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Building a Case for Using “Coercive Control” in Alberta: Discussion Paper

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THE PROJECT TO END
DOMESTIC VIOLENCE

Building a case for using “Coercive Control” in Alberta

Discussion Paper

August 2020



UNIVERSITY OF CALGARY
FACULTY OF SOCIAL WORK

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A note from the authors:

For ten years, Shift has conducted research and worked with diverse stakeholders to create the social conditions that stop violence before it starts – at home, across the country, and around the world. In 2020, Shift partnered with IMPACT to develop a series of papers and learning modules to support the development of a primary prevention framework for Alberta. IMPACT is a provincial collective impact initiative that aims to eradicate domestic and sexual violence in Alberta. This paper is the first in a series of examining coercive control as a model and approach to be adopted by IMPACT and thus incorporated into the future design of the primary prevention framework.

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1.0 Purpose of the Report

In 2019, Shift: The Project to End Domestic Violence (Shift) at the University of Calgary partnered with IMPACT – a provincial collective impact initiative to address domestic violence (DV) and sexual violence (SV) in Alberta and to develop a primary prevention framework in Alberta. The first step to advancing primary prevention policies and practices is to ground key stakeholders in better understanding definitions and causes of violence so there is a shared understanding of how to build the social conditions that stop violence before it starts. As a result of this partnership and the emerging scholarship and implementation of the coercive control model, Shift was tasked with conducting a literature review to explore the definition, model, and potential adoption of coercive control with IMPACT. The literature review led to the development of a research report and this discussion paper summarizes key findings and recommendations.

The purpose of this discussion paper is to:

- Strengthen IMPACT members’ understanding of the definition, theory, and elements of the *coercive control* model.
- Summarize lessons learned from the implementation of the coercive control model in England, Wales, Scotland, and Ireland, including strengths and limitations of the model and examples and case studies.¹
- Provide IMPACT members with recommendations for next steps.

This discussion paper is based on a review of both academic and grey literature on coercive control published since 2009. For more details on our methods and limitations, please see Appendix A.

A note for the reader: Evan Stark has written many books and articles on the issue of coercive control and his book, “Coercive Control: The Entrapment of Women in Personal Life” (2007) is recognized as the original source of the coercive control model. Stark is a sociologist, forensic social worker, and researcher in the area of interpersonal violence and his discussion of coercive control has influenced the United Kingdom and other countries in Europe to expand their definitions of domestic violence to include coercive control.¹ For these reasons, Stark is heavily cited throughout this paper.

¹ The included studies focused on England, Wales, Scotland, and the Republic of Ireland. Northern Ireland also adopted the coercive control law in 2018. However, as of reports in 2019, Northern Ireland is in the process of determining implementation and enforcement of the law. This is because a Minister of Justice, Committee for Justice, and Northern Ireland Assembly were not in place when the law was passed, making it impossible to progress the law any further. As a result, the studies and literature included in this paper focus on England, Wales, Scotland, and the Republic of Ireland.

2.0 Current discourse on domestic violence/sexual violence

“A woman wears the same outfit every day, rarely goes out, and continually paces back and forth in a small space. Imagine how hard it would be to explain her behaviour if you were unable to reveal that the woman is confined to a jail cell. The domestic violence field faces a similar predicament when it tries to account for how battered women behave without identifying her ‘cage.’”¹

The domestic violence and sexual violence sector has historically focused on trying to explain the behaviours of the woman in the cage – what is she doing? Why does she pace? Why does she not leave that space? However, if the sector took a step back and realized that the woman was trapped in a cage of patriarchy, male privilege, and society’s acceptance of violence, the sector’s understanding (and response) of the woman’s situation would drastically change. The coercive control model focuses on understanding, describing, and dismantling the cage that entraps women in interpersonal violence. This approach challenges the violent-incident model that currently guides the domestic violence and sexual violence sector, described below.

2.1 Issues with our current “violent-incident model”

According to Stark², current research, laws, policies, services, and interventions that aim to prevent and address domestic violence are failing women because they define and respond to domestic violence through the violent-incident model. This model’s definition of domestic violence focuses on discrete incidents of physical violence. For example, Alberta’s *Protection Against Family Violence Act of 2000* states that “family violence” includes³:

- (i) any intentional or reckless act or omission that causes injury or property damage and that intimidates or harms a family member,
- (ii) any act or threatened act that intimidates a family member by creating a reasonable fear of property damage or injury to a family member.

Despite mention of intimidation and fear, obtaining a protection order in Alberta focuses on **proof of injury or property damage**.

This violence-incident model is harmful because its narrow focus on physical assault denies victims of non-physical abuse that often have longer and more harmful impacts on a victim than physical violence.⁴ In fact, **“60% to 80% of the abuse seen in the service system involves a range of tactics designed to isolate, intimidate, exploit, degrade and/or control a partner in ways that violate a victim’s dignity, autonomy and liberty as much as their physical integrity or security.”**⁵ Because responses to domestic violence are focused on severe physical acts, most types of abuse, such as the ones described above, go either unrecognized or unpunished.⁶

Because the violence-incident model defines abuse in terms of incidents, each incident is taken out of the pattern in which it occurs. This obscures the “ongoing, historical, frequent, but generally low-level assault” experienced by many victims.⁷ For example, the criminal justice system fragments patterns of domestic violence into separate offences as opposed to looking at the totality of a

perpetrator's behaviours.⁸

Through the violent-incident model, the harm experienced by the victim is potentially misunderstood and minimized at every stage of the criminal justice process – from investigation, to charging, to trial, to sentencing.⁹ **Further, interventions through this model focus on harm reduction and safety planning, as opposed to the reallocating of power and addressing “harms to personhood, identity, and their social, political, and economic activity.”**¹⁰

While the violent-incident model was critical to addressing domestic violence and sexual violence in the 1970s and 1980s, and has brought about important changes to laws, systems, services, and public understanding, it also has many shortcomings. Though it currently guides our responses to domestic violence in Alberta, it is inadequate and fails to consider the full and complex realities of many victims of domestic and sexual violence. Research shows that moving towards the coercive control model may address the limitations of the violent-incident model and more effectively support victims to gain dignity, liberty, and security.

3.0 Moving to a “coercive control model”

3.1 Prominent theories underlying the coercive control model

At this time, the literature shows that the coercive control model is predominantly guided by two theories: Feminism and Human Rights, which are briefly described below.

A. Feminist theory

At the heart of coercive control is the theory that “primarily male offenders exploit persistent sexual inequalities in the economy and in how roles and responsibilities are designated in the home and community to establish domination/subordination behind which they can protect and extend their privileged access to money, sex, leisure time, domestic service, and other benefits.”¹¹ Coercive control is about gender because it relies on controlling actions and behaviours associated with femininity (stereotypical gender roles) such as cooking, cleaning, and child rearing.¹² **The key inequality that men exploit in coercive control, therefore, is women’s default consignment to domestic service.**¹³

Coercive control focuses on men’s violence against women in intimate partner relationships.

According to Stark, there is no “compelling evidence that any substantial proportion of men assaulted by female partners want or require more protections, assistance and support than are currently available”¹⁴ and there are “no cases in the literature and no cases of which he is aware of a female perpetrator of coercive control.”¹⁵ This does not mean that women do not abuse men physically or that women do not also “dominate” men using the same tactics men use in coercive control. However, Stark argues that when “women deploy coercive control in heterosexual relationships, or men or women use it in same sex relationships, it is rooted in forms of privilege other than sex-based inequality...including social class, income, age, race, or homophobia.”¹⁶

Another key tenet of coercive control is that men use it as a way to counteract gains made by women in public spaces, such as economic opportunity and political voice.¹⁷ Specifically, coercive control has become the “oppressive strategy of choice in countries such as the United States and in groups where women’s equality and independence have eliminated these external controls or rendered them largely ineffective.”¹⁸ In other words, coercive control is prompted by women’s equality but it proceeds by exploiting and targeting persistent inequalities, particularly in domestic life.¹⁹ The elimination of coercive control – and thus the elimination of violence against women – requires the dismantling of gender inequality.

B. Human rights theory

Coercive control emphasizes not what the perpetrator is doing to the victim, but what he prevents her from doing for herself and the impacts of this entrapment on the victim. Specifically, as a perpetrator uses threats, intimidation, and insults against a woman, micro-regulates her everyday behaviours, limits her access to necessary resources, and isolates her from family and friends, a victim’s ability to make decisions diminishes and she becomes slave-like.²⁰ This ongoing harm leads to profound fear, confusion, isolation, and loss of self, personhood, and dignity.

According to Stark, coercive control is a human rights violation and domestic violence is a “liberty crime”²¹ because it harms women’s autonomy, dignity, personhood, and capacity to fulfill responsibilities as citizens, as well as endangering their physical security.²² The consequences of coercive control, therefore, violate human rights that are protected by The Universal Declaration of Human Rights,²³ The Canadian Charter of Rights and Freedoms²⁴ and Canada’s Human Rights Act,²⁵ which protect equality rights, freedom of expression, rights to be free from harassment, and rights to live a life with dignity.

3.2 Definition of coercive control

Coercive Control is a “strategic course of self-interested behaviour designed to secure and expand gender-based privilege by establishing a regime of domination in personal life.”²⁶

This definition incorporates five facets of women’s experience of domestic violence that are obscured by the violence-incident model:²⁷

- 1. Abuse is ongoing rather than incident-specific.**
- 2. Abuse involves frequent, even routine, but generally low-level assault.**
- 3. Abuse includes a range of tactics in *addition* to physical force.**
- 4. Abuse is often subtle and difficult to see.**
- 5. Resulting harms are cumulative.**

The purpose of coercive control is to “destroy the woman's autonomy, her ability to make decisions, and to act on her own behalf.”²⁸ Coercive and controlling tactics violate women’s physical integrity,

denies them respect and autonomy, deprives them of social connectedness, and denies them access to the resources required for personhood and citizenship.²⁹

3.2.1 Tactics of coercive control

Coercive Control can be understood through two related parts: **coercion** entails “the use of force or threats to compel or dispel a particular response” and **control** entails tactics designed to “isolate and regulate” victims.³⁰

Coercive tactics³¹ include:

1. Violence (i.e., physical and sexual assaults); however, emphasis is on the frequency and duration of the assault and not their severity.
2. Intimidation, which is used by perpetrators to keep victims from disclosing abuse, as well as instilling fear, dependence, compliance, loyalty, and shame. Perpetrators induce these effects in three ways:
 - a. Threats (i.e., anonymous acts whose authorship is never in doubt; threats to family, children, friends; subtle warnings whose meaning eludes outsiders but have significant weight for the victim, such as a raised eyebrow or bringing out a particular object to signify a punishment.)
 - b. Surveillance (i.e., stalking.)
 - c. Degradation (i.e., insults; enforcing child-like discipline tactics, such as staying at the table until they have eaten all their food.)

Control tactics³² include:

1. Deprivation (i.e., depriving victims of necessities and support systems.)
2. Exploitation (i.e., using the victim’s resources and skills for personal gain.)
3. Micro-managing a victim’s everyday behaviour (i.e., what they wear, with whom they talk, how they dress, how they clean the house, etc.) This includes enforcing ever-changing “rules” for everyday living.
4. Isolation (i.e., preventing the victim from seeing family and friends.)

An important aspect of coercive control is that it “**crosses social spaces.**” The “rules” imposed by perpetrators “remain in play even when the perpetrator is absent, and thus victims feel their abuse is all-encompassing and their partner is omnipresent.”³³ For example, “surveillance continues even when the perpetrator is not present (i.e., constant phone calls or texts, using children to report on movement)”³⁴ and victims internalize the “rules” and adapt their behaviour in any social space to survive. Surveillance tactics used through technology (also known as technology-facilitated coercive control) also make physical separation ineffective.

Case example of coercive control:

“Doreen was swept off her feet by Jack, a prominent physician at an Ivy League medical school, and married him just weeks after they met. He insisted that she give up her prominent position in the world of finance, sell numerous properties that she owned, and invest the proceeds in his medical research. When she announced her intention to redecorate their new home, Jack said he would ‘help.’ He picked up a sledge and began knocking down walls. Doreen’s gourmet cooking was a point of pride. Jack would phone to tell her what he wanted for dinner and at what time he would be home. He would arrive several hours late and ‘go wild’ because the food was not ‘fresh.’ With their son at the table, he would insult Doreen’s cooking, claim she was poisoning him and the boy, and throw the plates at her...When Doreen discovered a tumor, he told her it was nothing. When a doctor friend recommended she be seen and the tumor proved cancerous, Jack held her against the wall and sprayed her with Raid, telling her this was his ‘cure.’ He insisted she use a hospital where he was not known by the residents, believing they would think she was ‘dirty’ and lose respect for him. Disregarding the advice of her doctors whom he called ‘button pushers,’ he threatened to make a scene unless she came home against medical advice 24 hours after the surgery. She developed sepsis and might have died had an older daughter by a previous marriage not intervened and called an ambulance.”³⁵

4.0 Implementation of the coercive control model in the United Kingdom

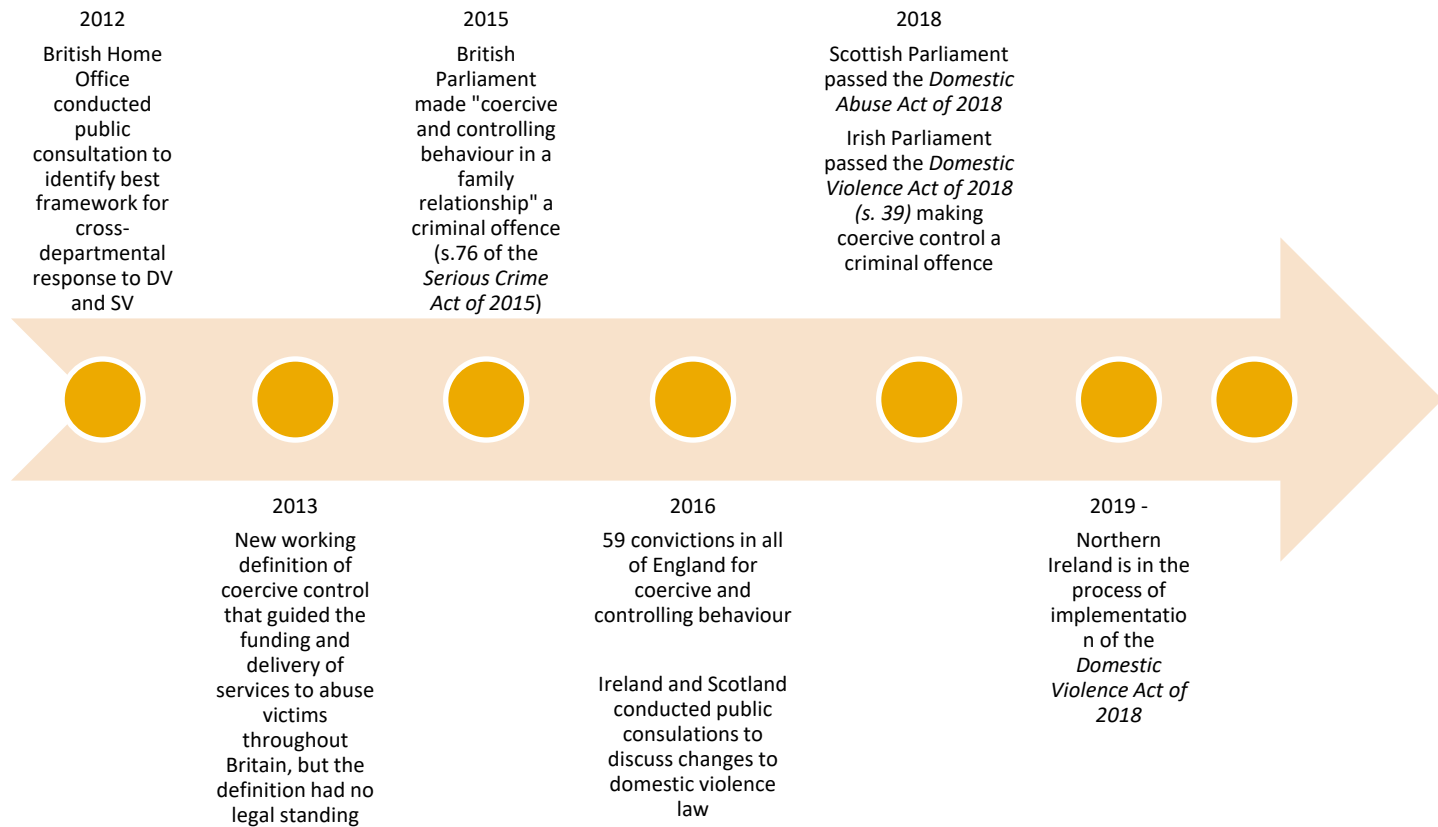
4.1 Coercive control law

This discussion paper focuses exclusively on the implementation of the coercive control model in England, Wales, Scotland, and Ireland for three reasons:

- In 2015, England and Wales were the first jurisdictions to adopt the coercive control law, with Scotland and Ireland adopting the law shortly after.
- Integration of coercive control into law and practice is very new and these four countries have likely produced the most relevant research.
- We judged that it would be best to focus this report on the United Kingdom only. This paper is the first phase of the examination of the coercive control model. Subsequent research phases will explore other countries that have adopted the model.

Although England, Wales, Scotland, and Ireland adopted elements of coercive control to guide funding and delivery of services to abuse victims as early as 2000, integration of the term did not have legal standing in these countries until 2015. That year, the British Parliament took the unprecedented step of establishing a new criminal offence of “coercive and controlling behavior” through section 76 of the *Serious Crime Act of 2015* in England and Wales.³⁶ A more comprehensive offence of partner abuse was introduced in Scotland in 2018 through the *Domestic Act of 2018*, and in 2019 Ireland adopted the definition in section 39 of the *Domestic Violence Act of 2018*.³⁷ Figure 1 describes the timeline.

Figure 1: Timeline of the United Kingdom’s adoption of a coercive control offence



England, Wales, Scotland, and Ireland apply the same definition of coercive control³⁸ to their legislation:

“**Controlling** behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape, and regulating their everyday behaviour.”

“**Coercive** behaviour is a continuing act or pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.”

Behaviours that demonstrate coercive control are variable. Present legislation in the UK does not include an exhaustive list of coercive and controlling behaviours. However, UK governments have developed frameworks and other supplementary resources to support the understanding and implementation of the coercive control law. The following examples of coercive and controlling

behaviours are included in some of those documents.

- Limiting access to money, health care, or education³⁹
- Dictating how one dresses⁴⁰
- Isolating one from family, friends, or other supports⁴¹
- Obsessive texting and/or monitoring of movements⁴²
- Deprivation of liberty/autonomy⁴³
- Constant Belittling⁴⁴
- Depriving them of their basic needs⁴⁵
- Repeatedly putting them down such as telling them they are worthless⁴⁶
- Enforcing rules and activity which humiliate, degrade, or dehumanize the victim⁴⁷
- Financial abuse including control of finances, such as only allowing a person a punitive allowance⁴⁸
- Threats to a child⁴⁹
- Threats to hurt or kill⁵⁰
- Preventing a person from access to transport or from working⁵¹

To illustrate how coercive control is represented in legislation, below is England's s.76 of the Serious Crime Act of 2015 (refer to Appendices B, C, and D for coercive control law for all jurisdictions included in this review):

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

5.0 Benefits of IMPACT adopting the coercive control model to ground their primary prevention framework

Adoption of the coercive control model essentially changes the underlying principles and values that guide funding, research, and interventions to prevent and address domestic violence. The most significant benefit of adopting the coercive control model is that it helps systems, professionals, and the public to understand that domestic violence⁵²:

- Involves frequent, even routine, but generally low-level assault
- Includes a range of tactics in addition to physical force
- Is subtle and difficult to see
- Is ongoing rather than incident-specific
- The resulting harms are cumulative

Reframing domestic violence as coercive control recognizes that “security, dignity, autonomy, and liberty are rights that are universally recognized as worthy of state protection,”⁵³ which gives justice professionals, as one example, “**a robust legal tool** they could use to shift from victim safety to offender accountability, and so remove an important context for victim-blaming.”⁵⁴ Further, criminalizing coercive control has the advantage of **making the non-physical violence within an abusive relationship evidentially significant in legal cases.**⁵⁵ Two cases highlight this potential benefit: First, the case of Teresa Craig⁵⁶ from Canada, and second, the case of Sally Challen⁵⁷ from the United Kingdom. Each of these cases is briefly described below.

Teresa Craig killed her husband in 2006. Teresa maintained that her husband had not assaulted her over their 10-year relationship. He also had not threatened to harm her or her son, nor committed sexual assault. A straightforward self-defence claim would be difficult to make out under Canada’s Criminal Code.

The husband did, however, subject Teresa’s son to verbal and physical assault and Teresa to his controlling behaviour, verbal abuse and fits of rage, making her very afraid. Teresa’s defence lawyer therefore called expert evidence on coercive control – men’s use of threats, intimidation and surveillance to achieve control over women – to support the complete defence of self-defence. Her counsel also introduced Battered Women’s Syndrome (BWS) and Post Traumatic Stress Disorder (PTSD) evidence to make a secondary argument that Teresa was debilitated from forming the intent to kill her husband, a partial defence that reduces murder to manslaughter.

Teresa’s trial, which took place in 2008, was the first battered woman’s murder trial in Canada in which coercive control evidence was called to support self-defence. Teresa was convicted of manslaughter and sentenced to eight years of incarceration. Her appeal against the denial of self-defence was dismissed, but her sentence was reduced to time served, then three years.

The case of Sally Challen is a recent example of the significant impact that a coercive control law can have on victims of coercive control (see Appendix E for the full news article).

Sally was imprisoned for life for killing her husband following decades of “emotional abuse.” After spending 9 years in prison, her murder conviction was altered to manslaughter in 2019, her sentence was changed to time served and she was formally released from prison. Challen’s has been heralded as a “landmark case for victims of coercive control.”

Coercive control evidence and/or law enabled Teresa Craig and Sally Challen to bring to the forefront of their legal cases the non-physical harm and entrapment perpetrated by their husbands throughout their relationships, resulting in convictions of manslaughter as opposed to murder. These convictions were considered victories for both. Worth noting is that in Teresa Craig’s case,

she was able to draw on the coercive control model without it being part of Canadian law, while Sally Challen’s case occurred after the passing of s. 76 of the Serious Crime Act.

Adoption of the coercive control model may also **help community-based services move from “safety planning” to “empowerment” in their supports and interventions.**⁵⁸ Stark provides an example of this work:

Like counseling, this process begins by clarifying a woman’s life projects, her hopes and dreams, as worthy of completion. The next steps are to specify the resources, rights, and liberties needed for this process to continue, identify how these are being compromised by the abuse, and then go “down among the women” (and men) in the community to engage similarly situated others in removing these obstacles, through direct action if need be.⁵⁹

A shift towards empowerment redirects the attention of shelter services by having “workers help individual women to organize allies among each woman’s family, peer groups, workplaces, supermarkets, schools, churches, etc. to provide collective support.”⁶⁰

Criminalizing coercive control can also enhance community recognition of domestic violence and assist victims to better understand the abuse they have experienced. They can therefore better describe their experiences and educate others about the complexity and seriousness of non-physical violence.⁶¹

The impacts of coercive control are extensive. Without a specific coercive control offence, the justice system struggles to adequately protect victims of domestic abuse.⁶² For example, when there is a situation in which victims of coercive control are unable or unwilling to report abuse, the coercive control offence allows for concerned third parties (e.g., friends, family) or police to take action against the presence of coercive control behaviours.⁶³ In summary, the adoption of the coercive control model by governments (i.e., coercive control offence), justice systems, service-providers, and advocacy groups sends a clear message that coercive and controlling behaviours are harmful and abusive and provides better protection against domestic abuse.⁶⁴

6.0 Challenges and limitations with adopting the coercive control model

The coercive control model is a better model than our current violent-incident model for the many reasons outlined above. However, adoption of the coercive control presents many challenges and the model has some limitations. These are:

1. Low conviction rates
2. Challenges with applying the model
3. Limited understanding with applying model to sexual violence
4. Limited integration of digital abuse within the model
5. Limited focus on same-sex relationships and LGBTQ individuals

6. Lack of intersectionality² in model
7. Narrow theory of justice
8. Limited focus for children and youth
9. Onus is on victims to provide evidence
10. Limited focus on preventing coercive control

All are briefly outlined below.

6.1 Low convictions of coercive control

By the end of 2016, there had been only 59 convictions for coercive and controlling behaviour in all of England and Wales – none of which were for the five-year maximum term as permitted within the legislation.⁶⁵ By 2017, “there had been 4,246 crimes of coercive or controlling behaviours recorded for all of England and Wales and police-recorded crimes of coercive control increased to 9,052 in the year 2017–18.”⁶⁶ However, prosecutions and convictions have remained consistently low:

4,686 defendants were prosecuted for coercive and controlling behaviour in the year ending December 2017. Out of these, 235 (5 percent) offenders were convicted of coercive and controlling behaviour and 223 (4.7 percent) of offenders were sentenced for this offence.⁶⁷

There appears to be a significant gap between the 4 to 5 percent conviction rates for coercive control and Stark’s research showing that 60% to 80% of the abuse seen in the service system involve a range of coercive and controlling behaviours.⁶⁸ More research is needed to understand and potentially address this gap.

Overall, implementation of s.76 in England and Wales has been slow, where a significant majority of those prosecuted for coercive control being men (97 percent) and with an average sentence of 17 months.⁶⁹ The literature included in this review did not provide data on convictions of coercive control in Scotland and Ireland.

Low conviction rates are to be expected in the first few years of a new offence, and change is a long-term process; however, low convictions of coercive control raise questions about the effectiveness of a coercive control law in truly holding perpetrators accountable for their harmful behaviours.

² Intersectionality is a concept that was coined by Kimberle Crenshaw in 1989 to highlight the ways that systems of oppression related to race, class, gender, ability, immigrant status interact and are influenced by one another. This is important to understand, because those who are affected by intersectionality face an increased risk of experiencing violence. Understanding intersectionality helps us to develop programs and strategies that attend to these nuances and complexities of people’s lives.

6.2 Challenges with applying the coercive control model.

Explaining the coercive control model is relatively straightforward, but because each case will involve an “individualized package of behaviours developed through a process of trial and error for the particular victim by the person who knows her most intimately,” **identifying and assessing coercive control becomes challenging for systems and professionals.**⁷⁰

One study in England shows that in “87 percent of the cases that involved intimate partner violence, there was evidence of coercive control identifiable through victim witness statements and previous occurrence records detailing repeat victimization, but [these had] not been identified by police officers during investigations.”⁷¹ To further complicate the issue, coercive and controlling behaviours are complex and varied, making an exhaustive list of behaviours impossible – yet systems and professionals largely make assessments of risk and harm using tools of this nature.

Further, coercive and controlling behaviours are varied and range from clearly unacceptable (e.g., threats) to behaviours that might not be clearly criminal (e.g., belittling).⁷² These concerns result in **difficulties enforcing an offence of coercive control**. In other words, when does “normal” end and “abuse” begin? Adding to this complexity is that the “tactics of coercive control are often reminiscent of the normative constraints for women in society and can be particularly hard to identify, or for women to articulate, far less consider reporting to the police.”⁷³ These challenges point to a need for systems and professionals to have critical analysis of gender, power, control, and male privilege in order to identify coercive control.

6.3 Limited understanding of the relationships between coercive control and sexual violence.

Although sexual coercion is acknowledged in the literature included in this review as an example of coercive control,⁷⁴ the dynamics of sexual violence and coercive control are not explicitly discussed. Further, although sexual violence falls within the continuum of violence, abuse, and assault, it is also known that sexual violence requires specific attention and unique solutions as the meaning and impacts of sexual violence differ from other forms of violence. Understanding the relationship between coercive control and sexual violence is particularly important in light of a recent study that shows that “**men who had been identified as perpetrators of aggression and used coercive controlling behaviors with their intimate partners were 3–6 times more likely to use sexually coercive tactics to obtain unwanted sex from a partner.**”⁷⁵ Interestingly, “use of coercive controlling behaviours in the relationship did not significantly predict greater odds of use of physical force...to obtain unwanted sex.”⁷⁶ There is a need to build on these new findings and understand and address links among coercive control, sexual coercion, and violence.

6.4 Limited understanding of digital coercive control.

An emerging body of literature examines the technological aspects of coercive and controlling relationships, often referred to as “technologically-facilitated coercive control” (TFCC) or “digital coercive control” (DCC). This research shows that **perpetrator tactics can intersect with broader**

cultures of online misogyny where online groups of men, motivated by a shared misogyny, persistently subjugate a victim to coercive and controlling behaviours (i.e., “revenge porn” victims where groups of men strategically re-circulate images released without the consent of the victim).⁷⁷ As another example of “viral TFCC,” a “video game developer wrote and circulated a defamatory post about his ex-partner, ultimately recruiting tens of thousands of social media users into a sustained campaign of targeted abuse and harassment.⁷⁸ As the use of digital media and devices has increased, there is a need to understand how this technology is linked to coercive control.

Further, **digital coercive control may show up and impact people from different age groups in dissimilar ways.** Youth and young adults experiencing digital coercive control, for example, may experience different types of risks and impacts than elders who are experiencing digital coercive control exerted on them by professionals in care facilities. Additional research is needed to understand these nuances and contexts.

6.5 Limited understanding of coercive control among LGBTQ individuals.

Stark’s work does not focus on coercive control among same-sex relationships and offers limited analysis of coercive control among LGBTQ individuals. Although Stark cautions not to apply heterosexual relationship models to these groups, he also remarks that “the societal context of the heterosexual family, “patriarchal” and heteronormative sex/gender unequal values also forms a background for, and are also likely to be infused in, LGBTQ relationships.”⁷⁹

There is significant room for the field of domestic violence to strengthen the coercive control model in this area; however, the literature included in this review did not provide examples of how this can be addressed and additional research is required to understand this issue.

6.6 Limited focus on intersectionality.

In line with the previous section, Stark’s coercive control model broadly discusses additional forms of inequality (i.e., racism, poverty) and how these may compound vulnerabilities and harm to victims of coercive control. However, there is no evidence to show that an intersectional lens has been applied to the development, implementation, analysis, and amendment of the coercive control model. An intersectional approach considers the complex ways in which multiple forms of discrimination (such as racism, sexism, ableism, and classism) combine, overlap, or intersect to impact people’s experiences and life-changes.⁸⁰ An intersectional approach is critical to understanding and addressing coercive control, as inequities that are linked to coercive control are “never the result of single, distinct factors. Rather, they are the outcome of intersections of different social locations, power relationships, and experiences.”⁸¹

6.7 Narrow theory of justice.

Conviction of a coercive control crime, according to Stark, is a primary form of justice for coercive control victims. While this is unquestionably a significant part of the picture of justice and men’s accountability, it is an incomplete picture. For example, scholars have discussed the “severe and

entrenched deficiencies of the traditional criminal justice system in processing of crimes of gendered violence” including: 1) the lengthy filtering process, which means many cases are dropped before they even reach trial; 2) a system that is tilted towards protecting the rights of the accused; and 3) the high propensity for gendered violence to not be reported or processed criminally.⁸²

These deficiencies suggest that ***in some cases it may be appropriate and even preferable for victims to pursue an alternative and/or a restorative justice remedy.***⁸³ The coercive control model does not appear to consider in depth any remedies outside of the criminal justice system.

This raises questions about whether the current model of a coercive control offence is too narrow in scope, with just a single view of men as perpetrators. When developing the model for Alberta, we may want to include a potential role for pro-feminist men who engage in gender equality work.

6.8 Limited focus on children and youth.

Most literature focuses on the ways in which children “witness” and are “exposed” to coercive control. There has been a limited focus on the ways in which children are directly impacted by coercive control in family relationships. A small but emerging body of research shows that this passive picture of children’s experiences of coercive control are inaccurate. For example, “children may be harmed by non-physical abusive behaviours inherent to coercive control-based domestic violence, including continual monitoring, isolation and verbal/emotional/psychological and financial abuses.”⁸⁴ These abuses may contribute significantly to the emotional and behavioural challenges that children living with domestic violence often experience.

The literature on children and domestic violence also shows that children who have been exposed to or who experience domestic violence often learn destructive patterns about the use of violence and power in relationships. Commonly referred to as the “intergenerational transmission of violence,” these negative lessons and experiences can contribute to perpetration and victimization of violence in adulthood.⁸⁵ These issues need to be examined further within the coercive control literature.

6.9 Putting onus on victims to provide evidence of coercive control

Successful prosecution of a coercive control offence depends on the victim providing a detailed narrative of coercive control in court; however, **recovery with skilled support may be required before the victim has a realistic understanding about her experience, and the ability to articulate this experience.**⁸⁶

Further, more law to protect abuse victims does not automatically lead to better justice outcomes for victims of coercive control. New laws raise the expectation that victims will use the law, and thus, “broadening the scope of justice interventions to encompass **coercive control could actually reinforce the propensity to blame victims** when they fail to do so and so accord them fewer rights to a retaliatory defense.”⁸⁷

6.10 Limited focus on preventing coercive control

The literature on coercive control largely focuses on defining and identifying coercive control, examining appropriate ways to intervene and bring justice to victims, as well as reducing the recurrence of coercive control. Despite the model's emphasis on addressing root causes of domestic and sexual violence, there is a limited focus within the literature on effective ways of preventing coercive control – that is, stopping coercive control before it starts. Currently, the literature in this area provides limited information about effective ways to build social structures, norms, and practices that prevent coercive control. As examples, building women's economic independence, working with people of all genders to strengthen equal and respectful relationships, and shifting social norms toward equitable gender relations are often cited as effective prevention efforts,⁸⁸ and yet there is limited discussion and examples of how these can be achieved in the context of the coercive control model.

7.0 Discussion on IMPACT adopting the coercive control model

The adoption of the coercive control model and establishment of a coercive control offence in England, Wales, Scotland, and Ireland brought up many issues that make useful lessons for other countries considering the adoption of this model. Before moving forward, IMPACT may want to explore the following:

7.1 Inconsistent application of law and findings across the United Kingdom

When attempting to compare and contrast the coercive control laws across England, Wales, Scotland, and Ireland, it became evident that academic researchers did not provide a consistent analysis of their similarities and differences. For example, several scholars argue that coercive control law in England and Wales is gender-neutral and allows for the possibility of other family relationships to be included within its terms,⁸⁹ while Scotland's coercive control law centralizes the significance of gender. However, a review of the acts from all jurisdictions shows that gender is not explicitly addressed in these acts. As another example, Stark asserts that coercive control law in England and Wales only covers current partners, while Scotland and Ireland's law covers ex-partners.⁹⁰ However, review of the acts show that all appear to cover current and ex-partners.

These inconsistencies may be the result of changes made to the coercive control laws over time; however, they also point to a **need to conduct research to compare and contrast the experiences of England, Wales, Scotland, Ireland, and other countries, to understand the differences and common threads among their coercive control laws.** For example, one notable difference that is confirmed across the literature is that a criminal offence of coercive control in England, Wales, and Ireland carries up to 5 years imprisonment, while a coercive control offence in Scotland carries up to 15 years imprisonment. Understanding the impact of this difference can provide important insights to governments, systems, and advocacy groups exploring the adoption of the coercive control

model.

7.2 Need for reliable assessment tools and protocols to identify and address coercive control

Research shows that in practice, coercive control is poorly understood.⁹¹ This is due, in part, to the need for social professionals to understand the complex and nuanced nature of gender, power and control in order to notice, document, and address patterns of coercive and controlling behaviour.⁹² To support this work, **reliable assessment tools and protocols are required**, yet scales currently used to measure coercive control “measure behavioral tactics of control only, and do not assess for context (and without context, one cannot know if endorsement of a particular tactic is coercive control (i.e., threats) or something else (i.e., attempts to influence)”.⁹³ If coercive and controlling behaviours are unclear to professionals, it will be difficult for victims, perpetrators, third parties, and the justice system to recognize cases of coercive control.⁹⁴

England, Wales, Scotland, and Ireland have implemented strategies to attempt to address the above challenges. This began by creating surveys for citizens, which aimed to **assess the public opinion of coercive control** and determine the behaviours that should be considered criminal.⁹⁵ By seeking public views of criminal behaviour and assessing the behaviours that best fit with victims’ experiences of coercive control, governments sought to clarify the definition of coercive control and thus support the justice system in identifying and enforcing the offence. Although these are valuable first steps, the literature shows that there is substantial room for improvement in this area.

7.3 Training of social professionals is key to change

The implementation of the coercive control model and the creation of a coercive control offence requires training programs for a range of systems and professionals, including the justice system, police officers, and community-based practitioners. The experiences from England, Wales, Scotland, and Ireland highlight that the adoption of the coercive control model and the creation of a new offence is not enough to create social change. Extensive training needs to be employed to understand the definition/model in order to successfully enforce the offence.⁹⁶ The Policing Research Partnership⁹⁷ in England and Wales found that 83% of coercive control cases were not properly identified and only 16% of cases resulted in a solution. This indicates that there are high levels of coercive control being experienced by victims that are not being resolved.⁹⁸ **Without proper understanding and analysis of gender, power, control, heterosexual norms and stereotypes, and male privilege, police officers and practitioners, as examples, struggle to know what to look for and how to identify coercive control.**⁹⁹

Ireland and Scotland have implemented police officer training programs that have reached 840 officers in Northern Ireland, and 14,000 officers in Scotland.¹⁰⁰ These programs were established following new funding that was created to develop and implement training (e.g., £825,000 in Scotland¹⁰¹). Although Ireland and Scotland focused on the training of police officers, England and Wales proposed that training needed to include a large scope of professionals, including “call handlers, first responders/neighbourhood teams, investigators and domestic abuse specialists.”¹⁰²

However, systems and departments in England and Wales did not receive additional funding to assist with the implementation of the new offence.¹⁰³

Experiences from England, Wales, Scotland, and Ireland highlight that training needs to tackle the following topics:

- forming attitudes towards coercive control as a form of domestic abuse;
- improving ways in which individuals assess, respond to, investigate, and gather evidence for cases of coercive control; and¹⁰⁴
- recognizing ways in which perpetrators might react to allegations of coercive control (e.g., counter allegations, manipulation of the justice system, etc.)¹⁰⁵

Face-to-face training sessions in collaboration with multiple agencies that specialize in domestic violence and/or coercive control were identified as being the most effective format for training.¹⁰⁶

7.4 Improving public awareness and knowledge leads to more reported incidents and better victim protection

In addition to training police officers and other members of the justice system, the experiences of England, Wales, Scotland, and Ireland highlight the importance of improving the general public's knowledge and awareness of coercive control. Greater awareness of coercive control was viewed as crucial to the successful implementation and enforcement of the coercive control offence.¹⁰⁷

Creating campaigns and programs to educate the public helped to create widespread knowledge of the signs of coercive control, ultimately leading to more reported incidents and ultimately better victim protection.¹⁰⁸ Included in this work were campaigns aimed at helping people identify potential victims of coercive control to create multiple avenues for supporting victims.¹⁰⁹ As one example, the [Recounting Women](#) project is a participatory photovoice project that “supports women who have experienced domestic abuse to share information about the issues that affect them and the barriers they face in rebuilding their lives.”¹¹⁰

7.5 Approach to court proceedings must change

Experiences from England, Wales, Scotland, and Ireland show that governments need to ensure that victims are properly protected during court proceedings. Perpetrators of coercive control are skilled at manipulation and may often try to use the court system to extend patterns of abusive behaviours.¹¹¹ Individuals responding to, and prosecuting cases of coercive control need to be prepared for this type of manipulation to protect the victim.¹¹² It is also **important for victims to receive access to 24/7 support** at the onset of a coercive control case.¹¹³ Certain proceedings should be avoided, such as family group conferences, and victims should be afforded the opportunity to allow an advocate to speak on their behalf.¹¹⁴ Victims require actions to support and protect them against future abuse, **regardless of if the perpetrator was convicted or not.**¹¹⁵ Lastly, perpetrators should receive access and/or information on **restorative justice programs** to tackle

coercive and controlling behaviours.¹¹⁶

7.6 Collaboration is crucial to the adoption of coercive control

From the experiences of England, Wales, Scotland, and Ireland, it is apparent that collaboration is a valuable approach to adopting and implementing the coercive control model. To begin with, the above **governments sought opinions and help from citizens before creating the coercive control punishable offence.**

Thus, the coercive control offence itself represents the collaboration of individuals to create an important and effective law. Partnerships were viewed as vital for implementing a proactive approach to coercive control.¹¹⁷ These **partnerships helped to facilitate training and widespread education practices.**¹¹⁸ Outside of using partnerships to develop training, collaboration was valued in the identification of coercive control. The UK countries studied make use of team effort to address and help victims of coercive control, both professionally and personally.¹¹⁹ Victims of coercive control “rarely contacted the police to specifically report the offence of coercive control.”¹²⁰ With the implementation of the coercive control offence, **concerned third parties can report on behalf of victims who either will not, or cannot, report the offence themselves.**¹²¹ As a result, the identification of coercive control and help for victims becomes collaborative in nature.¹²²

8.0 Recommendations for moving the discussion forward

Based on the lessons learned from the United Kingdom, as well as insights and feedback provided by IMPACT members, below are ten recommendations for IMPACT to explore before adopting the coercive control model to assist with the creation and implementation of a coercive control law here in Alberta. An overarching theme across all recommendations is the need to both effectively prevent and address individual experiences of domestic violence and sexual violence *and* ensure that the institutions, systems, and structures that govern our homes, workplaces, and communities promote gender equality. This involves fostering cultures, environments, policies, practices, and behaviours that intentionally address sexism and other forms of systemic discrimination.

1

Recommendation One: Support the public and the domestic violence/sexual violence sector to understand that coercive control is *gendered*. There is consensus within the academic literature that coercive control is a gendered issue and thus the adoption of the coercive control model needs to centralize the significance of gender in laws, systems, practices, and public awareness. Despite its roots firmly planted in feminism and the human rights movement, public resistance to these movements may dilute principles and values of gender equality, dignity, autonomy, and personhood at all stages of adoption, implementation, and evaluation. This risk is particularly high in Alberta, a province that has consistently voted for a Conservative government.

Systems, organizations, and groups that wish to advance the coercive control model need to attend to this potential resistance and engage in capacity-building and ongoing debates (within the domestic/sexual violence sector and with the public) to centralize the gendered

nature of coercive control. At the same time, careful consideration should be given to finding a productive balance between foregrounding the gendered nature of coercive control in the development, implementation, and evaluation of the coercive control model within Alberta, and fostering public discourses that call in (rather than call out) dissenting or resistant individuals and groups.

Additional research and consultations with key players within the UK government, as well as research on public perceptions about coercive control, may help Alberta to navigate this ideological and political dance.

2

Recommendation Two: Enrich the coercive control model by integrating an intersectional lens. One of the most significant limitations of the coercive control model is its lack of analysis on coercive control among same-sex relationships and LGBTQ individuals. Further, the model lacks an intersectional lens and thus overlooks the ways in which overlapping forms of oppression (i.e., racism, poverty, and ableism) may impact experiences of coercive control among individuals and groups that are marginalized due to aspects of their identity.

Adoption of the coercive control model in Alberta should include a critical analysis of this limitation and enrich the model by applying an intersectional lens. This includes recognizing and addressing the multiple and intersecting forms of systemic discrimination that block people from realizing equal opportunity, centering the voices of those most affected by the issue, incorporating different perspectives and theories, and seeking disaggregated data to understand the experiences of individuals with intersectional identities.¹²³

This work is necessary to ensure that the coercive control model supports individuals from diverse backgrounds, while recognizing that these individuals are situated within systems and structures that also need to be changed to effectively prevent and address gender inequality and other forms of oppression.

3

Recommendation Three: Extend the coercive control model by including children and youth. A small but emerging body of research is examining the ways in which children are not only exposed to, or witnesses of, coercive control, but also how they are directly impacted by coercive control within the family.

However, there is not enough research on how children can be more explicitly supported with coercive control laws and services. Adoption of the coercive control model within Alberta should include a critical analysis of this limitation, and map the ways in which a coercive control law will overlap with children's services, mental health supports for children and youth, and schools.

4

Recommendation Four: Examine ways to incorporate alternative and/or restorative justice approaches in the coercive control model. An emerging body of research highlights the deficiencies of our current criminal justice system in addressing gendered violence, broaching questions about improvements to be made and the potential value and effectiveness of

alternative and/or restorative justice approaches.

Although these approaches need to be analyzed and their limitations examined, a rigorous analysis of these approaches can strengthen the coercive control model by expanding its theory of justice and situating men within solutions that both keep men accountable for their role in gendered violence *and* leverage the influence of non-violent men to prevent violence against women.¹²⁴

Restorative justice approaches have been criticized by feminist scholars for being “soft on crime” and “easy on offenders,” with limited attention towards gender dynamics.¹²⁵ These limitations need to be examined and addressed, but they should not eliminate the opportunity to develop a more expansive theory of justice that is centred on the victims’ definition and experiences of justice and that include a focus on supporting offenders and the broader community. In sum, adoption of the coercive control model within Alberta needs to include an analysis of the potential benefits of more expansive, creative, and victim-centred definitions of justice that are guided by feminist principles and values.¹²⁶

5

Recommendation Five: Update the coercive control model by addressing digital coercive control. The coercive control model currently does not explicitly discuss the ways in which technology and social media show up in coercive and controlling relationships and how digital coercive control impacts victims. The relationship between coercive control and technology can be implied, particularly when Stark discusses the ways in which coercive control “crosses social spaces,” but there are a lack of examples and studies that illuminate the nuances of digital coercive control. Included in this gap is an understanding of the relationship between digital coercive control and online misogyny, as well as an understanding of the dynamics of social media influence (i.e., social media personalities with large numbers of followers and subscribers) and the “viral” nature of digital coercive control that can compound victims’ entrapment and harm. It will be important for Alberta to update the coercive control model to more explicitly address digital coercive control.

6

Recommendation Six: Ensure that the coercive control model appropriately addresses sexual violence. The relationship between coercive control and sexual violence is largely omitted from the literature included in this review. This is a significant gap that points to a need to explicitly understand this relationship prior to adopting the coercive control model in Alberta. In addition to ensuring that the underlying theories of the coercive control model appropriately include analysis of sexual violence, the coercive control offence and implementation of the coercive control model needs to appropriately address sexual coercion. For example, unique dynamics may be at play when examining sexual coercion (i.e., pornography and sexual exploitation), while other issues within the sexual violence literature may overlap with the general coercive control literature (i.e., definitional issues with consent and interpreting consent).¹²⁷ Adoption of the coercive control model within Alberta should include a focus on understanding and addressing these issues.

7

Recommendation Seven: Create an effective measure for risk assessment. In consideration of adopting a coercive control offence in Alberta, it will be important to find and/or create an effective measurement tool for risk assessment regarding coercive control. Proper risk assessment was an area of difficulty for the countries included in this brief, one that is still in the process of remedy.¹²⁸ Further, if controlling and coercive behaviour is thought of as a continuum, as some scholars suggest, what are the standard cutoff values to differentiate low versus high levels of control and coercion?¹²⁹

8

Recommendation Eight: Change court proceedings. With the implementation of a coercive control offence in England, Wales, Scotland, and Ireland came an understanding that certain changes to court proceedings had to be made. This helps to inform possible changes Alberta could make following the implementation of a coercive control offence. Changes are designed to protect victims of coercive control. As courts could be a place in which perpetrators can continue to exercise coercive behaviours, alternative ways for victims to testify should be available. Additionally, some traditional court proceedings are recommended to be avoided when they require close contact between victim and perpetrator (e.g., family group conferences).¹³⁰ Courts should also take special precautions to protect victims of coercive control before and after proceedings, not just during. These precautions may include access to 24/7 supports and/or the use of legal actions (e.g., restraining orders, non-molestation orders).¹³¹

9

Recommendation Nine: Ensure intersectoral training. The need for extensive training consistently surfaced in the academic and grey literature, and emphasis was placed on developing partnerships among government and external experts in domestic abuse and/or coercive control to design and implement this training. While the grey literature focuses on the importance of targeting negative attitudes towards coercive control and increasing awareness about factors related to coercive control, such as victim characteristics, the academic literature places emphasis on training that promotes analysis of the complexity of gender, power, control, male-privilege and domination (i.e., gender-transformative approaches). These areas certainly overlap, but the latter topics are clearly couched within feminist theory and may not translate well with the general public or groups such as police officers. Parties committed to adopting the coercive control model need to allocate substantial funds to ensure proper training.

10

Recommendation Ten: Focus our efforts on changing culture. While training professionals is critical to the successful implementation of the coercive control model, research shows that a shift in public perceptions and norms also needs to occur to effectively change the cultures that guide our beliefs, values, perceptions, and behaviours. Adoption of the coercive control model will trigger a transformative shift in the domestic violence field, involving strategic efforts to change structures, environments, policies, practices, and behaviours within institutions and organizations. Culture change is long-term, slow, and difficult to measure – yet it is critical to ensuring that the coercive control model goes beyond a definition and leads to real changes in the lives of people experiencing this form of abuse.

9.0 Final thoughts

This review of the literature on coercive control is a starting point for exploring the adoption of the coercive control model in Alberta. Although this review resulted in many key lessons and recommendations for the IMPACT group, there remains a need to understand more deeply the limitations and nuances of the model, and to modify it to make it optimally applicable to Alberta.

The authors recommend that IMPACT take time to discuss the philosophical and ideological questions about the underlying theories and principles that guide the coercive control model, and engage in ongoing discussions about whether these principles and theories align with the long-term goals of the IMPACT group and the domestic and sexual violence sector more generally. For example, Stark focused much of his efforts on transforming the justice and legal systems to address coercive control. However, these systems have a documented history of enforcing and perpetuating oppression – particularly among marginalized groups and individuals, including Indigenous people, people with addictions and mental health issues, racialized groups, and women.¹³²

This raises questions around the extent to which these systems need to “unlearn” and dismantle their own structures and environments, and raises further questions around whether the justice and legal systems are the most appropriate systems to lead the advancement of the coercive control model.

Along a similar vein, the coercive control model is focused largely on making coercive control a criminal offence, but this is based on the assumption that a successful conviction is the primary form of justice. How might we expand this narrow focus of perpetrator accountability? Beyond criminal punishment, what might be the role of restorative justice? And what does justice look like for victims/survivors of coercive control?

Lastly, as the IMPACT group continues to examine the coercive control model, it will be important to determine if the coercive control model provides an adequate foundation on which to build, or whether the cracks and gaps warrant a new, Alberta-made model. For example, can the coercive model be adapted to appropriately address the intersectional identities of victims and survivors, or do the limitations of the model ultimately reinforce sexism, colonialism, homophobia, and racism? Further, can the coercive control model be adapted to support the effective analysis, prevention, and responses to sexual violence, or will adoption of the model perpetuate the marginalization of sexual violence within the domestic violence field?

The authors of this report look forward to working with the IMPACT group to advance these critical questions.

Appendix A: Methodology

Academic literature search:

This review used a cursory literature search method, which involved using the search terms outlined below in ERIC (EBSCO), selecting only SocioINDEX and Academic Search Complete databases. Searches were restricted to the English Language and the period of 2009 to present. We focused on this timeframe because Evan Stark's introduction of the term, "coercive control" was first introduced in 2009.

Search terms:

"coercive control" (in title) in conjunction with:

- (i) "definition," "theor*," "model," "concept*," "framework," "review," (in the abstract); or
- (ii) "criminal*," "law," (in the abstract); or
- (iii) "England," "Wales," "Scotland," "Ireland," "United Kingdom" (in the abstract)

The asterisk in the search terms denotes alternative forms of the words. A supplementary search was conducted using the search term, "Evan Stark" in the author field in conjunction with "coercive control." This search was limited to the abstract of articles only.

Inclusion and exclusion criteria:

The initial and advanced screenings of the literature were based on the following inclusion criteria:

- At least one research question in the academic literature focuses on the definition and key components of the coercive control model in relation to domestic violence prevention and intervention;
- At least one research question in the academic literature focuses on theory (e.g., strengths, limitations, theoretical frameworks, and implications) of the coercive control model in relation to domestic violence prevention and intervention;
- At least one research question in the document focuses on the use of the coercive control model, its impact, and lessons learned in England, Wales, Scotland, and Ireland.

Initial and advanced screening of the literature were based on the following exclusion criteria:

- Studies that predominantly focus on prevalence, experiences, or behaviours of individuals;
- Studies that predominantly focus on specific interventions, programs, and/or processes related to domestic violence;
- Studies that examine the adoption of the coercive control framework in countries other than England, Scotland, Wales, and Northern Ireland.

Screening of literature:

Screening of the literature involved a two-step process (initial screening and advanced screening).

Initial screening of the literature involved the following steps:

- The search resulted in 105 results. 50 duplications were removed, resulting in 55 articles that were included for initial screening.
- Initial screening involved spending one minute to review the abstract of each article to determine if they met inclusion/exclusion criteria.
- 20 articles met inclusion and exclusion criteria and were included in advanced screening.

Advanced screening of the literature involved in the following steps:

- Advanced screening involved reading articles for 3 minutes to determine if they met inclusion/exclusion criteria.
- 7 articles met inclusion and exclusion criteria.

A total of 27 academic articles were included in this review.

Data collection:

Data was recorded based on categories and inserted into a table for further analysis:

- Article and author;
- Definition of coercive control
- Components of coercive control
- Theories that guide the author's discussion and/or study
- Strengths of coercive control model
- Limitations/weaknesses of coercive control model
- Lessons/findings

Data analysis:

Themes were generated based on the three goals of the literature review:

- Strengthening IMPACT members' understanding of the definition, theory, and elements of the *coercive control* model.
- Summarizing lessons learned from the implementation of the coercive control model in England, Wales, Scotland, and Ireland, including strengths and limitations of the model and examples and case studies.
- Providing IMPACT members with recommendations for next steps.

In addition, a draft of this paper was shared with IMPACT and members' feedback and insights were integrated into the Recommendations section of the paper.

Grey literature search:

A review of the grey literature was conducted to ensure that this review included key government documents and other non-academic reports and communications that would support the goals of this report.

Using the same inclusion and exclusion criteria as the academic literature search, the grey literature search involved a three-step process (initial search, secondary search, and advanced search).

The initial search involved in the following steps and considerations:

- This review of grey literature explored government websites to uncover related documents. The search term used was “coercive control”.
- Searches were narrowed through available topics and/or document type when possible, and screened against inclusion and exclusion criteria.
- The topics included “crime”, “justice”, and/or “law” and document type included “research and statistics”, “guidance and regulation”, “policy papers and consultations”, or “news and communication”.
- As not all website search engines included advanced searches, some searches did not include any limiting search terms.

The secondary search involved the following steps and considerations:

- Following this initial search of government websites, Google was used to further explore the grey literature.
- Coercive control was used as the main search with additional terms lists as “criminal”, or “law”, or “human rights”, or “social justice”.
- The search was limited to documents pertaining to England, Wales, Scotland, or Ireland.
- The search was limited to PDFs to limit the scope of the search.
- All results were screened against inclusion and exclusion criteria.

This initial search and screen of results yielded 47 documents.

Advanced screening involved the following steps:

- Reading the documents to determine if they met inclusion and exclusion criteria.
- A total of 23 documents were further excluded.

A total of 24 documents were included for analysis.

Data collection and data analysis followed the same protocol as the academic literature methodology described above.

Limitations

There are several limitations to the academic and grey literature search described in this report:

- Due to time constraints, the academic search included only three databases (ERIC, SociIndex, and Academic Search Complete). To combat this limitation, these three databases were chosen because they include a wide range of articles. Articles from Evan Stark were particularly searched to counter limitations of the search. Still, some relevant research may have been missed.
- As with all grey literature searches, the documents found have not all been subjected to peer review; thus, the information provided needs to be checked against other sources to determine accuracy. This was done wherever possible and the information shared in this

paper aligns with one other paper in the field (i.e., conflicts were not found). Due to this, it is likely that the information within this report is accurate.

- Due to time constraints, the focus of the grey literature search reported here was on government websites. Although this focus allows for an in-depth look into government policies and approaches, it is possible that the documents contained biased information. Government documents seek to inform readers of a specific topic or issue, but they will not always provide information counter to their objectives. This limitation was addressed by referring to the academic literature where appropriate to provide a more balanced view.
- Many of the legal documents gathered through the grey literature search centered on England and Wales, with Scotland and Ireland being addressed through subsections. Efforts were made to gather grey literature focusing on Scotland and Ireland to combat this limitation and to explore the separate perspectives and experiences of Scotland and Ireland.

Appendix B: s. 76 of the Serious Crime Act of 2015 – England and Wales¹³³

76 Controlling or coercive behaviour in an intimate or family relationship

- (1) A person (A) commits an offence 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.
- (2) A and B are “personally connected” if—
- (a) A is in an intimate personal relationship with B, or
 - (b) A and B live together and—
 - (i) they are members of the same family, or
 - (ii) they have previously been in an intimate personal relationship with each other.
- (3) But A does not commit an offence under this section if at the time of the behaviour in question—
- (a) A has responsibility for B, for the purposes of Part 1 of the Children and Young Persons Act 1933 (see section 17 of that Act), and
 - (b) B is under 16.
- (4) A’s behaviour has a “serious effect” on B if—
- (a) it causes B to fear, on at least two occasions, that violence will be used against B, or
 - (b) it causes B serious alarm or distress which has a substantial adverse effect on B’s usual day-to-day activities.
- (5) For the purposes of subsection (1)(d) A “ought to know” that which a reasonable person in possession of the same information would know.
- (6) For the purposes of subsection (2)(b)(i) A and B are members of the same family if—
- (a) they are, or have been, married to each other;
 - (b) they are, or have been, civil partners of each other;
 - (c) they are relatives;
 - (d) they have agreed to marry one another (whether or not the agreement has been terminated);
 - (e) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
 - (f) they are both parents of the same child;
 - (g) they have, or have had, parental responsibility for the same child.
- (7) In subsection (6)—
- “civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;
 - “child” means a person under the age of 18 years;

“parental responsibility” has the same meaning as in the Children Act 1989;

“relative” has the meaning given by section 63(1) of the Family Law Act 1996.

(8) In proceedings for an offence under this section it is a defence for A to show that—

(a) in engaging in the behaviour in question, A believed that he or she was acting in B’s best interests, and

(b) the behaviour was in all the circumstances reasonable.

(9) A is to be taken to have shown the facts mentioned in subsection (8) if—

(a) sufficient evidence of the facts is adduced to raise an issue with respect to them, and

(b) the contrary is not proved beyond reasonable doubt.

(10) The defence in subsection (8) is not available to A in relation to behaviour that causes B to fear that violence will be used against B.

(11) A person guilty of an offence under this section is liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding five years, or a fine, or both;

(b) on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine, or both.

Appendix C: s. 39 of the Domestic Violence Act of 2018 – Ireland¹³⁴

Offence of coercive control

39. (1) A person commits an offence where he or she knowingly and persistently engages in behaviour that—

- (a) is controlling or coercive,
- (b) has a serious effect on a relevant person, and
- (c) a reasonable person would consider likely to have a serious effect on a relevant person.

(2) For the purposes of *subsection (1)*, a person’s behaviour has a serious effect on a relevant person if the behaviour causes the relevant person—

- (a) to fear that violence will be used against him or her, or
- (b) serious alarm or distress that has a substantial adverse impact on his or her usual day-to-day activities.

(3) A person who commits an offence under *subsection (1)* is liable—

- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, and
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

(4) In this section, a person is a “relevant person” in respect of another person if he or she—

- (a) is the spouse or civil partner of that other person, or
- (b) is not the spouse or civil partner of that other person and is not related to that other person within a prohibited degree of relationship but is or was in an intimate relationship with that other person.

Appendix D: Domestic Abuse Act of 2018 – Scotland¹³⁵

1 Abusive behaviour towards partner or ex-partner

- (1) A person commits an offence if—
 - (a) the person (“A”) engages in a course of behaviour which is abusive of A’s partner or ex-partner (“B”), and
 - (b) both of the further conditions are met.
- (2) The further conditions are—
 - (a) that a reasonable person would consider the course of behaviour to be likely to cause B to suffer physical or psychological harm,
 - (b) that either—
 - (i) A intends by the course of behaviour to cause B to suffer physical or psychological harm, or
 - (ii) A is reckless as to whether the course of behaviour causes B to suffer physical or psychological harm.
- (3) In the further conditions, the references to psychological harm include fear, alarm and distress.

2 What constitutes abusive behaviour

- 1) Subsections (2) to (4) elaborate on section 1(1) as to A’s behaviour.
- 2) Behaviour which is abusive of B includes (in particular)—
 - (a) behaviour directed at B that is violent, threatening or intimidating,
 - (b) behaviour directed at B, at a child of B or at another person that either—
 - (i) has as its purpose (or among its purposes) one or more of the relevant effects set out in subsection (3), or
 - (ii) would be considered by a reasonable person to be likely to have one or more of the relevant effects set out in subsection (3).
- (3) The relevant effects are of—
 - (a) making B dependent on, or subordinate to, A,
 - (b) isolating B from friends, relatives or other sources of support,
 - (c) controlling, regulating or monitoring B’s day-to-day activities,
 - (d) depriving B of, or restricting B’s, freedom of action,
 - (e) frightening, humiliating, degrading or punishing B.
- (4) In subsection (2)—
 - (a) in paragraph (a), the reference to violent behaviour includes sexual violence as well as physical violence,
 - (b) in paragraph (b), the reference to a child is to a person who is under 18 years of age.

Appendix E: Sally Challen in the United Kingdom

Source: <https://www.theguardian.com/uk-news/2019/jun/07/sally-challen-will-not-face-retrial-for-killing-husband>

Sally Challen walks free as court rules out retrial for killing abusive husband Woman sentenced to time served after crown accepts guilty plea to manslaughter

Amelia Hill and Matthew Weaver

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Sally Challen, who was jailed for life for killing her husband in a hammer attack following decades of emotional abuse, has walked free from court after a judge announced she would not face a retrial. Challen, 65, was sentenced at the Old Bailey in London on Friday to nine years and four months – time already served – for the manslaughter of her husband, Richard.

Speaking at a press conference afterwards, she said: “My family have served my sentence with me. They have kept me going for a long and terrible nine years. I want also to thank my friends in and out of prison who have stood by me.”

Challen said she suffered years of controlling and humiliating abuse before she killed her 61-year-old husband in August 2010.

She was jailed for life for murder after a trial at Guildford crown court in 2011. In February this year the court of appeal [quashed her conviction](#) and ordered a fresh trial in light of new evidence about her mental state at the time of the killing.

Challen, of Claygate, Surrey, admitted manslaughter but pleaded not guilty to murder. She was due to face a new trial on 1 July, but at a hearing before Mr Justice Edis at the Old Bailey on Friday the prosecution said the crown accepted her plea to the lesser charge.

“Allowing full credit of one-third because it has always been your case that you killed him by reasons of diminished responsibility, that means you have already served an equivalent sentence and are therefore entitled by law to be released at once,” Edis said.

Challen's son David tweeted: "As a family we are overjoyed at today's verdict and that it has brought an end to the suffering we have endured together for the past nine years. Our story has become the landmark case society needs to recognise the true severity of coercive control." In a victim impact statement read to the court, Challen's other son, James, said: "We have lost a father and we do not seek to justify our mother's actions." He said his mother "does not deserve to be punished further".

Challen walked free from court to applause from supporters. Sitting next to her sons at the packed press conference, she said: "Many other women who are victims of abuse as I was are in prison today serving life sentences. They should not be serving sentences for murder but for manslaughter."



Sally Challen and her son David at the press conference. Photograph: Yui Mok/PA

She added: "I still love Richard and miss him dreadfully and wish that none of this had happened. I'm just so happy I can begin to live my life again. I have had major ups and major downs. Without the support of my family and my endless telephone calls to them at inappropriate times, I don't know how I would have coped.

"It has been a really long road and at one point I didn't see any light at the end of it. It's wonderful to be free and to be able to see my sons. I'm so grateful to them."

Challen said she hoped the justice system would take abuse more seriously. "I met many women in prison who shouldn't be there. Getting an appeal is very difficult. I was turned down on the first attempt. The justice system needs to listen," she said.

"A lot of the problem is that women don't know they're in a relationship of coercive control. It's family, friends and relatives who do see it. Somehow they have to speak to that person and convince them to leave. They don't seem to be able to break that tie. It's a very strong tie and the women are very vulnerable."

She said schools should teach children about coercive control, as boys as well as girls suffered from it. "They're damaged and it's damage done to them for the rest of their lives. Teachers also should be aware and look around their classrooms and make the children aware of what could happen."

David Challen said: “There’s no shame in what we’ve gone through. This has exemplified how the criminal justice system continues to discriminate against women who kill. We have sought justice and understanding.”

The prospect of a retrial was seen as a key test of new laws on domestic abuse and coercive control. The family say Richard Challen subjected his wife to decades of psychological abuse, which is referred to as coercive control under laws introduced in 2015.

Richard Challen was unfaithful throughout the marriage and frequently visited brothels. Sally Challen moved out of the family home in 2009 but was said to still be emotionally dependent on her husband. When she discovered he had contacted another woman, she hit him more than 20 times with a hammer.

The appeal court was told she had two mental disorders at the time of the killing, and that her condition was likely to have been made worse by the coercive control.

Justice for Women said it was fighting 10 other similar cases. Harriet Wistrich, the organisation’s founder, said the CPS had a commitment and obligation to understand domestic violence, “but you don’t see it in practice. You see them going ahead as though they just want to win these cases. I would like to see them honour their commitments.”

Wistrich said her organisation had written to the director of public prosecutions about the case and was yet to receive a response.

The shadow equalities minister, Carolyn Harris, said Challen’s was a “landmark case for victims of coercive control”.

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