” and “hopeless” system. One respondent said they had “no choice” after the case against them was referred to the criminal courts, when both them and the alleged perpetrator made reports to the police.

Table 7: Respondent opinions on whether they would have chosen to involve the Scottish Criminal Justice System now they knew what it would be like

Reflecting on your general experience of the Scottish Criminal Justice System to date, if you had known what it would be like, would you have chosen to become involved with the process?	Count
Definitely not	9
Probably not	2
Not sure	1
Probably yes	1
Definitely yes	2
Other (please specify)	3
N	18

Six out of 18 respondents said they ‘wouldn’t do it again’, and four said they regretted it (table 8). One respondent reported positively that they wish they had ‘done it sooner’ and another said ‘I’m glad I did it.’

Respondents were asked what would have been the best outcomes of going through the criminal justice system (table 9). For the majority, this would have meant feeling in control of their lives (n=13 out of 17), feeling safe (n=11), and feeling their children were safe (n=11). Seven reported the most desired outcome would have been the abuse ending, the perpetrator being punished in some way (n=7) and the perpetrator being removed from their life (n=6). 16 out of 18 respondents said none of these outcomes were achieved.

Table 8: Respondent overall feelings about their involvement with the Scottish Criminal Justice System

Overall, how do you feel about the involvement of the Scottish Criminal Justice System?	Count
I regret it	4
I'm glad I did it	1
I wouldn't do it again	6
I would do it again	0
I don't have any feelings about it	1
I wish I'd done it sooner	1
I don't know	1
Other (please specify)	4
N	18

Table 9: Expectations of engaging with the criminal justice system

What, for you, would have been the best outcome of going through the criminal justice system? (please tick all that apply)	Count
The abuse stopped	7
The perpetrator was sent to prison	1
The perpetrator was punished in some way	7
The perpetrator was removed from my life	6
Feeling safe	11
Feeling in control of my life	13
Feeling my children were safe	11
Other (please specify)	2
N	17

Moreover, 14 out of 15 respondents said the criminal justice system got 'nothing' right during their experience.²⁷ Survey respondents, when asked what advice they would give to a friend when approaching criminal justice because of an incident of domestic abuse, advised avoiding it or exercising caution, warning that it may result in little change in the

²⁷ 15 respondents answered this question.

situation or worse, a negative outcome. As throughout, some respondents specifically framed their advice from a male perspective, advising that men are presumed guilty from the onset, not listened to and treated unfairly by a system they felt was prejudiced against them.

“If you are male think carefully as the outcome could be worse than doing nothing.”

Respondent 15

“Do not do it OR expect a poor result.” Respondent 12

“Be prepared for nothing to happen.” Respondent 13

“I would advise them they are up against a wall of prejudice and to think carefully before engaging with it. I would support them if they chose to do so, so they had another person with them. A male on his own is made to feel he is under suspicion and definitely not 'believed'.” Respondent 5

Respondents were asked what they would change about the Scottish criminal justice system if they could change one thing. A desire for men to be recognised as victims and not assumed perpetrators, was the most common theme in their responses. Respondents noted that male victims of domestic abuse should be listened to, believed and supported. Some respondents again raised the need for change relating to understandings of shared parenting; for the system to recognise the role men play in parenting and family life. Others argued that everything about the system needs to change, or that perpetrators should be punished more harshly. Finally, some respondents noted that they would improve policing, to ensure reports are dealt with ‘seriously’ and in a ‘timely manner’, with further evidence and investigation.

“Ensure men are recognised as victims of domestic abuse, are heard, and support given.”

Respondent 7

“Police are the gatekeepers to the criminal justice system. They did nothing for me and made me feel that I counted for nothing.” Respondent 5

“To actually sentence people to stop abuse happening.” Respondent 14

Conclusions and discussion

This research explored male victim experiences of the criminal justice system (CJS) within the three year reporting period of the Domestic Abuse Scotland Act implementation, the latter two years of which took place during a time of unprecedented upheaval to the justice system due to the COVID-19 pandemic. As noted, the sample size and sampling approach means that the findings should be interpreted as indicative rather than conclusive evidence at this stage.

Overall, the findings of this survey paint a negative picture of male victim experiences. The issues raised by male respondents are similar to some of the findings from the DASA women's survey research which also found that positive interactions with the CJS were the exception.²⁸ Likewise, in terms of suggestions for improvements, being listened to, believed, and supported were important for both male and female survey respondents. In both surveys, respondents reported that perpetrators were able to continue their abuse and/or use the criminal justice 'against them.'

What is particular to this survey, however, is that male respondents framed their responses through a gendered lens describing the system as prejudiced against men and that procedures and processes were gender biased. They felt their experiences of abuse were minimised, that they were not believed or taken seriously primarily because they were men. Respondents reported feeling that they were perceived as perpetrators and in only one case did a respondent achieve what they felt was a positive outcome. In contrast to the women's survey, male respondents' appeared more likely to have reports made against them by the perpetrator.²⁹

More widely, there is limited research on men's experiences of the criminal justice system as victims/witnesses of domestic abuse. A small number of studies have reported similar findings, although these also experienced very small samples (number of research participants) and offered limited generalisation. McCarrick et al (2016)³⁰ for example interviewed six men that had experienced female perpetrated intimate partner violence. These men raised related feelings of being unfairly treated by the CJS and treated like a guilty perpetrator. The men also spoke about experiences of not being believed by the police and wider CJS. The perceived unfair treatment was seen as stemming from societal beliefs around gender roles. Hogan (2016)³¹ interviewed 23 men who self-identified as having experienced domestic abuse. Although the main focus of the study was not the criminal justice system, the study reported concern about a lack of recognition or understanding within society of men's experiences of domestic abuse and that the fear of being judged or not believed was a barrier for men to seek help. The latter finding is echoed in Bates' (2019)³² research exploring the impact of men's experience of intimate partner violence in non-help-seeking men. In this study, which surveyed 161 men, many men responded that they felt their experiences were not taken seriously or believed, and

²⁸ Lombard, N. et al. (2022) [Domestic Abuse \(Scotland\) Act 2018 and the Criminal Justice System: Women's Experiences](#), SCCJR

²⁹ While the survey approach remained broadly consistent with the women's survey to allow for general comparison where possible/appropriate, the data and findings are not directly comparable.

³⁰ McCarrick, J. et al. (2016) [Men's Experiences of the Criminal Justice System Following Female Perpetrated Intimate Partner Violence](#). *Journal of Family Violence* 31, 203–213.

³¹ Hogan, K. (2016) [Men's experiences of female-perpetrated intimate partner violence: A qualitative exploration](#). (Thesis). University of the West of England.

³² Bates, E.A. (2020) ["No one would ever believe me": an exploration of the impact of intimate partner violence victimization on men](#). *Psychology of Men and Masculinities* 21, 497-407.

some felt that society constructs them as abusers, rather than victims. The themes that arose in the Scottish Government research appear therefore not unique.

In terms of suggestions for improvements, survey respondents emphasised the need to listen to and believe male victims of domestic abuse, including improving police and criminal justice agency training to recognise this and the role men play in parenting and children's' lives.

As has been noted, the small number of participants in this survey and the impact of the COVID-19 pandemic on the justice system means there are limitations in the conclusions that can be drawn from the findings, particularly as there were too few responses to report on key aspects of victim experiences of court, and specific aspects of the Act (e.g. non-harassment orders). Further (post-COVID-19) research would be required to draw more definitive conclusions regarding how well the Act is working for male victims of domestic abuse and how it can be improved, particularly in relation to experiences at court.

Annex A – Respondent demographics

Table 1: Sexual orientation of respondents

Sexual orientation	Count
Heterosexual or Straight	15
Homosexual or Gay	2
Bi-Sexual	1
Pan-Sexual	0
Prefer not to answer	0
Other (please specify)	0
N	18

Table 2: Reported disability

Disability	Count
Yes, but it is not visible to other people	6
Yes, but it is only visible to other people in certain circumstances	1
Yes, and it is visible to other people	0
No	11
Prefer not to answer	0
N	18

Table 3: Ethnicity of respondents

Ethnicity	Count
White - British	2
White - Scottish	9
White - English	0
White - Welsh	0
White - Northern Irish	1
White - Irish	0
White - Other White Background	3
Mixed - White and Black Caribbean	0
Mixed - White and Black African	0
Mixed - White and Asian	0
Mixed - Any other mixed background	1
Asian or Asian British - Indian	0
Asian or Asian British - Pakistani	0
Asian or Asian British - Bangladeshi	0
Asian or Asian British - Other Asian background	0
Black or Black British - Caribbean	0
Black or Black British - African	1
Black or Black British - Other Black background	0
Chinese	0
Other Ethnic Group	0
Prefer not to answer	1
N	18

How to access background or source data

The data collected for this <statistical bulletin / social research publication>:

- are available in more detail through Scottish Neighbourhood Statistics
- are available via an alternative route <specify or delete this text>
- may be made available on request, subject to consideration of legal and ethical factors. Please contact Justice_Analysts@gov.scot for further information.
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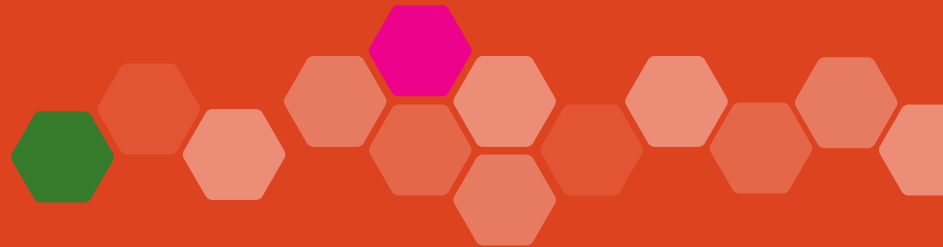
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