

ALCOHOL, DOMESTIC ABUSE AND SEXUAL ASSAULT

Introduction

Alcohol harm is experienced not only by drinkers but by those around them including families, friends, colleagues and strangers. There is a strong relationship between alcohol and domestic abuse, violence and sexual assault. **Whilst alcohol should not be used as an excuse for those who perpetrate violence and abuse, neither should its influence be ignored.** This report outlines the evidence on the relationship between alcohol, domestic abuse and sexual assault and makes recommendations for tackling the problem in the UK.

Domestic abuse includes both physical violence and emotional, sexual, psychological or financial behaviour between intimate partners or family members which is controlling, coercive or threatening. It can occur as an isolated incident, but is often found as a pattern of abuse and is estimated to cost the UK nearly £16 billion a year¹. The Home Office introduced a new definition of domestic violence encompassing all of these elements in February 2013² but this has not been universally adopted, meaning that some research and statistics on domestic abuse, for example, are not always directly comparable.

Research typically finds that between 25% and 50% of those who perpetrate domestic abuse have been drinking at the time of assault,³ although in some studies the figure is as high as 73%.⁴ However, cases involving severe violence are twice as likely as others to include alcohol,⁵ and other research found that the risk of rape was twice as high for attacks involving drinking offenders.⁶

People are most likely to be sexually assaulted or raped by someone known to them, and around half of domestic abuse cases involve sexual violence. Rape and sexual assault does, however, also occur outside of family and intimate relationships. Whilst this report deals primarily with domestic abuse, using the more expansive definition above, it also includes information on sexual assault and rape where alcohol plays a similar role in the two scenarios.

Overview of alcohol, domestic abuse and sexual assault

There is a strong link between alcohol and violent crime. In 2010/11, according to the *British Crime Survey*, the victim believed the offender to be under the influence of alcohol in almost half (47%) of violent incidents (around 917,000). This was the case in 65% of incidents of stranger violence and 39% of domestic violence incidents.⁷ These levels have remained steady in recent years,⁸ despite the fact that overall alcohol consumption has fallen by 18% since 2004.⁹

Alcohol misuse is consistently found in a high proportion of those who perpetrate domestic abuse and sexual assault, and it has been found that within intimate relationships where one partner has a problem with alcohol or other drugs, domestic abuse is more likely than not to occur.¹⁰ However, the impact of alcohol on domestic abuse and sexual assault is complicated.

Where alcohol is involved in domestic abuse, much of the evidence suggests that it is not the root cause, but rather a compounding factor, sometimes to a significant extent.¹¹ Domestic abuse agencies agree that alcohol misuse should not be seen as taking responsibility away from those who commit domestic violence. In the past, domestic abuse organisations have not always focused on the role of alcohol because they primarily work with the victim, although some are now engaging on a policy and practical level with perpetrators and their use of alcohol.

Alcohol use by the victims of domestic violence is also a complicated issue. At times it can be misinterpreted and used against the victim, yet in some domestic violence scenarios victims are likely to turn to alcohol as a means of coping with their experiences of abuse.

While the majority of domestic abuse is attributable to men, and men are more likely to be recorded as using alcohol,¹² it can impact in a variety of other ways. At times it can fuel child-to-parent violence, and alcohol seems to be particularly significant where both partners use violence.¹³

Trends in domestic violence and sexual assault

In 2010/11, according to the *British Crime Survey* (now the *Crime Survey for England and Wales*), victims of violent incidents believed the offender to be under the influence of alcohol in almost half (47%) of violent incidents (around 917,000). This was the case in 65% of incidents of stranger violence and 39% of domestic violence incidents. These levels have remained steady in recent years,¹⁴ despite the fact that overall alcohol consumption has fallen by 18% since 2004.¹⁵ However, as detailed below, prevalence of domestic violence is difficult to estimate.

How trend data is collected

There are no official statistics on alcohol misuse and the prevalence of domestic violence in the UK. The information that is available comes from two main sources; perpetrators' reports and victims' reports. This provides a useful but incomplete view of the situation, because of the fact that a large proportion of domestic violence goes unreported: one study found that on average, a woman will have been assaulted 35 times before her first call to the police.¹⁶ This affects statistics across domestic violence, sexual assault and rape, and the *2011/12 Crime Survey for England and Wales* found that only 13% of victims of serious sexual assault reported the incident to the police.¹⁷

The level of unreported incidents of domestic violence is particularly problematic given that the majority of alcohol is now consumed in the home, as opposed to in public under the supervision of a licensee. Indeed, approximately twice as much alcohol is now purchased via the off-trade compared to within pubs and bars,¹⁸ potentially magnifying its impact on domestic violence whilst hiding its influence from public view.

Domestic violence

Statistics from the *Crime Survey for England and Wales* suggest that in 2011/12, 7.3% of women and 5% of men experienced domestic abuse,¹⁹ and that overall 31% of women and 18% of men had experienced some sort of domestic abuse since the age of 16.²⁰ There has been no significant change in these figures over the last few years.²¹

Rates of murder due to domestic violence have remained relatively stable over recent years, with approximately two deaths per week in the UK.²²

Sexual assault

The *2011/12 Crime Survey for England and Wales* found that 2.5% of females and 0.4% of males had reported experiencing some form of sexual offence in the last year. Overall trends seem to remain relatively stable in the last few years,²³ although crime rates overall have fallen.²⁴ However, as mentioned previously, many incidences go unreported.

Access to services

Another measure of domestic abuse incidence is the number of individuals accessing support services, although there are no official statistics on this. In addition, an increase or decrease

in this measure does not necessarily correlate with a change in the rate of incidence, as it could be attributed to a change in the provision of services, or the way in which they are accessed. Figures from the Women’s Aid Annual Survey in the table below (Figure 1) show a slight increase, but should be treated with caution for this reason.²⁵

Figure 1: Number of women and children accessing domestic abuse services between 2007/08 and 2011/12, Women’s Aid Annual Survey

Survey period	Women	Children
2007/08	17,650	19,390
2008/09	16,750	19,005
2009/10	17,615	17,785
2010/11	18,170	19,100
2011/12	19,510	19,440

Domestic abuse and the economic recession

There is mixed evidence on the impact of economic downturns on domestic violence. Anecdotally, many women’s rights groups reported an increase in referrals after the credit crunch in 2008, but this was not reflected in the official crime statistics.²⁶ Research focusing on unemployment and domestic violence, and differences between its impact on men and women, has identified an interesting relationship. Due to the relative costs and benefits of staying in a relationship, unemployment amongst women was found to be associated with an increase in domestic abuse.²⁷ This was attributed to unemployment increasing the likelihood of some women remaining in abusive relationships due to a lack of financial independence.

For men the reverse was true, with unemployment found to be associated with a decrease in domestic abuse. However the reasons for this seem less clear. It could be because of a drop in alcohol consumption as a result of a fall in disposable income. Other research has found a relationship between higher unemployment and a reduction in violent injury for this very reason,²⁸ pointing towards a link between alcohol consumption and unemployment. Interestingly, a strong negative relationship between the real price of beer and violent injury was also found.

Alcohol and domestic abuse

There is a large body of research linking alcohol and domestic abuse. In particular, alcohol is associated with incidents of physical and severe physical domestic violence,²⁹ and this is also true for incidences of sexual assault.³⁰ There does not seem to be a relationship between alcohol and other non-physical types of domestic abuse however, such as emotional or financial abuse. Research has found a positive association between alcohol outlet density and male-to-female personal violence, which is stronger among couples who report having alcohol-related problems than among couples with no alcohol-related problems³¹.

However, the relationship between alcohol and domestic abuse is complicated, and alcohol use can have various effects on both the perpetrators and victims. These can be situational factors central to the assault itself, such as cognitive impairments caused by alcohol, or more distant but equally important factors, such as negative stereotypes or alcohol expectancies

about sex, where men may expect to feel more powerful, disinhibited and aggressive after drinking.³² While it may not always be the case, research does suggest that it is problem drinking that is more likely to be associated with domestic abuse than drinking per se.³³

Alcohol and those who perpetrate domestic abuse

Alcohol is well documented as a risk factor for many aggressive and violent acts; indeed around 60% of murders are committed under the influence of alcohol.³⁴ In terms of domestic abuse, research typically finds that between 25% and 50% of perpetrators have been drinking at the time of assault,³⁵ although in some studies the figure is as high as 73%.³⁶ Research with police officers in the North East of England found some officers unable to remember the last time they went to a domestic incident where alcohol was not involved, with 93% of them regarding alcohol as having a 'large impact' on domestic violence.³⁷ Cases involving severe violence are twice as likely as others to include alcohol,³⁸ and other research found that the risk of rape was twice as high for attacks involving drinking offenders.³⁹

There are a number of reasons why this may be the case, such as perpetrators intentionally using alcohol to justify sexually aggressive behaviour, or drinking helping someone overcome internal inhibitions to perpetrating an act of sexual violence. In addition, some men drink heavily in social situations that could lead to sexual assault. Alcohol also has a psychopharmacological effect on cognitive functioning and can cause drinkers to misread and disregard the degree of sexual interest in their victim, potentially a key factor in rape and sexual assault.⁴⁰ Combined with lowered inhibitions, this can lead to aggression when inaccurate expectations are not met. An additional factor may be that certain personality types increase both the propensity to drink heavily and to commit sexual assault.⁴¹ Some research has found men who committed sexual assault to be more hostile towards women and lower in empathy than other men.⁴²

Alcohol use by victims of domestic abuse

Domestic abuse groups have raised this as an important issue and emphasised the need for care to be taken in order to avoid the use of damaging victim-blaming narratives that ultimately make matters worse for those caught up in domestic abuse. The campaign against government posters stating that 'one in three reported rapes happen when the victim has been drinking' demonstrates this, as they were seen as shifting the blame onto rape victims.⁴³ Alcohol has been found to be associated with victimisation, with research finding victims of domestic assault to have higher alcohol consumption than non-victims, and that the risk of violence increased with levels of consumption.⁴⁴

There are many reasons why victims of domestic abuse may drink. Amongst those caught up in long-term domestic abuse, there is evidence that they may use alcohol to cope with the effects of domestic abuse. Indeed, one study found that women who suffered domestic abuse from their partners were twice as likely to drink after the abuse as their violent partner.⁴⁵

In cases of rape and sexual assault outside of relationships, other explanations for why a victim may have been drinking range from social stereotypes portraying women who drink as more sexually available and therefore making them more prone to being targeted for sexual assault, to the cognitive defects brought about by drinking. In cases of rape this last point can be particularly problematic⁴⁶ as alcohol consumption can impact upon a victim's 'capacity to consent', causing legal problems where victims have knowingly consumed alcohol.⁴⁷

Intoxication and consent to sexual relations

The Sexual Offences Act 2003 (SOA) put consent on a statutory footing for the first time, but not in a way that is necessarily helpful for many rape victims. Voluntarily intoxicated complainants are distinguished from those who have alcohol or drugs surreptitiously

administered to them, and are afforded less protection under the law, unless have become so intoxicated as to be unconscious where it is presumed that consent is absent.

So, between the two extremes of sobriety and unconsciousness the concept of capacity remains elusive, and interpretation of consent comes from case law, with *R v Dougal* (2005) perhaps most significant case. Despite the complainant having been highly intoxicated, with only vague recollections of the incident the judge stated that 'drunken consent is still consent' and instructed the jury to find the defendant not guilty even if they disagreed.⁴⁸

As such the SOA offers little protection to many women, and rather than alcohol consumption being recognised as a potential causal factor in their sexual assault, it is often seen by juries as making the complainant an unreliable victim. It is because of this that the charity Against Violence and Abuse have called for a change in the law so that intoxication – whether voluntary or involuntary – be seen as a possible indicator that abuse has taken place.⁴⁹ This already exists for child sexual abuse cases and would place a duty of care on (usually) men to ensure that they engage in consensual sexual relations, clarifying things for juries where a case comes down to one person's word against another (see the recommendations at the end of the paper for more detail).

Emerging trends: pre-loading, high caffeine drinks and the growing night time economy

The incidence of pre-loading (consuming alcohol at home before going out drinking) has increased in recent years, and research has linked this to increased overall consumption, increased sexual assaults and increased fights and injuries.⁵⁰ In addition there is an emerging body of evidence linking the mixture of high caffeine energy drinks with alcohol to an increased risk of sexual assault for both men and women. Large amounts of caffeine can mask the effects of alcohol, making people feel more alert than they actually are, and potentially leading them to consume more alcohol than they would have without caffeine.

One study involving American college students found that those who mixed energy drinks with alcohol were more than twice as likely to take advantage of someone else sexually, and almost twice as likely to be taken advantage of sexually themselves. In addition they were twice as likely to be hurt or injured, and twice as likely to require medical attention.⁵¹ This trend was replicated by another study which found that the risk of becoming a victim of sexual assault increased for both men and women who combined energy drinks with alcohol. Of particular interest is the fact that the association was stronger for men than for women in this case.⁵²

The interplay between pre-loading and the mixing of alcohol and energy drinks is an area in need of more research. However it seems reasonable to assume that their combination would lead to increased risk of sexual assault, with individuals drinking more and staying out later than they otherwise would have – possibly aided by later closing times as well - leading to further potential risks.

Alcohol use and access to refuges for those affected by domestic abuse

In some cases, women affected by domestic abuse who also have problematic alcohol use can face particular problems accessing essential services such as refuges. Research into refuges in London by AVA and Solace Women's Aid suggests that the situation has improved to some extent in the last 10 years, but that there are still many problems.

Almost all London boroughs require the refuges they fund to support women with alcohol, drug or mental health problems in some way within their service specifications. However, this was sometimes only a generic 'expectation' that all survivors would be supported, and 61% of boroughs only 'sometimes accept' women who use alcohol or drugs.⁵³ It was found that two

boroughs actively exclude women with alcohol, drug and/or mental health problems from refuges.⁵⁴

The fact that only around half of local authorities could provide information on the number of women accessing refuges with identified alcohol problems suggests that the strong link between victim alcohol use and domestic abuse is yet to be understood and acted upon properly.⁵⁵

Alcohol and dual perpetrator domestic abuse

The majority of reported domestic abuse incidents involve male to female abuse, but less is known about incidents where men are the victims of female abuse, or where both partners act as perpetrators. There is however some initial research that suggests alcohol plays a significant part in these scenarios as well, particularly where both partners engage in violence. Women's use of violence has at times found to be defensive, and less related to fear and control than male violence,⁵⁶ however studies have found alcohol to have a small but significant effect on female to male violence.⁵⁷ Neither of these facts is surprising, particularly given that alcohol is associated with increased aggression.

Cases of dual perpetrator domestic violence have been found to include the highest number where both partners were alcoholics or heavy drinkers, with alcohol present in 88% of such cases, significantly higher than the sole domestic violence perpetrators in the sample (63%).⁵⁸ It was also found that alcohol made it difficult to determine who the primary aggressor is. Part of this problem, however, is the tendency of the police to see alcohol misuse as a mark of the perpetrator, ignoring the fact that women can use alcohol in response to abuse from their partners.⁵⁹

One study found that, despite the fact that both partners engaged in alcohol or domestic abuse, a far greater number of the total cases of domestic abuse were attributable to men, and men were more likely to be recorded as using alcohol – 87% and 66% respectively compared to 68% and 44% of women.⁶⁰

Alcohol, children and domestic abuse

While parental drinking does not automatically have a harmful impact on children, it can lead to significant emotional and physical abuse, violence and a general lack of care and support.⁶¹ Indeed, alcohol misuse is estimated to be involved in between 25% and 33% of child abuse cases⁶² and concern about parental drinking is the number one reason that children contact ChildLine, with over 5,300 children doing so per year – more than 100 per week.⁶³ The NSPCC view alcohol abuse as a high risk factor, which can increase the risk to children who live in families where domestic abuse is present.⁶⁴

Denmark has recently made it compulsory for local authorities to offer treatment for children and adolescents whose parents are addicted to alcohol,⁶⁵ and in some areas the impact of alcohol is taken so seriously that alcohol abuse by a parent is assumed to be evidence of child neglect. The New York Family Court Act states:

'...proof that a person repeatedly misuses a drug or drugs or alcoholic beverages...shall be prima facie evidence that a child of or who is the legal responsibility of such person is a neglected child'⁶⁶

There is also evidence that children who experience abuse have a greater propensity to develop alcohol and drug problems from adolescence onwards. One study found that 14% of those entering treatment for alcohol misuse had experienced physical abuse as a child, and that they had higher levels of depression and needed greater levels of individual treatment.⁶⁷

Child to Parent Violence (CPV)

Alcohol can also play a role in the much underreported phenomenon of child-to-parent violence (CPV), which is typically perpetrated by sons from the age of around 11 onwards, up into middle age. Many parents caught up in CPV described a trigger event of some sort for the child, typically around the age of 13 or 14, which set them on a path of drug or alcohol use that had resulted in parental abuse. One study found that many parents reported experiences similar to victims of domestic abuse, including increased use of alcohol themselves in response to abuse from their child.⁶⁸

Policies to reduce levels of alcohol-related domestic abuse

The Home Office introduced a new definition of domestic violence in 2013, and launched an updated violence against women and girls action plan in 2014.⁶⁹ This built upon the 2010 strategy to end violence against women and girls, with the key themes of prevention, provision of good quality services, improved partnership working, better justice outcomes and risk reduction. Measures introduced in 2014 include domestic violence protection orders, which can be used to ban a perpetrator from returning to a residence and from having contact with the victim for up to 28 days. Victims (and other concerned third parties) were also given the 'right to ask' police to check whether a new or existing partner has a violent past under the domestic violence disclosure scheme (known as Clare's Law). The prospect of a new criminal offence including emotional and psychological harm inflicted by a partner within a relationship has also been mentioned. In addition, the Home Office committed to work through the National Group on Sexual Violence against Children and Vulnerable People, which was established in 2013. One stated area of focus is preventing sexual abuse happening in the first place, yet the groups' latest progress report and action plan does not include any mention of alcohol.⁷⁰

In addition to these developments a number of ways have been identified in which the harmful relationship between alcohol and domestic violence could be better addressed:

The price of alcohol

Reducing the affordability and accessibility of alcohol is associated with lower levels of reported incidents across a range of violent crimes. One study found alcohol-related A&E admissions to be highly price sensitive, calculating that a 1% increase in the real price of beer would reduce economy wide A&E assault cases by 5,000 per year.⁷¹

In terms of domestic violence, research in the USA has found that an increase in the price of alcohol reduced the probability of severe violence against wives,⁷² with one study finding a 1% increase in alcohol price to be associated with a 5% reduced risk of being a victim of domestic violence as a wife.⁷³ Other research looking at evidence from across 16 countries found a link between alcohol price and a range of violent crimes, with a 1% increase in the tax on alcohol resulting in a 0.19% decrease in the probability of robbery, a 0.25% decrease in the probability of assault, and a 0.16% decrease in the probability of sexual assault.⁷⁴

A review of the evidence for alcohol minimum unit pricing (MUP), commissioned by the Home Office and carried out by Sheffield University, found that increases in alcohol price were associated with reductions in overall crime, violent crime, sexual assault and criminal damage offences. Evidence for the effect on murder rates and domestic violence was inconclusive, and in need of further study.⁷⁵ More research would be very welcome, and this may be another important dimension to the impact of pricing policies, which have been described by NICE as 'the most effective way of reducing alcohol-related harm'⁷⁶ and by the Government as the 'most powerful tool' at their disposal.⁷⁷ Given the positive impact of MUP on sexual assault and violent crime, and the fact that MUP would have a greater effect on off-licence drinking than on-licence drinking, it seems likely that it would have a beneficial effect on domestic violence as well.

Improved training for law enforcement agencies

Improved training for law enforcement agencies – including the Police and Crown Prosecution Service – on the impact of alcohol and the capacity to consent may help to improve rates of conviction for sexual violence. Such training could create an environment where the testimony of victims of sexual assault and rape is given greater weight, leading to more convictions.

The charity Against Violence and Abuse have put forward an interesting proposal which warrants further investigation, suggesting that the Crown Prosecution Service Guideline on Prosecuting Child Sexual Abuse Cases (2013) should be extended to adults. This recognises that ‘if the victim has been, or is, abusing drink or drugs’ or their account was ‘inconsistent’, this should be understood as a possible indicator that abuse has taken place. This would put a duty of care on (usually) men to ensure that they engage in consensual sexual relations and help to stop those assaulted after voluntarily consuming alcohol being regarded as unreliable witnesses. In addition they also recommend that judicial directives given to juries on rape and sexual assault cases should include information on rape myths related to substance use.⁷⁸

Drug and alcohol services

As mentioned above, agencies have identified a need for refuges to better understand and cater for victims of domestic abuse with alcohol problems, as well as drug problems and mental health needs. Better partnership – along with proper service level agreements – between refuges and services working in these areas may help to ensure that victims of domestic abuse with additional needs receive appropriate help and are not turned away. The report ‘*Case by Case*’, produced by AVA and Solace Women’s Aid, contains a number of further recommendations in this area.⁷⁹

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