

Insights Report: Review of Publicly Reported Enforcement of the Coercive Control Offence in Ireland

2019 – 2024



Supporting women
through generations

Introduction

Since 1st January 2019, coercive control has been a criminal offence in Ireland. The offence of coercive control has the potential to be a vital tool in supporting a greater understanding within our legal system of the dynamics of domestic abuse, and protecting victims-survivors.

This Insights Report represents phase one of a continuing collaboration between Women's Aid and Arthur Cox LLP, to examine the implementation of this important legislation.

Section 39 of the Domestic Violence Act 2018 sets out that:

- (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.¹

The legislation explains that behaviour has a “serious effect” if a spouse, non-spouse or civil partner (the relevant person) – fears that violence will be used against them or if it causes serious alarm or distress that has a “substantial adverse impact on usual day to day activities”.

While a person may have been subjected to coercive control prior to the 1st January 2019, coercive control only became a criminal offence since this date.

What is Coercive Control?

“Can you imagine if you had to explain every minute of your day spent outside the house; explain what you are wearing and defend your decision making? What if your phone bill was checked, and you had to account for every call, or if you had to ask your partner for money anytime you need to buy for food for your children and if money for tampons was called an “extra” to be negotiated for? How would it feel if friends and family were made to feel so unwelcome that they stopped calling to your home?” – Sarah Benson, CEO, Women's Aid.

Coercive control is a persistent pattern of controlling, coercive and threatening behaviour including all or some forms of domestic abuse (emotional, physical, economic, sexual including threats) by a current or former intimate partner. It traps victims in a relationship and makes it impossible or dangerous to leave. Coercive control can have a serious impact on women's lives. It can damage a person's physical and emotional well-being and can result in losing contact with family and friends or giving up work. For 50 years, Women's Aid has supported victims-survivors of domestic abuse. We know that one in four women in Ireland will be subjected to abuse from a current or former intimate partner.

¹ <https://www.irishstatutebook.ie/eli/2018/act/6/section/39>

In just twelve months (January to December 2023), our team had 28,638 contacts through our frontline services during which we heard a staggering 40,048 disclosures of abuse – including 35,570 reports of domestic abuse against women and 4,478 reports of abuse of children. We know the contacts with our frontline services are just the tip of the iceberg, when it comes to women's experiences.

Review of the Publicly Reported Enforcement of the Coercive Control Offence

Women's Aid wishes to understand how the relatively new offence of Coercive Control is being prosecuted in Ireland: the numbers of cases, the forms of abuse, the sentencing, and the experience of victims-survivors going through the justice process at all stages.

Arthur Cox LLP generously agreed to provide pro bono research assistance to Women's Aid in its consideration of the enforcement of Ireland's coercive control offence to date. Information was gathered from published judgments, Court reports and media coverage and analysed to identify key information and themes.

This Insights Report examines 11 cases based on publicly available sources. The research team acknowledges the limitations of the review as they did not have any access to the original case files or notes, nor any way of verifying accuracy of some of the details.

As the substantive information often came from media reports with detail being available, this methodology also potentially skews the cases towards more media worthy incidents, including cases that are more serious or where well-known people are involved. Information available on certain cases is quite limited and at times not complete.

Data examined is not therefore an exhaustive summary of enforcement actions taken in respect of Ireland's coercive control offence to date (May 2024) but does offer a timely, thought provoking insights into the nature, impact and prosecution of coercive control since 2019 which Women's Aid hopes can be further added to in the near future.

Insights

"What I thought were intimate conversations were really a way for him to get info which he later twisted and used to emotionally blackmail me if I was ever to leave him. I was not just fighting cancer. I was up against a monster who would take away any chance I had of surviving. I always thought if I could get better, I could get away from him. I believed he was going to kill me so many times. I can feel the weight of him on my body, choking me, ripping out my hair from the roots. I was afraid to show vulnerability as that was when he attacked me the most." – Survivor.

The cases detailed in this Insights Report tell us the following:

- 100% of cases perpetrated by men against women.
- In most cases, the perpetrator was a current partner (90%), in 10% of cases, the perpetrator was a former partner.
- In 58% of reported cases, the perpetrator was already known to the Gardaí (often having multiple prior convictions, including for violence against women and breaches of Domestic Violence Orders).
- Average time from complaint to prosecution was 24 months.

- In 42% of reported cases, the victim had previously obtained a protective order against the perpetrator.
- There are no reported cases where Coercive Control was the sole charge. In the cases publicly reported on and which resulted in conviction, Coercive Control was charged in all cases alongside other offence/s.
- The average sentence for the cases was 6 years' imprisonment in total and where a breakdown was provided, the average sentence specifically for the Coercive Control offence was 3 years and 2 months' imprisonment.

Behaviour presented as Coercive Control

In general, the entirety of a perpetrator's conduct against a victim is considered as potential evidence of coercive control. This means that individual incidents or behaviours are considered as part of an **overall pattern** (with particularly serious individual incidents potentially also resulting in additional stand-alone charges). Behaviours presented as Coercive Control included:

- Physical violence and assault, including threats of physical violence (majority were death threats).
- Verbal and/or emotional abuse.
- Property damage (including furniture, personal possessions, damage to home).
- Monitoring or controlling the movements, locations or coming and goings of the victim (including through tracking locations through mobile phones or social media).
- Acts of humiliation or degradation.
- Interfering with contact with family, friends, or others outside of the relationship, or isolating the victim from external support networks and contacts.
- Control over daily life (including eating habits, media consumption, clothes or house decoration).
- Interference with money or finances.
- Verbal abuse of the victim's loved ones, family or friends.
- Excessive contact (especially calls, texts, and social media messages).
- Blackmail or threats of blackmail (including in the majority of cases, threats to share intimate images of the victim, often taken without their consent).
- Sexual assault and threats of sexual assault.
- Interference with the victim's medication or healthcare devices.
- Threats of self-harm or suicide by the perpetrator; and
- Physical harassment and/or stalking (including of the victim's friends or family).

Types of Evidence Accepted

- Garda testimony.
- Phone records, including text messages, WhatsApp messages and call logs.
- Recordings of threats and/or verbal abuse as against the victim.
- The victim's own testimony, whether through witness statement or in court (including via video link).
- Testimony of other civilian witnesses.

- Photographic evidence, particularly of injuries to the victim.
- Medical evidence.
- 999 calls.
- Social media records.
- Videos of police interviews of the perpetrator.

Reflections

This Insights Report provides a helpful starting point to any consideration and/or discussion of the elements of the (relatively new) offence, the circumstances in which it has been enforced and the outcomes of such enforcement.

The detail of the cases in this Insights Report suggest that the charge of coercive control is being applied in addition to individual charges of other crimes to **capture and sanction the whole lived experience and pattern of abuse rather than single incidents**. Previous research by Women's Aid (2019) outlined that for women, domestic violence was a "whole of life" experience of abuse, including criminal and non-criminal behaviours, which generally had been going on for years and affected all of their lives: their relationship, their parenting, their social life, their career, their financial situation, housing situation, their self-confidence and sense of self. However, in the criminal justice system years of abuse were reduced down to one or few charges for recent and in some (but not all) cases relatively minor incidents. The continuous domestic abuse was reduced and circumscribed at each stage. The impact of the cumulative abuse on the woman was lost to the Court.² This 2019 report collected data from the period just before Coercive Control commenced as a new and potentially game-changing tool for the criminal justice system (CJS) to prosecute domestic abuse related crimes. The offence of **Coercive Control enables the visibility within the CJS of that persistent and harmful pattern of abuse that women report to us**.

The evidence presented to prove coercive control in the cases outlined shine a light on the **horrendous nature and the range of abuse suffered** by women at the hands of their current or former male intimate partners, **often over lengthy periods**.

The testimony and comments by women powerfully show the **harm and negative impact of coercive control** on their lives, their children's lives and the lives of their wider family and friends.

In most of the cases included in this report, there is a strong sense of the **importance for women of being believed and supported** throughout every stage of the legal process, particularly by specialist services and members of An Garda Síochána.

In a number of cases the victims indicate **significant fears of continuing abuse and persecution by the perpetrator post release**. It is not known in all cases if protections were afforded via the courts (e.g. protective orders issued) but this is an important consideration for the safety of survivors of coercive control, given the nature of the crime.

Given the evidence outlined in the cases in this report, and the sustained, harmful nature of the abuse and the debilitating affect of victims, Women's Aid is of the view that the **maximum sentence of five years for coercive control seems low considering the nature of the crime**. We will reflect on the need to increase sentencing to properly hold perpetrators to account and to act as a deterrent, as our research project continues.

² Unheard and Uncounted – Women, Domestic Abuse and the Irish Criminal Justice System, Women's Aid, 2019. https://www.womensaid.ie/app/uploads/2023/07/unheard_and_uncounted_-_women_domestic_abuse_and_the_irish_criminal_justice_system_executive_summary.pdf.

As more and more cases of coercive control come before the courts, there is a need to ensure **initial and ongoing quality training on domestic abuse including coercive control** for legal professionals in the criminal justice systems.

In order for victims of coercive control to seek recourse to the law for protection and justice for the crimes being committed against them, there needs to be **continued and increased awareness of the behaviours and impacts of coercive control as well as signposting supports available**.

In several cases **the perpetrator took control of the victims mobile phone and in doing so was able to effectively access all facets of her life:** her social media accounts, her full network of family friends and even her employer. Perpetrators also in some cases were able to take control of the victims bank account. **The risks associated with this single tactic of having passwords/access to the phone for perpetrating multiple tactics of coercive control are significant.**

All cases examined included some forms of physical abuse. **Women's Aid is aware of many cases where acute coercive control may not include physical violence but the impact on victims-survivors is nonetheless completely devastating.** It is possible that some cases have proceeded with just the charge of coercive control, and where physical abuse was not a significant factor but these are not publicly reported at the time of writing. We need to know about these cases, to be assured that this recognition of Coercive control as serious offence on its own are proceeding through our justice system.

Finally, this Insights Report is upfront on the limitations of the information available to us as we explore the enforcement of the coercive control offence. There is a lack of accurate and reliable public data relating to coercive control. To tackle problems, we need to see and measure it right through the legal process from reports, to charges, prosecutions, sanctions and outcomes. Women's Aid would like to see **accurate administrative data, including Court and Garda statistics, on domestic and sexual violence, including coercive control, centralised and published by Cuan, the new Domestic, Sexual and Gender-Based Violence Agency.**



SUMMARY OF THE PUBLICLY REPORTED ENFORCEMENT OF THE COERCIVE CONTROL OFFENCE IN IRELAND

(January 2019 – May 2024)

Cases Reviewed	11	Convictions	10 reported cases	No Conviction	1 reported case
Gender of Perpetrator	In 100% of reported cases, the perpetrator was male.		Gender of Victim	In 100% of reported cases, the victim was female.	
Current partners at time of offending	90% of reported cases.		Former partners at time of offending	10% of reported cases.	
Shared children	In 50% of reported cases, the parties shared at least one child.				
Prior Garda involvement with perpetrator	In 58% of reported cases, the perpetrator was already known to the Gardaí (often having multiple prior convictions)		Prior protective orders under the Domestic Violence Act	In 42% of reported cases, the victim had previously obtained a protective order against the perpetrator.	
Convictions where Coercive Control had been the sole charge	0 reported cases.		Convictions where Coercive Control was charged alongside other offences	11 reported cases.	
Average sentence where Coercive Control charged alone	There were no reported cases where Coercive Control was the sole charge.		Average sentence where Coercive Control charged alongside other offences	6 years' imprisonment in total. Where a breakdown was provided, the average sentence for the Coercive Control offence was 3 years and 2 months' imprisonment.	
Average suspended period of sentence where Coercive Control charged alone	There were no reported cases where Coercive Control was the sole charge.		Average suspended period of sentence where Coercive Control charged alongside other offences	8 months	
Average proceedings length (complaint to sentencing)	24 months				

Summary of behaviours considered Coercive Control

In general, the entirety of a perpetrator's conduct against a victim is taken into account as potential evidence of coercive control, which is very positive. This means that individual incidents or behaviours are considered as part of an overall pattern (with particularly serious individual incidents potentially also resulting in additional charges).

In all 11 of the reported cases for which information is publicly available, the following factors were present:

- Physical violence and assault;
- Threats of physical violence as against the victim (including, in the overwhelming majority of these cases, death threats); and
- Verbal and/or emotional abuse.

In many of the cases, evidence of property damage (for example, breaking the victim's personal possessions, damage to the victim's home or furniture or the family home) was also present.

In many cases,, the following was also relied on as evidence of coercive control:

- Monitoring or controlling the movements, locations or coming and goings of the victim (including through tracking locations through mobile phones or social media);
- Acts of humiliation or degradation (for example, in one reported instance where the victim was forced to vomit into her own hands because the perpetrator denied her access to the bathroom, or another where a victim was stripped naked and admonished by the perpetrator);
- Interfering with contact with family, friends, or others outside of the relationship, or isolating the victim from external support networks and contacts;
- Control over daily life (including eating habits, media consumption, clothes or house decoration);
- Interference with money or finances (including stealing, transferring money from the victim's online accounts or providing an extremely meagre "allowance" to the victim and depriving them of other funds); and
- Verbal abuse of the victim's loved ones, family or friends.

In some of the cases, the following was cited as evidence of coercive control:

- Excessive contact (especially calls, texts, and social media messages);
- Blackmail or threats of blackmail (including in the majority of cases, threats to share intimate images of the victim, often taken without their consent);
- Sexual assault and threats of sexual assault; and
- Interference with the victim's medication or healthcare devices (including, in two of those three cases, interference with the victim's contraception).

The following behaviours were also found to constitute evidence of coercive control in at least one case where information is publicly available:

- Threats against others (for example, friends of family of the victim);
- Threats of self harm or suicide by the perpetrator; and
- Physical harassment and/or stalking (including of the victim's friends or family).

Summary of evidence provided of Coercive Control

A range of evidence was cited as having been relied upon in the reported cases, including:

- Garda testimony (this is referred to in eight cases);
- Phone records, including text messages, WhatsApp messages and call logs (referred to in five cases);
- Recordings of threats and/or verbal abuse as against the victim (referred to in five cases);
- The victim's own testimony, whether through witness statement or in court (including via video link) (referred to in five cases);
- Testimony of other civilian witnesses;
- Photographic evidence, particularly of injuries to the victim;
- Medical evidence;
- Evidence from 999 calls, for example recordings;
- Social media records; and
- Videos of interviews of the perpetrator.

A. CONVICTIONS

1. The People at the Suit of the Director of Public Prosecutions v Kevin Dunleavy

“Getting out nine months early was bad enough but for him to be allowed back into Donegal is a disgrace. I’ve had a lot of support and a lot of people contacting me since this came up again. I’m getting on with my life ... I’m putting what he did behind me.”

Brief Factual Summary	On 5 February 2020, Kevin Dunleavy pleaded guilty to, and became the first man in Ireland to be convicted of, the offence of coercive control. Having been convicted of, <i>inter alia</i> , coercive control at Letterkenny Circuit Court, Mr. Dunleavy was sentenced to a total of 21 months’ imprisonment. Mr. Dunleavy was ultimately released in February 2021, after serving 16 months in prison.		
County in which offending occurred	Donegal	Age range of victim/ perpetrator (at time of conviction)	Perpetrator – 33 Victim – approx. 33
Sex of victim/ perpetrator	Perpetrator – Male Victim – Female	Relationship between parties at time of offending	An unmarried couple sharing one child. The couple had known each other since they were both 14 and started going out in 2012.
Was there previous Garda/Court involvement with the parties?	The perpetrator had 121 previous convictions for offences including drugs, burglary, a raft of traffic offences and breaching barring orders.		
Were protective Orders under the DV Act present?	The perpetrator had previously been issued (and convicted of breaching) barring orders. However, it is unclear whether those barring orders related to the victim and/or whether there was a barring order in force at the time of the offences for which he was now convicted.		
Were there children in common?	Yes. The perpetrator and victim had one son together. The victim also had a further two children.		
If so, were they also abused?	No information available.		
Charges	Coercive control, harassment, making threats to kill and making threats to damage property.		
Tried as summary or indictment?	The perpetrator pleaded guilty to the offences.		
Protective measures used during hearing?	The victim did not appear to give witness evidence in person, instead Gardaí provided detailed accounts of the behaviour which she had reported suffering.		

<p>What behaviour corresponding to Coercive Control was described?</p>	<p>The perpetrator was reported to have:</p> <ul style="list-style-type: none"> - Made 5,757 phone calls to the victim in a four-month period (between March and June 2019), an average of 67 calls per day; - Forced the victim to take her phone everywhere so that he knew where she was. He would call the victim on Facetime and make her scan her surroundings to confirm her precise location; - Burned the victim's clothes and broken her hair straightener to prevent her from going out; - On one occasion, the perpetrator had pulled the victim out of the Traveller's Inn in Milford by the collar of her jumper and assaulted her, including several punches to the head; and - When the victim fled to a nearby hotel so as to hide from the perpetrator, the perpetrator telephoned the victim and threatened to kill her.
<p>Outline of evidence of Coercive Control provided and accepted</p>	<p>Detective Garda Darren Carter provided detailed evidence of information provided by the victim and her family and friends. He gave a detailed account of a number of incidents in which the perpetrator had threatened and attacked the victim and also gave evidence that family and friends of the victim had reported being genuinely fearful for the victim's safety as regards the perpetrator.</p> <p>On cross examination, counsel for the perpetrator informed Detective Garda Carter that the victim had visited the perpetrator in prison and given him €100 and a "love letter". Detective Garda Carter stated that he had not been aware of these matters previously, but suggested that these could be signs of the coercive control that the perpetrator had over the victim.</p> <p>The perpetrator's phone records were also used as evidence, showing the 5,757 calls made by the perpetrator to the victim during the three-month period of March – June 2019.</p> <p>A recording of the phone call made by the perpetrator to the victim when she fled to a nearby hotel was also played in Court. During this the perpetrator could be heard screaming at the victim and stating <i>"I'll kill you...I'll cut your throat out. I'll get you. Mark my words, I'll get you tomorrow night"</i>.</p>
<p>Summary/extract of Victim Impact Statement</p>	<p>In her victim impact statement, the victim said the first four years of her relationship with the perpetrator were good and that he was a good partner and father. However, the victim continued that the perpetrator had become possessive and had also begun to cheat on her.</p> <p>Initially, the Circuit Court placed a requirement on the perpetrator that he not return to live in Donegal upon his release from prison. Following an appeal, however, (as to which, see below), this requirement was lifted. Speaking to the Sunday World, the victim described the decision by the Circuit Court to lift the requirement as <i>"a disgrace"</i>. <i>"Getting out nine months early was bad enough", she said, "but for him to be allowed back into Donegal is a disgrace. . . He has used Covid to his advantage ... if it hadn't been for Covid he wouldn't have had a chance of getting it overturned. . . I've had a lot of support and a lot of people contacting me since this came up again at the Circuit Court. . . But I'm getting on with my life ... I'm putting what he did behind me"</i>.</p>
<p>Convictions</p>	<p>Coercive control, harassment, making threats to kill and making threats to damage property.</p>
<p>Sentence</p>	<p>2.5 years imprisonment, with the final 9 months suspended.</p>
<p>Time for proceedings to complete (from initial complaint to sentencing)</p>	<p>Approx. eight months (9 June 2019 – 11 February 2020)</p>

<p>Appeal?</p>	<p>No appeal of conviction or sentence. Appeal of release condition.</p> <p>As part of his release conditions, the perpetrator was required to live and work in Dublin with his uncle, who operated a painting and decorating company.</p> <p>However, the perpetrator subsequently made an application to Letterkenny Circuit Court that he be allowed to reside at his family home in Kerrykeel, Donegal, instead. This was because, he said, the offer of the original address and job in Dublin was no longer there due to the downturn from the Covid- 19 pandemic.</p> <p>The Gardaí objected to this application on the basis of concerns for the welfare of the victim.</p>
<p>Outcome of Appeal?</p>	<p>Appeal granted.</p> <p>The perpetrator was allowed to return to living in Donegal on release, subject to conditions (see below).</p>
<p>Any judicial comment on sentencing:</p>	<p>At initial sentencing</p> <p>Passing sentence, Judge Aylmer said it was clear from the probation report that the perpetrator had a number of difficulties. However, he added that he had been a model prisoner and that he was using his time in prison well.</p> <p>The Judge sentenced the perpetrator to a total of two and a half years, but suspended the last nine months of the sentence. He also ordered the perpetrator to “<i>stay off drink and drugs</i>”, to stay out of Donegal unless for court appearances or to have scheduled access to his son and to undertake whatever domestic violence courses he was offered while in prison.</p> <p>On Appeal</p> <p>Judge John Aylmer said that, when the decision was made that the perpetrator would reside in Dublin, it was pre-Covid-19. Post-Covid- 19, the Judge commented that the situation had changed and that the Court had to now devise a different approach for the perpetrator’s release.</p> <p>The Judge allowed the perpetrator to return to live in Donegal upon release, subject to a number of conditions including that the perpetrator:</p> <ul style="list-style-type: none"> - does not come within 10 kms of Letterkenny unless he is enjoying pre-arranged access to his son; - does not come within 50 metres of the victim or two other named individuals; and - remain under the care and supervision of the Probation Services upon release. <p>Addressing the perpetrator directly, Judge Aylmer said: “<i>I want to impress upon Mr Dunleavy that if there is any breach of that order then the Probation service must bring the matter back to me. This will mean that it is capable of triggering the balance of the nine- month sentence so you better be very careful and not to be in any breach.</i>”</p>

2. The People at the Suit of the Director of Public Prosecutions v Daniel Kane

“He always told me no one would believe me but people do. All of the support services and all those guards that I dealt with truly believed in me. They knew I wasn’t lying and they gave me so much inspiration to be able to tell the truth. I wouldn’t have been able to do it only for they were so kind to me.”

Brief Factual Summary	<p>In November 2020, Daniel Kane was convicted of, <i>inter alia</i>, coercive control of his former partner in a jury trial before the Dublin Circuit Court. This was the first time that a person was convicted of coercive control following a trial. He received a total sentence of 12.5 years imprisonment, with the final two years suspended.</p> <p>The investigation leading to the conviction was initiated when a consultant in emergency medicine at James Connolly Memorial Hospital was so gravely concerned about the victim that she was moved to contact the Gardaí. It transpired that the victim had attended the hospital in excess of 20 separate occasions and the doctor believed that there was a real threat to her life from the violent behaviour inflicted upon her by the perpetrator.</p>			
County in which offending occurred	Dublin			
Age range of victim/ perpetrator (at time of conviction)	Perpetrator – 52 Victim – Unknown	Sex of victim/ perpetrator	Perpetrator – Male Victim – Female	
Relationship between parties at time of offending	Co-habiting partners. The 20-month relationship began in April 2018, when the victim was looking for a place to live and she began living with the perpetrator.			
Was there previous Garda/Court involvement with the parties?	<p>Mr. Kane had two previous convictions for drink-driving and intoxication in a public place.</p> <p>One of the assault causing harm convictions related to an incident which occurred between the 14th and 15th March 2019, where the perpetrator banged the victim’s head against a solid surface. On 15 March 2019, the victim called to Blanchardstown Garda Station, where a member of An Garda Síochána noted injuries to her face, nose and eye. The perpetrator was also present at the Garda Station on this occasion. It does not appear as though any further action was taken in respect of the incident at the time.</p> <p>Calls were also made, from time to time, by the victim to the Gardaí who observed her injuries and her upset demeanour, photographs were taken of her injuries and there were, on occasion, witnesses to the assaults. No further action appears to have been taken in response to these contacts at the time.</p>			
Were protective Orders under the DV Act present?	No.	Were there children in common?	No.	If so, were they also abused? N/A.
Charges	One count of coercive control, 13 counts of assault causing harm, one count of assault, one count of intimidation and one count of endangerment.			

<p>Tried as summary or indictment?</p>	<p>Indictment.</p>
<p>Protective measures used during hearing?</p>	<p>Prior to the trial an order was made that neither the perpetrator nor the victim could be named. This order was made where there was accepted evidence of the vulnerability of the victim.</p> <p>During the hearing, the victim gave evidence via videolink.</p> <p>Following the trial, the name of the victim still does not appear to have been made public and is not referred to in the judgment and/or media reporting available.</p>
<p>What behaviour corresponding to Coercive Control was described?</p>	<p>Circuit Court</p> <p>The victim made statements outlining common conduct on the part of the perpetrator, describing how she was living under the constant threat of violence, waking up daily not knowing if she would be beaten or not, how she would be awoken by the perpetrator roaring abuse, shouting into her face.</p> <p>She described emotional abuse, that the perpetrator would insult her, using demeaning, aggressive and abusive language. She recalled an incident where she was made to sit in the front room of the apartment unclothed while the perpetrator berated her.</p> <p>The victim also described controlling behaviour, that the perpetrator interfered with her relationship with her family and her access to her friends.</p> <p>She stated that the perpetrator’s behaviour left her meek and submissive and had a serious impact upon her. She described how she was constantly on edge, walking on eggshells, waiting for the next act of violence.</p> <p>Court of Appeal</p> <p>The Court of Appeal summarised the perpetrator’s conduct as follows: <i>“It is clear on the evidence adduced that the [perpetrator] subjected the [victim] to a campaign of fear, emotional suffering, subjugation, threats of violence, violence plus humiliation, leading to her being fearful, meek, submissive and on edge. The fact that she did not attend hospital for a couple of days with a comminuted fracture of her arm is telling in itself of the atmosphere in the home. His behaviour was prolonged, oppressive, domineering, manipulative and frequently brutal, psychologically and physically, designed to humiliate and degrade her, and place her in constant fear. He used different methods of controlling and coercive conduct; violence, threats of violence, humiliation and verbal and emotional abuse”.</i></p>
<p>Outline of evidence of Coercive Control provided and accepted</p>	<p>The victim met with the Gardaí on several occasions and made statements regarding the multiple assaults on her by the perpetrator throughout their relationship. The Court made multiple references throughout to the evidence provided by the victim (which was provided both through those statements and in person (via videolink) at hearing).</p> <p>The Court of Appeal refers to only one other source of evidence in the context of the coercive control charge in particular: two audio recordings, taken by the victim, of the perpetrator speaking to her in an abusive and berating manner.</p> <p>Other evidence referred to in general and/or in respect of other charges would also appear to have been relevant to establishing the overall environment for the purposes of coercive control:</p> <ul style="list-style-type: none"> – Witness evidence from Gardaí and civilians who had previously witnessed the perpetrator behaving violently towards the victim; – Photographic and medical evidence of the victim’s injuries. The Court particularly noted that it was “telling” that, on one occasion, the victim had taken several days to attend hospital for a comminuted fracture to her ulna inflicted by the perpetrator despite the pain involved;

<p>Outline of evidence of Coercive Control provided and accepted</p>	<ul style="list-style-type: none"> - Audio recordings of four 999 calls; - Evidence, including telephone records and recorded conversations, showing that, even after his arrest, the perpetrator continued to try to control and influence the victim's behaviour. In particular, evidence was provided to establish that: <p>Between 22 October 2019 and 28 January 2020, while on bail, the perpetrator threatened to disseminate sexually explicit images and videos of the victim, sent to him by her, if she did not withdraw her complaint against him. Specifically, the perpetrator said he would send the images to her father and her brother, causing her great distress and anxiety; and</p> <p>Between 31 March and 31 July 2020, the perpetrator called the victim (from custody) 245 times in an effort to convince her to withdraw her complaints. He threatened to self-harm, that he would be harmed in the prison or that she would be imprisoned should she not withdraw her complaints, made numerous professions of love and proposed marriage. He further instructed her to state that some of her injuries were self-inflicted or accidental.</p> <p>In all, there were 250,000 pages of evidence, including medical records from A&E and mobile phone analysis.</p>
<p>Summary/extract of Victim Impact Statement</p>	<p>In her victim-impact statement, the victim told the Court she <i>"might be dead or in a vegetative state"</i> if doctors and Gardaí had not intervened to get her away from the perpetrator. She encouraged victims of domestic violence to seek help from services such as Women's Aid and said they would be heard.</p> <p>Speaking to RTE's Liveline in 2023, the victim said she had felt both public and private <i>"humiliation"</i>, including on one occasion when children who were playing in a park had pleaded with the perpetrator to stop harming her. Two years on from the perpetrator's sentencing, the victim said some days she is <i>"powerful, a survivor, an inspiration"</i>, but other days she sits in her room and waits <i>"for the creak of the door"</i>. <i>"I'm still afraid he'll find me or he'll be released early"</i>, she said.</p> <p>Continuing, the victim said that, when the officers came into the hospital room, she got <i>"so much support, they believed me"</i>. She said that people from all walks of life can end up in a similar situation and anyone who is afraid to speak up can be assured that there are <i>"so many supports"</i> available to them. Reflecting on her own experience, she stated that <i>"I wanted so many times to walk down the road to that Garda station and tell them [what the perpetrator was doing]. But he always told me no one would believe me. If I had known that there were that many supports out there, I could have done my own intervention. I want people to know that there are so many supports. I want people to know that [you will be believed]. He always told me no one would believe me and that's the big thing, they will believe you...All those guards that I dealt with and all the detectives that I dealt with, they truly believed in me. They knew I wasn't lying and they gave me so much inspiration to be able to tell the truth. I wouldn't have been able to do it only for they were so kind to me"</i>.</p> <p>Concluding, the victim stated <i>"[s]ometimes I want to forget about it and pretend it never happened, but obviously it did. I see life moving on and people getting married and people having kids and I don't want to be the one in the corner crying over domestic violence, but at the same time I've been through it... It's so prevalent at the moment and it really breaks my heart"</i>.</p>
<p>Convictions</p>	<p>One count of coercive control.</p> <p>12 counts of assault causing harm. One count of assault</p> <p>One count of intimidation.</p> <p>The appellant also pleaded guilty to one count, on a second indictment, of attempting to pervert the course of justice, contrary to common law.</p>

<p>Sentence</p>	<p>12.5 years' imprisonment with the final two years suspended on strict conditions, including that he follow all directions of the Probation Service for two years post-release.</p> <p>The headline/nominal sentence for the coercive control conviction was 3.5 years imprisonment.</p>		
<p>Time for proceedings to complete (from initial complaint to sentencing)</p>	<p>16 months (from 22 September 2019 to 21 January 2021).</p>		
<p>Appeal?</p>	<p>Yes. The perpetrator appealed against his "excessive" sentence.</p>	<p>Outcome of Appeal?</p>	<p>Appeal rejected with the trial judge's sentence reinstated.</p>
<p>Any judicial comment on sentencing:</p>	<p>Circuit Court</p> <p>The judge noted, as aggravating factors, the serious nature of the offending, the breach of trust, the fear instilled in the victim, the severe impact of the offending, that the offending was prolonged and the fact that, as the victim and perpetrator were in an intimate relationship, the perpetrator was aware of the victim's psychological vulnerabilities.</p> <p>In mitigation, the judge noted the perpetrator's previous good character, his alcohol dependency (although the value of this as a mitigating factor was then discounted because the offending continued while the perpetrator was in custody and undoubtedly sober), that he cared for his parents in their old age, that he had a role in his children's lives, his work history, the difficulty of serving a sentence for the first time and during Covid-19, his history of self-harm and psychological issues and the efforts he had made to detox and rehabilitate himself with regard to his addiction issues. His difficult childhood was also taken into consideration.</p> <p>Court of Appeal</p> <p>Noting that coercive control is a relatively new offence under Irish law, the judge suggested that the experience of the English Courts (in applying the similar offence under s. 76 of the Serious Crime Act 2015) would be of interest. In particular, the Court cited the English case of <i>F v M</i> [2021] EWFC 4, where Hayden J commented that "[k]ey to assessing abuse in the context of coercive control is recognising that the significance of individual acts may only be understood properly within the context of wider behaviour". The Court then asserted that the "offence of coercive control is designed to capture the emotional and psychological abuse that can occur in the context of an intimate relationship".</p> <p>In the present case, the Court noted that the trial judge had identified the aggravating factors as, <i>inter alia</i>, the breach of trust, the psychological vulnerabilities of the victim, the prolonged nature of the offending, over a period of some 9 months, the injuries sustained by the victim, the repeated attendance at hospital, the demeaning remarks, subjecting her to humiliation by berating her whilst unclothed and the level of isolation. The impact on the injured party was, the Court stated, understandably severe.</p> <p>Interestingly, the Court expressly stated (on the basis of section 40(5)(b)(ii) of the Domestic Violence Act 2018 and the fact that an intimate relationship is a constituent element of the offence) that the existence of an intimate relationship between the perpetrator and the victim cannot be an aggravating factor for the purposes of coercive control.</p>		

Any judicial comment on sentencing:

In approving the trial judge's sentence, the Court of Appeal concluded: *"It is clear on the evidence adduced that the [perpetrator] subjected the [victim] to a campaign of fear, emotional suffering, subjugation, threats of violence, violence plus humiliation, leading to her being fearful, meek, submissive and on edge. The fact that she did not attend hospital for a couple of days with a comminuted fracture of her arm is telling in itself of the atmosphere in the home. His behaviour was prolonged, oppressive, domineering, manipulative and frequently brutal, psychologically and physically, designed to humiliate and degrade her, and place her in constant fear. He used different methods of controlling and coercive conduct; violence, threats of violence, humiliation and verbal and emotional abuse. In the circumstances, his moral culpability was high and correctly found to be so by the sentencing judge, the harm done to the [victim] was significant and as a consequence, we do not find any error with the judge placing the offending in the mid to upper range of penalties available and her resulting nomination of the notional headline sentence"*.

3. The People at the Suit of the Director of Public Prosecutions v Paul Harkin

“I knew what he was doing wasn’t right but I was afraid of the consequences of going against him. It was fear of the alternative threat that made me compliant. He threatened that if I went against him he would hurt my family. I felt I was responsible, not only for myself, but for the safety of 12 other people. I thought I could cope with anything as long as our two children were okay.”

Brief Factual Summary	<p>In January 2021, Paul Harkin pleaded guilty to coercive control of his former wife on dates between 24 June and 13 August 2020. In June 2021, Mr. Harkin was sentenced to three years in prison.</p> <p>The perpetrator was the first person in Galway, and the third nationwide, to be successfully prosecuted for the crime of coercive control.</p>		
County in which offending occurred	Galway		
Age range of victim/perpetrator (at time of conviction)	Perpetrator – 49 Victim – unknown	Sex of victim/perpetrator	Perpetrator – Male Victim – Female
Relationship between parties at time of offending	A married couple sharing two children. They had been married for ten years prior to the perpetrator being remanded in custody in September 2020.		
Was there previous Garda/Court involvement with the parties?	The perpetrator, a Derry native, had previous convictions in Northern Ireland from 1998 for threatening to kill a former partner there, for two aggravated burglaries and for causing criminal damage. For these convictions, the perpetrator had received a two-year suspended sentence.		
Were protective Orders under the DV Act present?	No. However, the victim now has a barring order against the perpetrator.		
Were there children in common?	Yes. The perpetrator and victim had two children together.		
If so, were they also abused?	<p>Yes. The Court heard that the perpetrator controlled everything in the victim and her children’s lives, from what they could watch on TV, to where they could go and who they could see.</p> <p>Much of the verbal and physical abuse of the victim also occurred with the children present. For example, the perpetrator, in front of their children, threatened to chop the victim up and put her in a box. The victim stated: <i>“He told me I needed to learn to behave. He said he would start with my arms, then my legs and finally my head. He said all of this in front of the children. I didn’t know what to do. I was afraid of what might happen if I reported this. I only found out afterwards that when I wasn’t in the room, Paul told our nine-year-old daughter that to chop me up would be as easy as chopping a tomato.”</i></p> <p>The victim reported that the perpetrator’s actions had had a negative effect on the children’s mental health and that they had both needed counselling.</p>		

Charges	One count of coercive control, three counts of threats to kill, two counts of cruelty towards his children, one count of assault causing harm, and two counts of causing criminal damage.
Tried as summary or indictment?	Indictment. However, the perpetrator pleaded guilty to the offence of coercive control and no full trial occurred.
Protective measures used during hearing?	There do not appear to have been any protective measures used and the victim's identity has been made public. However, as the perpetrator pleaded guilty, no full trial was needed. The victim read her Victim Impact Statement to the Court personally at the sentencing hearing.
What behaviour corresponding to Coercive Control was described?	<p>Evidence was provided of a relationship characterised by control, with compliance often being obtained through violence and threats of violence.</p> <p>While the perpetrator and victim had been married for ten years prior to the complaint, it appeared that their relationship had worsened enormously over the course of around a year. This appeared to be largely due to the perpetrator's increased drinking and increasingly aggressive belief in conspiracy theories, particularly relating to the Covid-19 pandemic. Indeed, the victim reported that the perpetrator's coercive control of her and their two children escalated in the run-up to the children's impending return to school in September 2020, as he feared that they would be vaccinated against Covid-19 (which he believed was a hoax) and brainwashed by the education system. The perpetrator wished instead to home-school the children, using conspiracy theory sources.</p> <p>Evidence was provided that the victim and her children were forced to walk "on eggshells" so as to try to avoid the perpetrator's "rages". He controlled every aspect of their lives; from where they went and who they saw, to what they watched on television. Where the victim refused to abide by the perpetrator's rules, he would often resort to threats of physical violence (including threats to kill), verbal abuse and damage to property in their home. For example:</p> <ul style="list-style-type: none"> - On 25 June 2020, having been drinking since the previous day, the perpetrator upended the children's trampoline, swings and slides in the garden in a rage after he refused to let the victim bring the children to her parent's house so that she could go to work. This was just one of multiple occasions in which the perpetrator flew into a "rage" and damaged property in the family's home; - On 7 July 2020, the perpetrator told the victim that he would not allow the children to return to GAA training as they would have to fill out a Covid-19 form and he didn't want them completing a health questionnaire and watching a video on Covid-19 as, by doing so, they would be agreeing that Covid-19 was real and be conforming to the Government; - On 8 July 2020, the perpetrator started drinking at 3pm and became verbally abusive to the victim in front of their children for over an hour and a half; - On 10 July 2020, the perpetrator started drinking in the morning, became verbally abusive towards the victim in front of their children and forced her to burn her collection of music CDs; - On 27 July 2020, the family went to stay in a hotel in Kilkenny for a break. The perpetrator became very upset with the victim when he overheard her speaking to a man in a shop about the prospect of children going back to school. The perpetrator threatened to chop the victim up and put her in a box, before saying that she "needed to learn to behave". The perpetrator specified that he would start by chopping the victim's arms, then her legs and finally her head. All of this was said in front of the couple's children, with the couple's nine year old daughter later reporting that the perpetrator had told her that chopping up the victim would be as easy as chopping a tomato and their seven year old son reporting that the perpetrator had told him that he would dismember the victim's body and put it in a box if she did not "behave and do what she was told";

What behaviour corresponding to Coercive Control was described?

- On 28 July 2020, as the family were driving home from Kilkenny, the perpetrator told the victim to withdraw €300 from her bank account or he would break the TV when they got home. She withdrew the money. This was just one of multiple instances in which the perpetrator got the victim to withdraw money from her account and give it to him (while the victim worked, the perpetrator stayed at home, where he mostly spent his days watching conspiracy videos on his phone and drinking beer);
- On 3 August 2020, there was a violent altercation at the dinner table. The perpetrator started telling the children how “useless” the victim was, saying that she “*was a useless fat, c**t*” and that she was “*stupid as are his parents and all his family and [her] parents and all [her] family. Everyone around him is stupid and useless and can all fu*k off.*” The perpetrator then threw his water glass and dinner plate at the kitchen door. The children began screaming, with the couple’s daughter in particular begging the perpetrator to stop. However, the perpetrator would not stop and, instead, he grabbed a jug of water and threw it across the floor, tried to grab the family’s plates (but they hung onto them), stuck a fork into the table and then turned the table over. All the time, the perpetrator continued to shout abuse at the victim, saying that he was going to kill her, her parents, her brother and his family and that she “*needed to understand that he was the boss and he would tell [them] all what to do*” and that she “*was to obey his commands and do what he said and when*”. The perpetrator also threatened anyone who the victim might have reached out to for help, saying that if she “*went to anyone he would kill them too. If [she] went to [her] family or to a solicitor, he would destroy everyone*”. The perpetrator then moved outside and threw two stools, before coming towards the victim with his fists clenched. The victim reported that she felt that the perpetrator definitely would have hit her at that point if their daughter had not stood between them, begging her father to stop. The victim and children then went to bed terrified and the perpetrator stayed downstairs, continuing to drink;
- On 4 August 2020, the perpetrator again threatened to kill the victim if she didn’t start listening to him;
- On 6 August 2020, the perpetrator told the victim that she could either leave or kill herself, as he was the children’s protector. He then told the children that no Guards or Court would ever tell him what to do (and, in fact, he would tell the Guards and Court what to do), before telling the children that “*the constitution was allowing people to kill babies*” (referring to the right to abortion);
- On 13 August 2020, in a conversation that the victim secretly recorded, the perpetrator verbally abused the victim in front of their daughter. The perpetrator spoke about his conspiracy theories, telling his daughter that vaccines would stop her being able to have children, but that her mother (the victim) was stupid and doing nothing to stop it, only watching television. He told the victim that she was too stupid to realise that doctors are trying to kill her children. The perpetrator also then threatened to burn the family’s television, car and house;
- At various points during the relevant period, the perpetrator would make veiled threats to the victim that he would burn down their house and the homes of her extended family without warning, resulting in the loss of 12 lives if she did not “*behave*” and do what she was told; and
- The perpetrator regularly forced the victim to engage with his conspiracy theories. He would email the victim conspiracy videos to watch and give her literature to read, which he would then quiz her about. If she refused to answer, the perpetrator would fly into rages and repeatedly tell her that she was “*stupid*”. The perpetrator threatened the victim that she needed to start learning about the matters that he was studying or “*there would be consequences*”.

The perpetrator attempted to prevent the victim from reaching out to anyone for help. He told her that, if she went to speak to anyone or got anyone involved in the situation, he would “*level*” their family home, break the victim’s two legs and then kill her.

<p>Outline of evidence of Coercive Control provided and accepted</p>	<p>As the perpetrator pleaded guilty, no full trial was required. However, certain evidence was presented to the Court for the purposes of sentencing. In particular, Detective Sergeant Paul Duane gave evidence to the Court of the witness statements provided by the victim and the couple's children. He also gave evidence of the altercation that could be heard from the secret recording made by the victim on 13 August 2020.</p> <p>Detective Sergeant Duane also gave evidence to the Court of the perpetrator's previous convictions from Northern Ireland in 1998.</p>		
<p>Summary/extract of Victim Impact Statement</p>	<p>In her victim impact statement, the victim said she felt fear and dread inside her every day before the perpetrator was taken into custody. She said <i>"I now see the control [the perpetrator] had over me. I was too immersed in everything at the time to realise the seriousness of what was happening. I knew what he was doing wasn't right but I was afraid of the consequences of going against him. It was fear of the alternative threat that made me compliant. [The perpetrator] threatened that if I went against him he would hurt my [extended] family. I felt I was responsible, not only for myself, but for the safety of 12 other people. I thought I was doing right by staying together. I thought I could cope with anything as long as our two children were okay. I asked [the perpetrator] a few times in the past to leave but he wouldn't."</i></p> <p>She said <i>"I didn't know what to do. I was afraid of what might happen if I reported this. I believe [the perpetrator] was getting to the stage of following through on his threats. I believe it was only a matter of time before something more sinister happened."</i></p> <p>In respect of the incident at the dinner table in particular, the victim said that the perpetrator had gone from threatening to chop her up to destroying items in the kitchen and frightening them all in the space of just one week. Explaining why she did not approach the Gardaí immediately, she said <i>"I was afraid to ring the guards that night as I thought that might escalate the situation and then we might be in even more danger"</i>.</p> <p>The victim told the Court that she lived in fear for the future when the perpetrator got out of prison. She said <i>"I went against [the perpetrator] by speaking out and I am now terrified of the consequences. I don't know if he will want revenge."</i></p> <p>She asked for privacy going forward for her and her children, as they had been through enough and deserved to be allowed to get on with their lives. <i>"We deserve to be left to deal with things in our own way and not have the whole country talking about us,"</i> she concluded.</p>		
<p>Convictions</p>	<p>One count of coercive control.</p>		
<p>Sentence</p>	<p>Three years' imprisonment (the judge having initially identified a headline sentence of four and a half years' imprisonment).</p> <p>The judge also ordered that the perpetrator come under the supervision of the Probation Services for a period of one year after his release from prison.</p> <p>Additionally, in the year after his release, he is not to have any contact with the victims.</p>		
<p>Time for proceedings to complete (from initial complaint to sentencing)</p>	<p>Approx. ten months (28 August 2020 – June 2021)</p>		
<p>Appeal?</p>	<p>No.</p>	<p>Outcome of Appeal?</p>	<p>N/A</p>

Any judicial comment on sentencing?

Judge Rory McCabe placed the headline sentence at four-and-a-half years which, he said, reflected the gravity of the offence, which carried a maximum tariff of five years.

Taking the early plea, the perpetrator's expression of remorse, and his intention to leave the jurisdiction and go to Derry as mitigating factors, Judge McCabe then reduced the sentence to three years.

However, the Judge stated that, given the seriousness of the offending, an immediate prison sentence was *"necessary and unavoidable"*. He also refused to suspend any part of the sentence as he considered that there was no reasonable prospect for rehabilitation. In particular the Judge noted the probation services' report, which stated that the perpetrator was considered to be at a high risk of reoffending and future violence against his partner. The Judge also noted that the perpetrator continued to dispute and contest some of the allegations made against him, which indicated no prospect of rehabilitation; *"He is rigid in his views, and brooks no opinion other than his own"*.

Considering the perpetrator's prior convictions in Northern Ireland, Judge Rory McCabe commented that these showed he had *"form"*. He said the level of threats and coercion led to a regime of fear and terror which the perpetrator waged on his family, who should have been able to rely on him for protection. He noted the level of culpability was high as the assessment from the psychiatrist was that the perpetrator did not suffer from any mental illness and was aware of what he was doing. The psychiatric report provided for the Court said that the perpetrator lacked empathy, which led to him manipulating others, but that he had no mental illness and was fully responsible for his actions.

Judge McCabe said the evidence reflected a shattered relationship which had severe implications for those involved. He stated that the perpetrator is *"entitled to his opinions, but he is not entitled to force others to believe them, and make threats if there is failure to comply"*. The impact on the victims was impossible to quantify, he said, but the *"palpable sense of relief"* the victim articulated since he was removed from her life was perfectly understandable.

Emphasising the need for an immediate and serious custodial sentence, the Judge stated: *"The victim impact statement is unequivocal - that his wife remains in fear and that at least one of his children fears that when he gets out of prison he will hurt their mother"*.

4. The People at the Suit of the Director of Public Prosecutions v Paul Moody

“What I thought were intimate conversations were really a way for him to get info which he later twisted and used to emotionally blackmail me if I was ever to leave him. I was not just fighting cancer. I was up against a monster who would take away any chance I had of surviving. I always thought if I could get better, I could get away from him. I believed he was going to kill me so many times. I can feel the weight of him on my body, choking me, ripping out my hair from the roots. I was afraid to show vulnerability as that was when he attacked me the most.”

Brief Factual Summary	<p>On 26 July 2022, Paul Moody pleaded guilty to a charge of coercive control in relation to his former partner on dates between 1 January 2019 and 30 November 2020. Mr. Moody, a serving Garda at the time, carried out the abuse against the victim who, at the time, was suffering from terminal cancer.</p> <p>The abuse came to light when the perpetrator voluntarily gave his mobile phone to Gardaí after making a false allegation against one of the victim's relatives.</p>		
County in which offending occurred	Dublin		
Age range of victim/perpetrator (at time of conviction)	Perpetrator – 42 Victim – 43	Sex of victim/perpetrator	Perpetrator – Male Victim – Female
Relationship between parties at time of offending	The perpetrator and the victim were in a relationship, having met online in May 2017. The perpetrator's coercive control began soon after their meeting and continued over a four-year period.		
Was there previous Garda/Court involvement with the parties?	No. Indeed, at the time of his arrest, the perpetrator was a serving Garda. Since his arrest, further allegations of historical sexual abuse, domestic violence and coercive control against another woman have been made against the perpetrator. Media coverage suggests that, while no prosecution is being sought by the DPP as regards the historical sexual abuse, investigations are continuing as regards the domestic violence and coercive control allegations.		
Were protective Orders under the DV Act present?	No.		
Were there children in common?	Yes, one son.	If so, were they also abused?	No information available.
Charges	One charge of coercive control and 19 other charges, including harassment, assault causing harm, criminal damage, threats to cause criminal damage, endangerment, theft and threats to kill.		
Tried as summary or indictment?	Indictment.		

<p>Protective measures used during hearing?</p>	<p>There do not appear to have been any protective measures used and the victim's identity has been made public. However, as the perpetrator pleaded guilty, no full trial was needed. The victim delivered her Victim Impact Statement in person at the sentencing hearing.</p>
<p>What behaviour corresponding to Coercive Control was described?</p>	<p>The perpetrator coercively controlled the woman over a four-year period, beginning soon after they met online in May 2017. At the beginning of their relationship, the perpetrator used his position within An Garda Síochána to find out information about the woman so he could portray himself as her ideal partner. Later, he looked up her friends on the Pulse system and threatened to blackmail them with the information he found.</p> <p>Near the beginning of their relationship, the victim recalled an incident where the perpetrator became enraged when her friend jokingly commented that they knew that he loved the victim, but he would need to share her. The victim described how the perpetrator <i>"lost it"</i> and <i>"started hurling abuse"</i> at her. When they returned to the victim's home, the perpetrator then caused significant damage, smashing her storage units, throwing her medicines against the walls and destroying the wooden floors. Shortly after this, the perpetrator sent the victim naked photographs that he had secretly taken of her when she was in her bathroom and threatened to post them online.</p> <p>During the four-year period, he sent her over 30,000 vile, abusive and threatening messages. In one 14-hour period, in July 2018, he sent her 652 messages, amounting to one message every 90 seconds. The Court heard that mocking the victim's terminal cancer and talking about her death were frequent themes. In one message the perpetrator described the victim as being <i>"riddled with cancer"</i>, and in another, while she was on holiday without him, he said he hoped she would <i>"get raped and bleed"</i>. He also threatened to stick a knife in her in one voice message and, on another occasion, the perpetrator told the victim to kill herself. In yet another message, after the couple had had a row while on holiday together, the perpetrator messaged the victim the following morning and said she was <i>"flaunting your body around the pool"</i> calling her a <i>"dirtbox"</i> and a <i>"scumbag"</i>.</p> <p>The Court heard he also beat her, harassed her and her loved ones, threatened to kill her, damaged her property, stole from her and controlled her. The victim stated that she began to believe that the perpetrator knew what was going on in her mind because he had access to her phone. She also described how the perpetrator was aware of how weak and sick she was from chemotherapy, but he would steal her cancer medication, knowing that she couldn't afford to replace it.</p> <p>The Court further heard that, on one occasion when the victim had tried to break up with him, the perpetrator had recklessly put her life in danger in his car; he followed her from their meeting place in his car, trying to cause her to crash and hurling insults at her out of his open window.</p> <p>The victim described a situation which occurred while she was eight-months pregnant with the couple's son and also battling stage four cancer. The perpetrator and victim had gone to the beach for a walk. The victim began to feel unwell and an argument ensued, resulting in the perpetrator leaving the victim lying on the beach, unable to walk. Despite the victim struggling to make it off the beach, the perpetrator refused to help her and merely sat on the bonnet of their car, watching her while she attempted to crawl towards him.</p>

<p>What behaviour corresponding to Coercive Control was described?</p>	<p>The victim described a further occasion when she was driving to hospital, with the perpetrator in the passenger seat, to give birth to their child. The perpetrator became verbally abusive and attempted to pull the car keys out of the ignition. The victim pulled over and asked the perpetrator to get out, which he did, but he took her hospital bag with him. The perpetrator arrived at the hospital a few hours later, without the bag, and told the victim that the only reason he was there was so he could “<i>watch you bleed to death</i>”. The perpetrator began to record the victim and she asked that he be removed from the hospital. A midwife, having heard the abuse, arranged for the perpetrator to be removed. The victim described this incident as “<i>the last straw.....that is the day he broke me.</i>” When the victim and her baby returned home from hospital, they discovered that the perpetrator had cleared out the nursery: “<i>He stripped my whole apartment so I would go home to nothing</i>”.</p> <p>When the victim arranged to stay in Thailand for cancer treatment, the perpetrator visited her and brought their son (he had not consented to the victim bringing their child to stay with her for the entire period). During that visit, the perpetrator tried to initiate sex with the victim and, when she refused, he poured a two-litre bottle of water over her head, ripped up her clothes and started choking her and spitting on her. After approximately an hour of being attacked, the victim escaped the hotel room and travelled straight to the airport to return to Ireland.</p>
<p>Outline of evidence of Coercive Control provided and accepted</p>	<p>As the perpetrator pleaded guilty, a full trial was not required. However, certain evidence was presented for the purposes of sentencing.</p> <p>Detective Inspector Cormac Brennan gave evidence on how the investigation into the perpetrator had come about and on the witness evidence that the victim had provided (which ran to 280 pages).</p> <p>The book of evidence also included 1GB of electronic data, including communications between the perpetrator and the victim, which counsel said equated to 33,000 pages of information or almost two volumes of the Encyclopedia Britannica. This included details of the text and voice mail messages sent by the perpetrator to the victim, some of which were read out to the Court.</p>
<p>Summary/extract of Victim Impact Statement</p>	<p>In her victim impact statement, the victim described the perpetrator as very funny and charming when they first met, but said he quickly turned into a monster. She outlined how, after an initial normal relationship with a “<i>charming</i>” and “<i>funny</i>” man, he “<i>slowly and surely</i>” broke her down. She said “<i>What I thought were intimate conversations were really a way for him to get info which he later twisted and used to emotionally blackmail me if I was ever to leave him.</i>” She described how the perpetrator used his position as a Garda to get information about people in her life and then used it to intimidate them, destroying her relationships with family and friends.</p> <p>She said: “<i>I was not just fighting cancer. I was up against a monster who would take away any chance I had of surviving.</i>” She said she couldn’t battle cancer and a war with him. She described “<i>I always thought if I could get better, I could get away from him. I believed he was going to kill me so many times. I can feel the weight of him on my body, choking me, ripping out my hair from the roots. I was afraid to show vulnerability as that was when he attacked me the most.</i>”</p> <p>She told the Court how the “<i>last straw</i>” was when he visited her in hospital while giving birth to their child and told her he’d come to “<i>watch you bleed to death</i>”. She said the mental abuse she suffered was worse than the violence, noting: “<i>He was beyond evil with his words.</i>”</p> <p>The victim said she was “<i>one of the strongest girls you’d ever meet</i>” before the abuse began. She said she “<i>grew up believing I’d never let a man treat me badly</i>” and would “<i>never tolerate violence towards me.</i>” She said she now understands “<i>how an abuser breaks you down and takes away your power and strength.</i>”</p>

Summary/extract of Victim Impact Statement	<p>The victim said she felt like the perpetrator knew what was going on in her mind because he had access to her phone. She said <i>"It felt like my mind was broken glass. I didn't know what was right or wrong anymore because he was breaking my mind."</i> She said she can no longer walk past a Garda or a Garda station without feeling physically sick and described how <i>"the process to get justice has taken its toll"</i>.</p> <p>The victim said <i>"My time is very precious as I don't know how much time I have left. I thought having cancer was the worst thing that ever happened me but I believe he is worse than any cancer. I couldn't endure any more pain and torture from this man,"</i>, adding that she had considered taking her own life.</p> <p>She described <i>"He has robbed me of so much that I cannot get back. I was ashamed of what I put up with from him. The shame and judgment from other people allows the abuser to get away with so much. Women are afraid to tell the truth. I have survived him with cancer, so I want others to know they can too. I really want to encourage other people in a similar position to come forward for support."</i></p>		
Convictions	<p>One count of coercive control (the perpetrator pleaded guilty).</p>		
Sentence	<p>Three years and three months' imprisonment (following a headline sentence of five years).</p>		
Time for proceedings to complete (from initial complaint to sentencing)	<p>Approximately a year and four months (March-2021 – 26 July 2022)</p>		
Appeal?	<p>No.</p>	Outcome of Appeal?	<p>N/A.</p>
Any judicial comment on sentencing:	<p>Judge Martin Nolan noted that the maximum sentence available to the Court for this offence is five years. The day before he handed down the sentence, Judge Nolan had adjourned the case overnight to allow him to consider an application by Counsel to adjourn the case pending the preparation of a psychological report. The next day, however, Judge Nolan said a psychological report was not necessary. He commented <i>"It is inconceivable to me that it would change in any way my decision by reason of the five-year maximum penalty."</i></p> <p>Judge Nolan said the perpetrator's behaviour was at the highest end of the offence, but the Court was obliged to apply the standard 25% deduction for a guilty plea. He took another six months off in light of the perpetrator's mitigation, including his lack of previous convictions, his remorse and shame, the fact that he has lost his job and the fact he will face a harder time in prison due to his position as a former Garda. Accordingly, the Judge reduced the five-year headline sentence to three years and three months.</p> <p>Before passing down the sentence, Judge Nolan described the perpetrator as <i>"a bully and a disturbed man"</i>. The Judge described how the perpetrator harassed the victim hugely and abused his position in An Garda Síochána to obtain information which he used to harass and humiliate the victim and he also endangered her life by driving recklessly at one point. He said the perpetrator engaged in a catalogue of vile and humiliating criminal behaviour and said it was hard to imagine why he did it, but he did. He said that the perpetrator physically assaulted the victim in a most vicious way, harassed her, abused her and <i>"made her life hell"</i>. The Judge stated that the perpetrator had disgraced himself and, to some degree, his colleagues in An Garda Síochána. As the texts from the perpetrator to the victim were read out during the sentencing hearing, Judge Nolan raised his hand to indicate he did not want to hear any more.</p>		

5. The People at the Suit of the Director of Public Prosecutions v Dean Ward

“I was so embarrassed and ashamed of everything he did to me didn’t want anybody to know and I had convinced myself that I was strong enough and maybe even smart enough to get myself out of the situation. But things became very intense, very fast and there were so many threats on my life that one day at work I broke down to my boss and told her what was going on. It took just six weeks for the him to take away all my independence, dignity, and control of my life. You won’t ever fully comprehend it until you are in the situation yourself, and especially if your children are threatened in the course of it; the fear just completely debilitates you.”

Brief Factual Summary	<p>In July 2022, Dean Ward was convicted of raping, assaulting and coercively controlling a woman during the course of a six-week relationship.</p> <p>The conviction came after the victim’s boss encouraged her to approach the Gardaí and repeatedly warned her that the perpetrator was likely to kill her. The victim’s boss had become aware of the situation after noticing the victim’s anguish and distress at the thought of a man (the boss’ brother) coming to her house to collect her for a work event.</p> <p>The perpetrator was arrested by armed Gardaí at the victim’s home on 17 July 2019 as he tried to flee over a back wall. He was carrying incapacitant spray at the time.</p>		
County in which offending occurred	<p>Donegal</p>		
Age range of victim/perpetrator (at time of conviction)	<p>Perpetrator – 36 Victim - Unknown</p>	Sex of victim/perpetrator	<p>Perpetrator – Male Victim - Female</p>
Relationship between parties at time of offending	<p>The victim and perpetrator were dating for a six-week period, having met on a dating app. After having first met, the perpetrator effectively moved into the victim’s home until the time of his arrest.</p>		
Was there previous Garda/Court involvement with the parties?	<p>The perpetrator had nine previous convictions in Ireland, including a prior conviction in 2016 for the false imprisonment and assault of a woman with whom he was in relationship in 2015 (see below). His other Irish convictions included escape from lawful custody, endangerment and criminal damage.</p> <p>He also had convictions in the UK for offences including assault, robbery, criminal damage, attempting to gain by deception and possession of cannabis.</p> <p>In 2016, the perpetrator was convicted of assault causing harm, false imprisonment and criminal damage after assaulting a woman in her home in November 2015. This followed the perpetrator originally escaping Garda custody by jumping into the River Slaney. The perpetrator and victim had met on a dating app and were having their third date. The perpetrator was sentenced to four years’ imprisonment.</p>		

<p>Was there previous Garda/Court involvement with the parties?</p>	<p>In June 2017, while serving his sentence, the perpetrator briefly escaped custody while being moved between prisons and went on the run. The perpetrator was assisted in his escape by another woman, whom he had also met on a dating app (although she asserted that she was unaware that the perpetrator was escaping custody and had believed that he had finished serving his time). In February 2019, the perpetrator was tried before Letterkenny Circuit Court charged with assault, false imprisonment, making threats to kill and causing criminal damage against that woman. It is unclear how that case was resolved as the perpetrator does not appear to have received any further conviction or sentence.</p>		
<p>Were protective Orders under the DV Act present?</p>	<p>No.</p>		
<p>Were there children in common?</p>	<p>No.</p>	<p>If so, were they also abused?</p>	<p>N/A.</p>
<p>Charges</p>	<p>Rape, Assault, Coercive Control, False Imprisonment, Threats to Kill, Production of Articles.</p>		
<p>Tried as summary or indictment?</p>	<p>Indictment.</p>	<p>Protective measures used during hearing?</p>	<p>The victim gave evidence in person in Court, but there seem to have been protections put in place to ensure that she didn't have to come face to face with the perpetrator. The victim waived her anonymity so that she could make direct statements to the press.</p>
<p>What behaviour corresponding to Coercive Control was described?</p>	<p>After meeting the victim on a Friday, the perpetrator stayed in the victim's home until the following Wednesday. When the perpetrator eventually left the victim's home, she found out that (contrary to what he had told her), he did not live locally. When she told him that she did not want him to return to her home, he began inundating her with calls and texts to the point where she had to turn her phone off.</p> <p>The next day, the perpetrator walked through the victim's door unannounced and unexpectedly while she was having a shower and told her that he had slept in her shed the night before. He started crying and begging her not to leave or cheat on him. She was upset and promised she would not as long as he did not tell any more lies. From that point on, the perpetrator effectively lived in the victim's home for their 6-week relationship.</p> <p>The perpetrator controlled the victim's access to friends and family, including blocking and deleting hundreds of her Facebook friends, messaged her friends pretending to be her and dictating responses for her to send to friends asking if she was ok. He deleted all of the victim's social media accounts, save for Facebook, which he told her that he had not deleted purely because she had poor phone signal at her home and it was the only way for her to keep in touch with family. He monitored her mobile phone, including any messages received and sent, and also reviewed her google searches on her home laptop.</p> <p>The perpetrator monitored and closely controlled the victim's movements, only allowing her to leave the house to go to work. While the victim was outside the house, the perpetrator would bombard her with messages asking where she was and what she was doing and she would also have to take photographs of furniture and her feet to send to the perpetrator while she was at work to prove that she was there. She also suspected that he was monitoring her movements via her mobile phone and her home laptop.</p>		

<p>What behaviour corresponding to Coercive Control was described?</p>	<p>The perpetrator also had photographs of the victim on his phone that she described as being ashamed of (which he refused to delete), took over her online banking (including moving money around in her accounts) and inundated her with communications, sending her hundreds of messages a day (including 165 messages during one day).</p> <p>Having effectively moved into her home, the perpetrator changed furniture in the house, painted rooms a colour that the victim did not like and moved her clothes around.</p> <p>On 22 June 2019, while the victim and perpetrator were in a pub together, a third party bought the victim a drink and a friend later found her outside in an alleyway with the perpetrator shouting at her for several minutes asking who had bought the drink. The friend noticed marks on the victim's face and asked her to come home with her (but she did not). Later that night, the perpetrator again produced a can of mace and sprayed it over the victim's head, demanding to know who bought her the drink. The victim felt she had no option but to have sex with the perpetrator to bring an end to the ordeal. When her friend later text her to check if she was OK, the perpetrator dictated answers for the victim to send, indicating that she had been drunk and was fine.</p> <p>There was also a history of violence by the perpetrator against the victim, which would have contributed to the overall relationship of control. For example:</p> <ul style="list-style-type: none"> - When the victim confronted the perpetrator about his Facebook activity, he sprayed her in the face with mace; - When she locked him out of her home after realising that he had tried to access her online banking account, he climbed into her home <i>via</i> a window, punched her in the face/head, took her upstairs, choked her, told her he was going to kill her and raped her. In the Central Criminal Court, Mr. Justice Naidoo noted that the rape had taken place in a controlling relationship and that consent was not freely given as the victim's acquiescence to sexual intercourse had been secured by fear of the violence that she had been subjected to before the rape, of the perpetrator's threats to kill (including a threat to drown her, as the perpetrator knew that the victim had a particular fear of this) and as the cumulative effect of the perpetrator's behaviour over time. Indeed, the Central Criminal Court heard that the victim's fear had been so great, she had lost control of her bladder and offered to take her own life before being raped. The victim stated that she had been "<i>fully certain</i>" that she was going to die during the ordeal; - On another occasion, the perpetrator threatened the victim with a knife, which he then used to cut up a towel into shreds and to use to tie the victim up, before choking her from behind and raping her; and - On other occasions, the perpetrator had threatened the victim with a hammer, raped her and removed her contraceptive device while she slept (telling her later that he wanted her to get pregnant).
<p>Outline of evidence of Coercive Control provided and accepted</p>	<ul style="list-style-type: none"> - Witness statements provided by the victim to Gardaí; - Witness evidence provided by the victim in Court in person; - Phone records; - Facebook records.
<p>Summary/extract of Victim Impact Statement</p>	<p>In her Victim Impact Statement, the victim described that she had led a quiet, happy life until the time came when she wanted to find someone to share the next part of her life with. She said that the perpetrator was very charming and complimentary and seemed to be looking for the same thing as her. However, she added that it then "<i>only took him six weeks to destroy me</i>", that her experience had been "<i>life altering</i>" and that she had previously just wanted to be happy, but now she just wanted a life without fear.</p>

Summary/extract of Victim Impact Statement

The victim described how her experience has left her with immense fear, anxiety and paranoia, which would haunt her for the rest of her life, and that she continues to be in fear that the perpetrator will locate her, despite Gardaí reassuring her that he is in prison. She described jumping in fear and panic at household noises or a ring of the doorbell. The victim stated that she still feared that she would have to face the perpetrator again as the fear and terror that he left with her were as strong and present then as they had been at the time; indeed, she stated that the events might as well have happened yesterday.

In terms of her pursuit of a conviction, the victim said that she had to know that she had done everything she could to protect herself and her family from the perpetrator and the thought of another woman undergoing the same thing kept her going. She also thanked friends, family, Gardaí and her legal team for their support.

Speaking outside the Court and in press interviews following the conviction, the victim continued to touch upon similar themes:

On her experience of the abuse, the victim stated that she was made to feel “so embarrassed and ashamed of everything” the perpetrator had done to her, and “didn’t want anybody to know and I had convinced myself that I was strong enough and maybe even smart enough to get myself out of the situation. But things became very intense, very fast and there were so many threats on my life that one day at work I broke down to my boss and told her what was going on”. She added that it took just six weeks for the perpetrator to “take away all my independence, dignity, and control of my life”. The victim continued that “[y]ou won’t ever fully comprehend it until you are in the situation yourself, and especially if your children are threatened in the course of it; the fear just completely debilitates you”.

Describing her boss’ role in the situation, the victim stated: “She completely took the reins, if it wasn’t for her – a lot of people are to be credited for me being alive – but initially if it wasn’t for her I wouldn’t be alive . . . She completely took over. She kept getting at me every day ‘you need to do something’ and I just kept saying ‘no, just leave it, just leave it, I have it under control, it’s going to be okay’. But she kept telling me ‘You’re not going to live through this. You’re going to die. He’s going to kill you’ and I thought you’re being a bit dramatic, it’s going to be fine. But she kept pushing and kept pushing and thank God she did and eventually I was just like, ‘right, fine, but whatever’s going to happen, it has to be a solid plan’ – it had to be that he can’t get away”.

On the lasting effects of her experience: “For the past three years I pretty much locked myself away from everybody. Again, going back to being embarrassed and ashamed which is ridiculous. But also, it leaves you with a lot of paranoia and a lot of fear that wouldn’t be logical to anyone else. Unless you have been through it, you couldn’t possibly understand it. There were times when I would say to myself ‘He is in prison, he can’t touch you’ - but it didn’t matter, it was my body reacting to the trauma”.

On the process for securing a conviction, the victim recalled that, when she wrote her original statement to Gardaí, she was afraid they wouldn’t believe her because it was “so out of any kind of normality. It happened to me and I’m reading it and it’s just too much to take in, like this can’t be real”. However, she added that the response from the Gardaí when she came forward had been “amazing” and she “could not have asked for better”. She added: “They responded right away. They never doubted me” and that “I don’t know if it is the training here or I was just very fortunate, all the Gardaí who were involved in my case were absolutely amazing from the very beginning. I never felt like I did something wrong. I never felt like I should be ashamed. They were just unbelievable and I couldn’t say more about them. They are just amazing people.”

On the impact of the conviction, the victim stated that it had been a “long three years”, but that there was “a lot of relief” now that the perpetrator had been convicted and jailed. “I am relieved justice was done today, and I can now try and move on with my life. In my case, it took six weeks for this man to take away all my independence, dignity and control of my life. I felt helpless, but I now

	<p><i>know there is a lot of support out there for women in these situations, and I would like to say to any woman in a similar situation, please reach out because the support is there. . . What had happened during the course of the six weeks was so harrowing. If you see it on paper — although it happened to me — when I'm reading it didn't look like something that could actually happen. So, I was nervous about that, but it worked out well".</i></p> <p>Encouraging others to speak out if they are in similar situations, the victim said: <i>"When you're in that situation you just think there's no hope and there's such an awful stigma connected to abuse. You know, where there's shame and embarrassment and you shouldn't be ashamed or embarrassed. The person who is doing this to you should have the shame and embarrassment. There is nothing to be ashamed of – you didn't ask for it, you didn't want it and there is, especially now, there are so many resources out there and there's so much help and I think a big thing too is, it is being believed, it is being taken seriously"</i> and that <i>"I would like to say to any woman in a similar situation: Please reach out, because the support is there".</i></p> <p>Finally, on moving forward, while the victim said that she is grateful to everyone for the support, she does not believe that the perpetrator is capable of changing and she said he showed no remorse during the trial. <i>"I would imagine in his mind, I caused this, I did this, which is really really scary because he is going to spend the next 17 years in prison. What is his mind going to be like when he comes out?"</i>, she said. <i>"And I know it's something I need to just let go of, I do understand that I have to rebuild my life and get on with things and I will. I have an awful lot of support and I know I am strong enough to do it, but that is definitely something that kind of haunts me."</i></p>			
Convictions	Four counts of assault, false imprisonment, making a threat to kill, two counts of production of articles, three counts of rape and coercive control on dates between 11 June – 17 July 2019.			
Sentence	18 years' imprisonment for rape, with the final year suspended, provided that the perpetrator obeys the instructions of the Probation Service after his release. A concurrent sentence of 4 years' imprisonment for coercive control.			
Time for proceedings to complete (from initial complaint to sentencing)	Approximately 3 years (July 2019 - 28 July 2022)			
Appeal?	No.	<table border="1"> <tr> <td data-bbox="670 1308 956 1373">Outcome of Appeal?</td> <td data-bbox="956 1308 1350 1373">N/A.</td> </tr> </table>	Outcome of Appeal?	N/A.
Outcome of Appeal?	N/A.			
Any judicial comment on sentencing:	<p>Mr. Justice Naidoo (in the Central Criminal Court) said that, at the time that the victim reported the offences to the Gardaí, such was the perpetrator's level of control that the victim and her boss had to come up with an escape plan to get her out of the house long enough for armed Gardaí to move in and arrest the perpetrator. They arranged that the boss would message the victim to pretend that she needed her to come back into work for two hours. This was done and, on the victim's arrival at her workplace, she sent the perpetrator a picture of the building and left her phone in her car in case he was tracking her location. The victim was in a state of extreme panic until Gardaí told her that the perpetrator had been arrested. The victim stated that she only agreed to approach the Gardaí on the basis that she and her boss had a <i>"solid plan"</i> and that <i>"he can't get away"</i>.</p> <p>In setting the sentences, Mr. Justice Naidoo said that there was virtually no mitigation (although Mr. Heneghan (defending) had attempted to argue in mitigation that the perpetrator had a history of working and that his mother was a respectable person). He suspended one year of the prison sentence on the condition that the perpetrator obey the instructions of the Probation Service after his release.</p>			

6. The People at the Suit of the Director of Public Prosecutions v Jake Boles

“I would be out and he would literally pull up my dress and say you’re not allowed to wear that underwear. He took my passport. He smashed my phone. He stole a set of keys for my house. He told me he’d light my house on fire, tie me and my little brother up outside and leave my mam and dad in there and watch them burn. He tried to turn me away from my family, saying they didn’t love me, and I was an inconvenience for them. It was either him or them and if I chose them, he’d kill himself. He said my friends hated me, nobody liked me. I was so young and insecure. I didn’t really understand what was going on. I lost all interest in myself. I was an absolute mess. The incidents that happened may have been for two years but will affect me for the rest of my life. I now suffer with numerous mental health issues including anxiety, depression and PTSD. I struggle in relationships and feel I can’t trust anyone. I lost the trust I had with anyone, knowing that my sense of safety has been taken away. I now work in an environment surrounded by women because of the trauma I’ve suffered. I will never get back the bubbly, confident young girl I once was”.

Brief Factual Summary	<p>In 2022, James ‘Jake’ Boles pleaded guilty to various offences, including coercive control, in respect of his conduct towards his then- partner during the four month period from 1 January 2019 – 15 April 2019 (although evidence was provided that the perpetrator had also committed various acts of physical and emotional abuse and property damage prior to that date).</p> <p>His sentencing hearing was held on 7 October 2022, with sentencing judgment being delivered on 13 January 2023. The perpetrator initially received an entirely suspended sentence of 2 years in total. However, following an appeal from the DPP, this was increased so as to involve one year of actual imprisonment (and to increase the headline sentence for his assault convictions).</p>		
County in which offending occurred	Meath		
Age range of victim/ perpetrator (at time of conviction)	Perpetrator – 24 Victim - 22	Sex of victim/ perpetrator	Perpetrator – Male Victim - Female

<p>Relationship between parties at time of offending</p>	<p>The victim and perpetrator were in a romantic relationship, but were not living together. They began dating in September 2017, when the perpetrator was 19 and the victim 17, but had broken up in January 2018, a year before the relevant offending occurred. When the couple later recommenced their relationship in May 2018, the perpetrator then gradually became “<i>physically and emotionally abusive</i>” to the victim.</p>		
<p>Was there previous Garda/Court involvement with the parties?</p>	<p>No. The perpetrator had no previous convictions and had never come to the adverse attention of Gardaí prior to the events complained of.</p>		
<p>Were protective Orders under the DV Act present?</p>	<p>After making her report in April 2019, the victim obtained a Safety Order.</p> <p>However, the perpetrator continued to threaten the victim by contacting her friends and her new boyfriend. In a subsequent media statement, the victim stated that the perpetrator had “<i>said he was watching me and knew where we were and was saying he was going to punch our heads in, stand all over us</i>”.</p> <p>The victim also stated to media that, when she reported the perpetrator’s behaviour to the Gardaí, they told her that the perpetrator was not breaching the Safety Order because he wasn’t contacting her directly. Indeed, at the sentencing hearing, it was stated by Garda Mark Egan that the perpetrator had adhered to the terms of the Order (although it is unclear whether the indirect communications came before or after that date).</p> <p>A protection Order continued after the sentencing (with one of the conditions of the perpetrator’s suspended sentence being that he did not contact the victim).</p>		
<p>Were there children in common?</p>	<p>No.</p>	<p>If so, were they also abused?</p>	<p>N/A</p>
<p>Charges</p>	<p>One count of coercive control, five counts of assault, two counts of criminal damage, one count of sexual assault.</p>		
<p>Tried as summary or indictment?</p>	<p>Indictment.</p>		
<p>Protective measures used during hearing?</p>	<p>Initially, the identity of the victim and perpetrator was kept confidential. However, the victim later waived her anonymity so that the perpetrator could be named.</p>		
<p>What behaviour corresponding to Coercive Control was described?</p>	<p>The entirety of the perpetrator’s misconduct against the victim, from 1 January 2019 until she went to the Gardaí in April 2019, was relied on as evidence of his coercive control of the victim. It was clarified that, while certain incidents had also resulted in individual charges of assault/criminal damage, the victim’s description of the perpetrator’s behaviour towards her was that it was “<i>pervasive</i>” and so, such incidents were also evidence of the relationship of coercive control.</p> <p>Evidence was given of a history of violence against the victim and her property. Although the subject matter of additional charges in their own right, these incidents also contributed to the relationship/circumstances in which the coercive control was found to have existed between the parties:</p> <ul style="list-style-type: none"> - On 18 October 2018, while the pair were staying at a hotel in Dublin, the perpetrator, in the course of an argument with the victim, criminally damaged her mobile phone and hair straightener. This founded one of the criminal damage charges; 		

What behaviour corresponding to Coercive Control was described?

- On New Year's Day 2019, the perpetrator physically assaulted the victim while the pair were at a friend's house. He ripped her dress, dragged her by her hair around the floor, put his hands over her mouth, violently screamed abuse in her ear and pushed his fist into her face causing bruising. This founded one of the assault charges;
- At a later date, the perpetrator smothered the victim's face, resulting in marks on her face and the slitting of the inside of her lip. This founded one of the assault charges;
- In mid-February 2019, the perpetrator bit the victim on the chin and she suffered bruising to her cheek as a consequence of him pushing his fist against her face. A similar incident occurred on 2 March 2019. Both founded assault charges; and
- On 13 April 2019, the perpetrator was verbally and physically abusive towards the victim while the pair were on a night out in Dublin. When they returned to the victim's home, the perpetrator smashed a mirror in the bedroom she was occupying and, the following morning, proceeded to ransack her room, verbally abuse her, and physically assault her by pushing her head against the bed and slamming it against the bed-board. This incident founded one of the assault charges.

Evidence was also presented of additional instances of violence against the victim which, although not founding independent assault charges, were explicitly stated to be relevant to the charge of coercive control:

- On New Year's Day 2019, following the initial assault, when the parties returned to the perpetrator's house, the perpetrator carried out a further assault on the victim;
- In another incident, the respondent pinned the victim against the wardrobe in the bedroom of his rented home;
- In another incident, the perpetrator spat in the victim's face; and
- On 6 April 2019, when the victim attempted to retrieve her belongings from the perpetrator's house, he refused to allow her to do so, grabbed her phone and pushed her down a flight of stairs. When she indicated that she was going to report this assault to the Gardaí, the perpetrator replied by threatening to kill himself.

Aside from the physical violence perpetrated on the victim, the perpetrator was also emotionally and psychologically abusive; seeking to control every aspect of her life. He sought to dictate where the victim was allowed to go, who she could see and what she could wear, even down to her underwear. The victim stated that *"I would be out and he would literally pull up my dress and say you're not allowed to wear that underwear"* and described how the perpetrator would control her every move by forcing her to have her location on her mobile phone at all times, so that he could monitor where she was, with any deviation from a particular course of travel resulting in an immediate call from him.

The victim detailed how the perpetrator would also regularly lock her in rooms or otherwise hold her against her will, controlled what she could eat, hacked into her online accounts (including her banking accounts) and isolated her from her friends and family (even going so far as to use her phone and pretend to be her in text correspondence) to the point where she wanted to end her life. She stated: *"He took my passport. He smashed my phone. He stole a set of keys for my house. He told me he'd light my house on fire, tie me and my little brother up outside and leave my mam and dad in there and watch them burn."* In respect of her relationships, the victim stated: *"He tried to turn me away from my family, saying they didn't love me and I was an inconvenience for them. It was either him or them and if I chose them, he'd kill himself. He said my friends hated me, nobody liked me. I was so young and insecure. I didn't really understand what was going on. I lost all interest in myself. I was a mess"*

	<p>On one occasion, when the victim was feeling ill after eating food, the perpetrator wouldn't let her go to the bathroom: <i>"I told him I'm going to get sick but he made me stand there and get sick in my hands because he wouldn't let me leave the room. Then he said it was my fault"</i>.</p> <p>When the victim sought to stand up for herself or confront the perpetrator on his behaviour, he would attempt to manipulate her emotionally, often threatening to take his own life. For example, in March 2019, when the victim said that she didn't want to go on holiday to Amsterdam with the perpetrator because she was scared, he pinned the victim down, held a knife to his neck and told her that, if she didn't accompany him to Amsterdam, he was going to kill himself while on the trip and leave a letter saying that it was her fault. The victim stated that these sorts of threats to end his life occurred multiple times, particularly when she tried to break up with him. The perpetrator also repeatedly told the victim that no one would ever believe her over him and, rather than show remorse for his actions, attempt to <i>"switch it"</i> and make the victim feel bad for him, sometimes saying that he had a <i>"split personality"</i>.</p>
<p>Outline of evidence of Coercive Control provided and accepted</p>	<p>The perpetrator pleaded guilty to the various charges and so, no full trial was required. However, the following evidence was provided for the purposes of sentencing:</p> <ul style="list-style-type: none"> - Witness evidence from Garda Mark Egan in relation to factual background; - Photographic evidence of the injuries and bruising the victim sustained in the course of the New Year's Day 2019 assaults and throughout the course of the relationship. These photographs were taken by the victim and showed bruising and marks across various parts of her body, ranging from parts of her face to her arms; and - Witness evidence from the victim, particularly in respect of her Victim Impact Statement, which she read to the sentencing Court personally.
<p>Summary/extract of Victim Impact Statement</p>	<p>In its judgment, the Court of Appeal summarised the victim's Victim Impact Statement as follows:</p> <p><i>"A very detailed and poignant Victim Impact Statement was read to the sentencing court by the complainant personally. Although we have taken full account of it, we do not propose to reproduce it in full, and it will suffice for the purposes of this judgment to summarise key aspects of it.</i></p> <p><i>The complainant described how the abuse she suffered at the respondent's hands has left her afflicted with numerous mental health issues including anxiety, depression, and PTSD. She further stated that it has given rise to trust issues and a loss of sense of safety, which have caused her to struggle to build relationships. She said that she lost some of the most vital years of her life with her friends and family, and she believed that she will never return to being the confident girl she once was, describing the shame and embarrassment she feels in social situations.</i></p> <p><i>The complainant described how she is always looking over her shoulder, not knowing whether the respondent will appear. She attested to the control he exerted over her, how he kept her a 'prisoner' (her characterisation) in her own life, and isolated her from family and friends (even going so far as to use her phone and pretend to be her in text correspondence). She spoke of how he would manipulate her by threatening to commit suicide; of his victim-blaming; of his cheating on her when she did not conform to his demands, and; of his physical and verbal abuse. She expressed difficulty in putting into words what it was like for 'someone to spit in your face, beat you and suffocate you until you pass out, to control you down to what underwear you have on, how much money you have in your account, whether you can stay or go, take control of every aspect of my life.'</i></p>

**Summary/extract
of Victim Impact
Statement**

She stressed that she had wanted to leave the relationship, and that she felt suicidal. She described how difficult it was to leave the relationship, which difficulty was on account of numerous factors ranging from her age and vulnerability, the threats he would make in respect of her family and property, and his threats to commit suicide. He would also tell her that no one would believe her should she report the abuse, and the complainant recalled how he would self-harm and would claim that the injuries he self-sustained were her fault. The complainant described how she would lie to friends as to the cause of the bruises and marks on her body, covering up what was actually happening in the relationship, and to this end would avoid friends and family so that they would not see her injuries. She further stated that the respondent would control her every move by forcing her to have her location on her mobile phone at all times, so that he could monitor where she was, and that any deviation from a particular course of travel would result in an immediate call from him.

The complainant stated that she has tried to move on with her life and pretend that everything was okay, but that this was not the case. She said that the respondent's misconduct has made it 'impossible' to move on in her life as she continues to carry the weight of his offending with her. She concluded by stating: 'The cuts and bruises fade, but the psychological and emotional abuse that I endured has scarred me and will sit with me forever.'

Press coverage of the case also appears to have published the victim's Victim Impact Statement in full:

"The incidents that happened may have been for two years but will affect me for the rest of my life. I now suffer with numerous mental health issues including anxiety, depression and PTSD. I struggle in relationships and feel I can't trust anyone. I lost the trust I had with anyone, knowing that my sense of safety has been taken away. I now work in an environment surrounded by women because of the trauma I've suffered from Jake. I will never get back the bubbly, confident young girl I once was.

Still to this day I am always looking over my shoulder — locking my car door as soon as I'm sat in it, asking friends to keep an eye out and I can't relax in my own home. I still do not feel safe walking alone, in work or out and about in my daily life. I watch over my shoulder, not knowing if will Jake be there, everywhere I go on my day-to-day life.

Jake took so much from me. Some things I don't think I'll ever get back. I feel stuck in the time this happened to me. I am afraid to let anyone in. I don't go anywhere I think he might be.

Jake was my first everything. That is supposed to be something you remember for the right reasons. For me, he was the first person who hit me, the first person who abused me, cheated on me. Your first relationship was supposed to be something special. Jake threatened me in so many ways.

People don't realise the impact an abusive relationship can have on someone. The cuts and bruises fade but the psychological and emotional abuse that I endured has scared me and will sit with me forever. To think I had my whole life ahead of me, but this has held me back so much it breaks my heart. I hope one day with enough help I will be able to heal the trauma he caused."

I lost some of the most vital years with family and friends and I am still suffering to this day. I lost friends, he turned people against me, made my closest friends think I was crazy. More importantly, I lost myself. I had no interest in my life or anything to do for myself. None of it mattered, every move I made was controlled like I was a prisoner in my own life. It got to a point where I hoped my life would end. I didn't see any way out.

I was threatened with knives held against his neck and him telling me he would kill himself if I left. If I didn't do as he said or wanted. I was told if I didn't do what he said he would write a note to say it was my fault he killed himself and what happened to him was on me. I was hit, bit, thrown down the stairs. I was held against my will, beaten in my own home and suffocated to the point I passed out.

When you hear of people in these situations I know the first thing people think is why didn't she leave? I was young, vulnerable and afraid for my life. I was threatened that my family would pay. He would burn my house, harm my family, kill himself and no one would believe me.

He isolated me. He would punch himself in the head, leave lumps on his face telling me I made him do it. That it was my fault. He would tell me he had a split personality and couldn't remember it when he would do these things. I made up stories to try to cover what was actually happening. I would avoid family and friends completely so they wouldn't ask to see me and see my injuries. I'd even defend him and beg my friends to be nice to him for me. It is so confusing and so hard to understand how it got so bad and how I became this shell of a person, covering up for her abuser.

For someone to spit in your face, beat you and suffocate you until you pass out. To control down to what underwear you have on, how much money you have, whether you can stay or go. Jake controlled every aspect of my life."

Following the initial sentencing, the victim made comments to the press detailing her disappointment at her treatment by the Gardaí, medical professionals, and the Circuit Court Judge. In particular, she stated that:

- She had felt that she had to "battle" initially for the Gardaí to take her complaint seriously and, although the officer who eventually took over the case did an "amazing job", she asserted that he was only assigned after she complained and that GSOC were investigating how the original complaint was handled. *"I think the Guards did a terrible job at the start. The Guard who took over went out of his way and did an amazing job. What's shocking is many of the women who have been involved in this let me down. It was a female Garda who took it on and I felt she let me down massively".* In particular, when the victim attended at the Garda station to give her initial complaint: *"[m]y statement was something like 40 pages long. I had to have dates and times because she told me you have to be exact or it doesn't count. I was in for six hours. She marked it down as a minor assault";*
- When she attended a doctor for a medical examination as part of her original complaint, *"the doctor asked what happened and I told him [that I had been pushed down the stairs by the perpetrator a couple of days prior]. He said if I was you, I'd just keep that to myself, I wouldn't go to the Guards";* and
- She felt let down again when Judge Orla Crowe gave the perpetrator a suspended sentence, taking into account several factors, including his age, the fact he had just become a father with his new partner, offered remorse and was taking part in anger management and counselling. *"The judge in Trim was a woman and she let me down massively. You'd think it would be the other way around".*

Following the Court of Appeal judgment, the victim also made further press statements, this time more positive of the process: *"I can't thank the [three Court of Appeal] judges enough. They did a brilliant job. Compared to the previous judge I felt heard and that it was taken a lot more seriously. It was very much more put together and organised and I felt they read my case and understood it from my point of view rather than his point of view."*

Looking forward, the victim told the press that: *"There are good days and bad days but I just have to try and move on because it has taken up so many years of my life, I refuse to let it take over anymore. I suffer from depression and anxiety and my anxiety has been high lately because I can't help but think that when he comes out of prison he could be really angry at me and he could want to retaliate and that is always going to play in the back of my mind. Still to this day I am always looking over my shoulder. I just hope that he stays as far away from me as possible".*

Convictions	<ul style="list-style-type: none"> - One count of coercive control; - Five counts of assault causing harm; and - Two counts of criminal damage. <p>The charge for sexual assault was dropped by the prosecutor.</p>		
Sentence	<p>Headline concurrent sentences of 3 years' imprisonment for coercive control and each of the assaults, reduced (taking into account the mitigating factors) to 2 years' concurrent imprisonment for each offence. The sentence was then suspended in its entirety for a period of 4 years subject to conditions, including that the perpetrator submit to the supervision of the Probation Service for a period of 2 years from the date of sentence and refrain from contacting the victim.</p>		
Time for proceedings to complete (from initial complaint to sentencing)	<p>Approx. 3.5 years (15 April 2019 – 7 October 2022)</p>	Appeal?	<p>Yes. The DPP appealed under s. 2 of the Criminal Justice Act 1993 seeking a review of the sentence imposed by the Circuit Criminal Court. The DPP argued that the sentence imposed was unduly lenient.</p>
Outcome of Appeal?	<p>Appeal successful.</p> <p>The headline sentence for the coercive control offence was maintained at 3 years' imprisonment and again reduced (taking into account mitigating factors) to 2 years' imprisonment. However, only one year of that sentence was then suspended (on the same conditions as previously), meaning that the perpetrator was required to actually serve one year in prison.</p> <p>The headline sentence for the assaults was increased to 5 years' imprisonment, reduced by 2 years for mitigation and with 2 years of which suspended (on the same conditions as previously). Again, this left the perpetrator with a one year concurrent sentence to actually serve in prison.</p>		
Any judicial comment on sentencing:	<p>Trim Circuit Court</p> <p>The trial judge had regard to the contents of the Victim Impact Statement and stated that:</p> <p><i>“it is very moving in relation to the impact upon her from such a young age and all the things that have been taken from her and the Court takes cognisance of all of those matters in relation to the impact upon her which has been profound and serious and happening as it did at a very young age, and it has robbed her of a lot of the joys that should be part of her life in relation to this.”</i></p> <p>She was also cognisant that this case involved “a very serious matter”, noted the physically and verbally abusive and emotionally manipulative nature of the perpetrator’s role in his relationship with the victim and bore in mind that his offending “traded” her dignity as a human being, that the offending occurred mostly in private but sometimes in public, and that it had a lasting effect on the victim.</p>		

Any judicial comment on sentencing:

The following factors were identified as aggravating the perpetrator's offending:

"this was a sustained period of offending over a period of time. The first count being in October 2018 but the relationship having escalated in its nature and the period the Court is concerned with is between the 1st of January 2019 and April 2019 in particular, where it had escalated into a very dangerous and difficulty situation for the injured party. It was manipulative in its nature, it was violent in its nature, it involved threats that he would harm himself and blame her afterwards, and of course the impact upon the victim who was so young and of whom it has had such a profound impact".

The following factors were identified as mitigating:

"there were early pleas of guilty in relation to this, his relative youth at the time, he comes before the Court having no previous conviction, and more importantly has not been in trouble since, and that is 2019 and that is now a number of years ago. He has attended for a considerable amount of work in relation to his anger management, he's provided clear urines, he's gone to counselling, he's making efforts, he's become a father, he has dealt with his drink and drug addictions. He has adhered to the safety order that was put in place in relation to this and he has a lot of structures in place in relation to his life at this stage in relation to this".

In fully suspending the perpetrator's sentence, the trial judge further stated:

"The Court is of the view that in the circumstances where he is young and has done a significant amount of work since the ending of his relationship which gave rise to these counts the Court wishes to give him a chance in relation to this matter, so the Court will suspend those sentences that were imposed on counts 1, 2, 3, 4, 5, and 6 in their entirety, but they are not going to be suspended simpliciter. They're going to be suspended on very specific terms. In the first instance, the Court is going to suspend those sentences for a period of four years from today's date".

Court of Appeal

The Court of Appeal initially agreed that there was *"a strong case for the showing of leniency on account of the substantial mitigating factors (including relative youth at the time of offending; early pleas of guilty; lack of previous convictions; a record of recent gainful employment, and; ostensible remorse, to mention the main ones); the existence in the respondent's personal circumstances of underlying adversities which may have influenced his behaviour including deep-rooted psychological issues and insecurities giving rise to anger management difficulties, depression, anxiety and hyperarousal; addictions to alcohol and cocaine, and; a track record of some achievement in addressing, or seeking to address, those adversities".*

However, it ultimately decided that, even in those circumstances, the trial judge's decision to entirely suspend the perpetrator's sentence was *"unduly lenient"*:

"despite the case for leniency, the gravity of the offending at issue was very serious, engaging a requirement for appropriate punishment and censure in the structuring of any suite of sanctions to be imposed, and the desirability of promoting deterrence, both generally and specifically in the case of the respondent.

... We do not agree that the circumstances of the case merited a suspension of the entirety of the post-mitigation sentences provisionally nominated by [the sentencing judge]. Hard though it might be for the respondent to bear, this was a case that merited a carceral component to be actually served. While we consider that the sentencing judge did not err in concluding that it was open to her to go further than she had initially done, and to include a suspended component in the sentence, we consider that it was an error to conclude that it was appropriate to completely suspend the sentences. By doing so, the resultant sentences were, in our view, outside the norm in the sense that we have spoken about, and consequently were unduly lenient".

Mr Justice Edwards (giving judgment on behalf of the Court) said the cumulative nature of the assaults and coercion were *“appalling”* and *“very damaging”* to the victim. He noted that some of the abuse occurred within the victim’s home, which was constitutionally protected, and that the Victim Impact Statement was *“both poignant and horrendous”*.

While counsel for the perpetrator argued against a more severe sentence partially on the basis that he said that his client had since been *“publicly shamed”* which he said was a *“significant penalty”*, Mr Justice Patrick McCarthy emphasised that the purpose of anonymity *“is to protect the victim, not your client [i.e., the perpetrator]”*.

7. The People at the Suit of the Director of Public Prosecutions v Samy Taib

“He made me a different person. I struggle with depression and anxiety. I had black eyes and bust lips and bruises to an injury that left my right foot permanently damaged and twisted after he drove over me with a car. I am always anxious, and I feel hopeless and depressed. I was a happy communicative person before and now I feel like I’m always angry and closed off. I definitely developed PTSD, I have many flashbacks and still have countless nightmares about incidents that happened all these years ago...Any little possibility of happiness in my life I shut it out as I don’t trust anyone anymore. He ruined my life and he ruined the life of everyone I care about...”

Brief Factual Summary	<p>In November 2022, Samy Taib pleaded guilty to a range of offences, including the coercive control of his former partner between 9 May 2018 and 19 June 2019.</p> <p>The perpetrator also pleaded guilty to two counts of assault causing harm, endangerment and driving without a licence or insurance at Fettercairn Ring Road, Tallaght and dangerous driving causing endangerment at Main Street, Celbridge, Co Kildare, on 13 October 2019 during a high-speed car chase with the Gardaí.</p>		
County in which offending occurred	Dublin		
Age range of victim/perpetrator (at time of conviction)	Perpetrator – 21 Victim - Unknown	Sex of victim/perpetrator	Perpetrator – Male Victim - Female
Relationship between parties at time of offending	The perpetrator and victim were a couple at the time of offending and, at points during the relevant period, lived together in the perpetrator’s parents’ house.		
Was there previous Garda/Court involvement with the parties?	Yes. The perpetrator had 22 previous convictions, mainly for road traffic offences.		
Were protective Orders under the DV Act present?	Yes. The victim obtained a barring order against the perpetrator, but this was breached (at an unknown date). The breach was taken into account as an aggravating factor at sentencing.		
Were there children in common?	No.	If so, were they also abused?	N/A.
Charges	Coercive control, five counts of assault causing harm and 22 counts of road traffic offences relating to the Garda car chase, including endangerment, driving without a licence or insurance and dangerous driving causing endangerment.		

<p>Tried as summary or indictment?</p>	<p>Indictment.</p>	<p>Protective measures used during hearing?</p>	<p>Details of the victim have remained anonymous. There do not appear to have been any further protective measures. However, as the perpetrator pleaded guilty, no full trial was needed.</p>
<p>What behaviour corresponding to Coercive Control was described?</p>	<p>The entirety of the perpetrator's misconduct against the victim was relied on as evidence of his coercive control.</p> <p>Evidence was given of a history of violence against the victim. Although the subject matter of additional assault causing harm charges in their own right, these incidents also contributed to the relationship/circumstances in which the coercive control was found to have existed between the parties:</p> <ul style="list-style-type: none"> - In September 2018, the perpetrator and victim had an argument, during which the victim got up and went to the toilet. The perpetrator followed her into the bathroom, grabbed her by the neck and began to choke her. She passed out and eventually woke up with the perpetrator shaking her and apologising. The perpetrator told the victim that she had banged her head on the radiator and the victim was indeed in pain, could feel a lump in the back of her head and was crying; - When the victim moved into the perpetrator's parents' home, they had many fights and she recalled that he choked her many times. The victim said that she was forced to be quiet while she was being choked so that she wouldn't disturb the perpetrator's parents and that, on one of those occasions, she passed out; - On 24 April 2019, the victim and perpetrator had an argument during which they were shouting in each other's face. The perpetrator then put the victim on the bed, flipped her and punched her in the left eye, resulting in bruising and a 'black eye'; - On another occasion, the victim told the perpetrator that she was leaving their home to meet some friends. The perpetrator responded by saying "where the [expletive] do you think you're going?" and dragging her away from the door. The victim then said "I'm leaving, I don't want to be with you like this", prompting the perpetrator to drag her to the ground by the hair, pull her hair and punch her in the head. The perpetrator only stopped beating the victim when his mother came upon the scene and told him to stop. The victim then locked herself in the bathroom. The perpetrator followed her and began banging on the door, asking that she open it so that he could come in and wash his hands and calling her a "f-ing idiot". There then followed an altercation between the perpetrator and his step-father, who had arrived to try to stop the perpetrator from continuing to bang on the bathroom door, which resulted in both the victim and the perpetrator's mother having to lock themselves in the bathroom until the fighting had stopped; and - On 9 May 2019, the perpetrator and victim had visited a local pub for the perpetrator's birthday. When the victim and perpetrator returned to the perpetrator's car, he became jealous over the fact that some people in the pub had known the victim and they began to have an argument. The victim got out of the perpetrator's car and he began driving after her, telling her to get back in (which she refused), before eventually hitting her with the car and running over her right leg. The perpetrator then got out of his car and told the victim to get up and, when she responded that she could not because her leg was hurt, he proceeded to stand on her leg. Whilst onlookers attempted to assist, the perpetrator told them to "f- off". Eventually, the Gardaí attended the scene, spoke with the perpetrator and victim and left the victim home. This incident resulted in a permanent injury to the victim's right leg. 		

Evidence was also presented of additional instances of violence against the victim which, although not founding independent assault charges, were explicitly stated to be relevant to the charge of coercive control:

- Approximately two months into their relationship, the victim and perpetrator were in the perpetrator's car, relaxing and talking. Suddenly, and for no apparent reason, the perpetrator grabbed the victim by the hair, held her down and punched her in the back of the head. Coincidentally, the victim's mother then contacted her by phone and the victim used this as an excuse to leave;
- On another occasion, during an argument at the perpetrator's house, the victim went into the kitchen for a drink. The perpetrator followed her into the kitchen and slammed the door. He grabbed her and asked, "*who the f- do you think you are, walking away from me?*" and he bit her lip, biting a piece of her lip off completely. The victim described that she then sat on the floor crying and bleeding. She showed the perpetrator the blood on her hands and said "*look what you did*", but he did not appear to care and replied "*good enough. I'll bite your whole lip off*". As the incident occurred late at night, she was unable to go home and instead had to go to bed in the perpetrator's house. She stated that the perpetrator stayed in the kitchen for a while before joining her in bed; and
- On 20 June 2019 (the date that the victim gave her first statement to the Gardaí), the victim, victim's sister, and perpetrator were shopping and eating at Liffey Valley shopping centre. The perpetrator seemed to be "*off*" and was walking very slowly. When the victim jokingly asked the perpetrator whether he was paying for something in a particular shop, the victim perceived this question to put the perpetrator in a bad mood. The perpetrator's mood worsened when they did not eat in the restaurant that he preferred. As soon as they had finished eating, the perpetrator led the group out of the shopping centre and demanded a cigarette from the victim. The victim refused the perpetrator's demand due to his ill behaviour and he responded by saying "*you don't know how to act, fix yourself up*" and telling her to find her own way home. However, the perpetrator then changed his mind and texted the victim, telling her to come to his car. Eventually, the victim and her sister got into the perpetrator's car. However, another fight then broke out which resulted in the victim and her sister getting out of the car again, with the perpetrator following the victim out and pulling her by the hair. Eventually the perpetrator let go of the victim's hair and she and her sister left the area and got a taxi home.

In addition to the physical violence, the victim also described a relationship characterised by fear and control and verbal and physical fights. The victim told Gardaí that she found the perpetrator to be "*very controlling*" and that she was "*very scared of the way he was*".

After some of the violent incidents (including, in particular, the September 2018 assault), the victim felt intimidated by the perpetrator and forced to appear to accept his apology.

When she moved into the perpetrator's parents' house, she felt isolated. However, she felt unable to merely move out and, instead, had to make up an excuse about her mother being in hospital to eventually move out some months later (around December 2018).

Outline of evidence of Coercive Control provided and accepted

As the perpetrator pleaded guilty, no full trial was required. For the purposes of sentencing, it appears that the only evidence relied upon was witness evidence from Garda Craig Daven and Garda Geoghegan, whereby background context and detail of the victim's evidence (as provided to Gardaí through her earlier witness statements) was relayed.

<p>Summary/extract of Victim Impact Statement</p>	<p>In her witness statement to the Gardaí, the victim stated that, after the relationship had ended, she was <i>“just confused”</i> as she doesn’t know how to talk or how to behave or what to do. Due to the perpetrator’s controlling behaviour, the victim described herself as still being very scared of <i>“the way he is”</i> and as not wanting to see the perpetrator anymore. She concluded by saying that all of the incidents have made her feel very scared for her own safety and that she’s still in fear that the perpetrator might attack her and her family for reporting his abuse.</p> <p>In her victim impact statement, the victim detailed a similar picture. She said that the perpetrator has made her a <i>“different person”</i> who struggles with depression and anxiety and that she has suffered psychological and physical injuries, including permanent damage to her foot. Among her physical injuries, she said, were <i>“black eyes and bust lips and bruises to an injury that left my right foot permanently damaged and twisted after he drove over me with a car.”</i> As to psychological injury, she said <i>“I am always anxious, and I feel hopeless and depressed. I was a happy communicative person before and now I feel like I’m always angry and closed off. I definitely developed PTSD, I have many flashbacks and still have countless nightmares about incidents that happened all these years ago...Any little possibility of happiness in my life I shut it out as I don’t trust anyone anymore. He ruined my life and he ruined the life of everyone I care about...”</i></p> <p>Overall, she said that the perpetrator <i>“ruined”</i> her life and hurt her family. She said that he had her <i>“closed off to everyone for years”</i> and that he made her <i>“feel like nothing”</i> and <i>“controlled my life: from what I was doing each minute of the day and night to literally having the decision whether I would live or die”</i>. She described him as manipulative and unpredictable.</p>
<p>Convictions</p>	<p>Coercive control, two counts of assault causing harm, endangerment, driving without a licence or insurance and dangerous driving causing endangerment. The remaining charges were taken into consideration for the purposes of sentencing.</p>
<p>Sentence</p>	<p>Five years’ imprisonment in total, with the final year suspended for two years on strict conditions, including that the perpetrator comes under the supervision of the Probation Service, has no contact with the victim and stays away from her home address and workplace.</p> <p>This represented a three-year sentence for coercive control (taking into account the assaults), plus a consecutive two-year sentence for the driving offences.</p> <p>The perpetrator was also disqualified from driving for a period of 6 years.</p>
<p>Time for proceedings to complete (from initial complaint to sentencing)</p>	<p>Approx. 3.5 years (20 June 2019 – 20 January 2023)</p>
<p>Appeal?</p>	<p>Yes. The perpetrator appealed against the severity of the sentence, arguing that a sufficient discount had not been applied for his young age and undiagnosed mental health issues at the time of the offending.</p>
<p>Outcome of Appeal?</p>	<p>Rejected and sentence maintained.</p>

Dublin Circuit Criminal Court

Judge Elma Sheahan noted that she had taken account of the Victim Impact Statement and the *“great upset and trauma arising from the assaults which were perpetrated upon her, and psychological injury of the accused’s offending, which quite clearly ... is ongoing at this time”*.

The serious nature of his offending and his breach of a barring order were treated as aggravating factors for the purposes of the perpetrator’s sentencing.

In terms of mitigation, the Judge took into account the following:

- the perpetrator’s pleas of guilty, particularly having regard to the fact that it meant that the victim would not have to give evidence and relive the trauma of her experiences;
- the perpetrator’s cooperation with Gardaí in the course of the interviews, his apology and his acknowledgement of his wrongdoing;
- the perpetrator’s psychological difficulties as a child, that he left school in his teens and that he had a productive history in terms of employment, notwithstanding his youth;
- the perpetrator’s youth at the time of this offending;
- the fact that the perpetrator was abusing drugs during his relationship with the victim, against a background of psychological or psychiatric illness;
- the fact that the perpetrator enjoys the support of his family, in particular that of his father, and that he has permission to return to live with his father on release from custody;
- the contents of the prison governor’s report;
- the fact that this would be the perpetrator’s first custodial sentence in this jurisdiction (noting that time spent in custody in Scotland was largely spent as an inpatient in a clinic);
- that the perpetrator is now taking olanzapine for his condition and complying with his medical directions;
- that the perpetrator would be serving the custodial sentence while suffering from an enduring and major psychiatric illness; and
- that the perpetrator was not aware at the time that drug-taking was affecting his own mental health in a manner different from anyone else.

In light of the above factors, Judge Sheahan first set headline sentences of five years’ imprisonment for the coercive control conviction and four years’ imprisonment for the driving offence convictions. She then reduced those headline sentences to four years and three years, respectively. After taking mitigating factors into consideration, the Judge further reduced the two headline sentences to three years’ and two years’ imprisonment, respectively (to be served consecutively).

Court of Appeal (approving the original sentence)

In the Court of Appeal’s judgment, Ms Justice Úna Ní Raifeartaigh stated that *“One cannot lose sight of the extremely serious nature of the offences in this case. The sentencing judge reduced the headline sentence from five years to four years (in the coercive control case) and from four years to three years (in the driving case) owing to the impact of his diagnosis. Leaving aside the further reductions for mitigating factors (which included reductions in time and the introduction of a suspensory element), we are of the view that these headline sentences were not outside the range of her discretion. The first indictment spanned a period of approximately four months during which the appellant regularly inflicted very serious violence and humiliation upon the injured party. Were he not a young person with a mental disorder, a headline sentence considerably greater than five years might well have been selected through the use of consecutive sentences as between different assaults, before the judge even got to the second bill of indictment. It should be borne in mind that the assaults included incidents of choking as well as punching, dragging by the hair, biting the injured party’s lip and driving over her leg followed by kicking it.*

Further, the emotional or psychological impact on the injured party, sadly typical of the effects of a relationship of coercive control, was severe. The sentencing judge's initial identification of a five year notional headline sentence, reduced by 20% to four years by reason of his age and mental disorder, could not be said to be unfair or disproportionate, particularly in the absence of more specific links between the violent behaviour and his mental illness being made by the experts".

Earlier, during the hearing of the appeal, President of the Court of Appeal, Mr Justice George Birmingham, had said that the perpetrator had received a "very substantial reduction" and his offending could have resulted in a combined headline sentence of "double figures". He said that the case involved incidents of assault, suffocation and using a car as a weapon, while the perpetrator's claims that the victim had "laid a trap for him" did "not impress". Mr Justice Birmingham said the sentencing judge had taken into account the perpetrator's mental illness, guilty pleas and other mitigating factors when sentencing.

8. The People at the Suit of the Director of Public Prosecutions v Daniel Lynch

“Before I met him I had a normal and fulfilling life but I can no longer identify with that person. at first he made me feel special and sold me a fairy tale. I am not sure how I let myself get caught up in this. I became isolated. I lost all sense of self-worth. I was living to please someone else. Food was used as a way to discipline me. I always tried to be on my best behaviour to avoid escalation.”

Brief Factual Summary	In November 2022, Daniel Lynch pleaded guilty to a number of offences, including the coercive control of his then-girlfriend during September 2020 to January 2022.		
County in which offending occurred	Dublin		
Age range of victim/perpetrator (at time of conviction)	Perpetrator – 25 Victim – Unknown	Sex of victim/perpetrator	Perpetrator – Male Victim - Female
Relationship between parties at time of offending	The parties were, at the time of the offending, a cohabiting couple and share a child.		
Was there previous Garda/Court involvement with the parties?	<p>Yes.</p> <p>On 14 September 2021, Gardaí responded to an allegation of assault at the perpetrator's home in Ballymun. The victim told Gardaí that, during an altercation, the perpetrator threatened to “kick the baby out of her” and began hitting her around the back and stomach with a broom handle. The victim was then ten weeks pregnant and she had asked the perpetrator for money to buy pregnancy supplements. The victim later miscarried.</p> <p>The perpetrator was arrested and told Gardaí in interview that he would never hurt the victim, but admitted calling her names and insulting her. The next day, the victim took out a protection order against the perpetrator, but they then made attempts to reconcile and she ultimately moved back in with him. No further action appears to have been taken in respect of this assault.</p>		
Were protective Orders under the DV Act present?	The victim obtained a protective order against the perpetrator in September 2021. However, the former couple had then reconciled and moved back in together. The order was breached on 15 January 2022, when the perpetrator sent the victim a WhatsApp message, threatening to kill her.		
Were there children in common?	Yes. The parties appear to share one child together. The victim had been pregnant with another child, but miscarried.		
If so, were they also abused?	The victim suffered a miscarriage after an altercation with the perpetrator where he threatened to “kick the baby out of her” and hit her with a broom handle. Although no specific allegations as regards the former couple's other child appear to have been made public, it was reported that the victim was in touch with Tusla about that child's welfare.		
Charges	Coercive control, making a threat to kill, breach of a protection order.		

<p>Tried as summary or indictment?</p>	<p>Indictment.</p>	<p>Protective measures used during hearing?</p>	<p>As the perpetrator pleaded guilty, a full trial was not necessary. The victim has been granted anonymity. While she was present in Court for the sentencing, her Victim Impact Statement was read out by counsel for the State.</p>
<p>What behaviour corresponding to Coercive Control was described?</p>	<p>Evidence was presented of both physical and emotional abuse.</p> <p>The victim stated that she had become used to the perpetrator slapping her face, kicking her and pulling her hair. In two particularly violent incidents:</p> <ul style="list-style-type: none"> - On 14 September 2021, Gardaí were called to an incident where the perpetrator had attacked the then-pregnant victim with a broom handle, hitting her on the back and stomach and telling her that he would “kick the baby out of her”; and - On 15 January 2022, after the victim had sent him a message trying to end their relationship, the perpetrator sent the victim a WhatsApp voice message threatening to kill her. In the voice message, the perpetrator stated “The first chance I get, when I see you I’m going to murder you. I’m going to kill you stone dead. The first chance I am going to leave you in a hole.” This message also founded the independent charges around threats to kill and breach of a protection order. <p>Aside from the threats/events of physical violence, the victim also described a relationship of emotional abuse and control.</p> <p>Near the beginning of the relationship, the perpetrator told the victim that he loved her and wanted to have children with her. The perpetrator then located the victim’s birth control pills and threw them out.</p> <p>As the relationship continued, the level of control intensified.</p> <p>The victim stated that the perpetrator would take her money every Monday and leave her with only €20 for the week. The perpetrator would then spend the money on drugs.</p> <p>The perpetrator also had complete control of the victim’s social media, including Instagram and Facebook, and her mobile phone, including WhatsApp. He began to tell the victim who she could and couldn’t meet up with or even communicate with and she became cut off from her friends and family.</p> <p>The perpetrator would verbally abuse the victim, telling her that no one loved her and that he expected her to miscarry their child.</p> <p>The victim said she felt brainwashed and lost all sense of self-worth. She started to change her behaviour to try to please the perpetrator to stop him getting annoyed.</p>		
<p>Outline of evidence of Coercive Control provided and accepted</p>	<p>As the perpetrator pleaded guilty, no full trial was required. However, the following evidence was provided for the purposes of sentencing:</p> <ul style="list-style-type: none"> - Witness evidence from Garda Daragh O’Connor, who provided evidence on the relationship between the perpetrator and victim and the victim’s evidence of the abuse suffered; - Text messages between the victim and perpetrator; and - The WhatsApp voice note sent by the perpetrator to the victim (in which he threatened to kill her). 		

<p>Summary/extract of Victim Impact Statement</p>	<p>In her Victim Impact Statement, the victim said that she came from a good family and, when she met the perpetrator, had everything going for her. She was working in health care and studying in college for a further qualification and had a “normal and fulfilling life”.</p> <p>The victim said that she can no longer identify with that person. She said that, initially, the perpetrator made her feel special and sold her “a fairy tale”, but that she was “not sure how I let myself get caught up in this. I became isolated”.</p> <p>“I lost all sense of self-worth. I was living to please someone else. Food was used as a way to discipline me. I always tried to be on my best behaviour to avoid escalation,” she said.</p> <p>She said the physical abuse was easier than the emotional and mental torture and that she even considered ending her life as the only way out. She spent two nights in a psychiatric ward.</p> <p>After she miscarried their first child in January 2021, she began to heavily use cocaine to cope. She said the perpetrator was giving her cocaine and she “couldn’t get enough of it”.</p> <p>The victim said she felt brainwashed by the perpetrator, and learned to be happy to give up her freedom so that the perpetrator would be nice to her. She said she feared for her safety and the safety of her child, but she never before felt such fear.</p>		
<p>Convictions</p>	<p>Coercive control, making a threat to kill, breach of a protection order.</p>		
<p>Sentence</p>	<p>Concurrent sentences for the coercive control and threat to kill convictions of 3.5 years’ imprisonment, with the final 6 months suspended on strict conditions, including that the perpetrator engage in victim and offence- focused work and substance abuse treatment.</p> <p>The breach of a protection order was taken into account for the purposes of reaching those sentences.</p>		
<p>Time for proceedings to complete (from initial complaint to sentencing)</p>	<p>Approx. 13 months (January 2022 - 22 February 2023)</p>		
<p>Appeal?</p>	<p>No.</p>	<p>Outcome of Appeal?</p>	<p>N/A</p>
<p>Any judicial comment on sentencing:</p>	<p>In imposing the sentence, Judge Martina Baxter said the abuse was continuous, intense and painful. This, she said, demonstrated a blatant disregard for court orders or any desire for the victim to move on with her life.</p> <p>Baxter J. also said she was concerned about the lack of compassion or humanity displayed by the perpetrator. She stated that the perpetrator needed to address his relationship to women and that he had shown no genuine remorse, contrition or insight into his behaviour. Notably, this was despite the perpetrator having told Gardaí that he was ashamed and humiliated of the WhatsApp voice note left to the victim and that he was sorry and full of regret.</p> <p>Baxter J. also told the victim, who was present in court, that she was a very brave woman who deserved every success. She said her victim impact statement was very powerful and a powerful reminder of the long-term effects of mental abuse at the hands of an intimate partner.</p>		

9. The People at the Suit of the Director of Public Prosecutions v [Clare Man – Identity Withheld to Protect Victim]

“My children and I have had to leave our family home where they have always lived and grown up because of your choice to abuse me. You have always made excuses for your actions and justified your behaviour, blaming anyone but yourself. At times, I have been so frightened of you. I have often wondered how all this would end. This has made me fear for my life. You have inflicted physical injuries on me throughout our marriage, but these have and will heal. The emotional and psychological pain that you have caused me and try to continue to cause, will never go away. I have chosen to make this stand and no longer be a victim of your abuse. I will not feel guilty for telling the truth and showing our children that domestic abuse is not acceptable. By making this victim impact statement, I want you to know that you will no longer control me or our children. Despite being a private person, I feel that I have no choice but to be honest about the hurt and pain that you have caused our family.”

<p>Brief Factual Summary</p>	<p>In October 2023, a Clare man (who has not been named in order to protect the identity of the victim and her children) pleaded guilty to the coercive control of his then-wife over a 17-month period from 1 January 2019 – 5 May 2020. He also pleaded guilty to four counts of sexual assault against the victim on dates from October 2018 to February 2020.</p> <p>Previously, a full trial had to be abandoned on its fourth day (following opening arguments and just before the victim was scheduled to give evidence) after the perpetrator voluntarily admitted himself to a psychiatric unit on the second trial day, making himself unavailable to the Court. The perpetrator had previously failed to appear.</p> <p>The guilty plea came just days before a renewed jury for a rescheduled trial was due to be impanelled.</p>		
<p>County in which offending occurred</p>	<p>Clare</p>		
<p>Age range of victim/ perpetrator (at time of conviction)</p>	<p>Perpetrator – 49 Victim – Unknown</p>	<p>Sex of victim/ perpetrator</p>	<p>Perpetrator – Male Victim - Female</p>
<p>Relationship between parties at time of offending</p>	<p>The victim and perpetrator were a married couple and share children together. However, they had been separated since 2018 and are now divorced.</p> <p>The entire period during which the coercive control offence was committed occurred after the couple's separation.</p>		

Was there previous Garda/Court involvement with the parties?	The perpetrator had no previous convictions and there does not appear to have been any Garda involvement prior to this complaint being made.		
Were protective Orders under the DV Act present?	There do not appear to have been any protective Orders in place.		
Were there children in common?	Yes.	If so, were they also abused?	No information available.
Charges	The perpetrator was charged with a total of 22 counts (12 counts of sexual assault, six counts of false imprisonment, two counts of assault causing harm, one count of criminal damage and one count of coercive control).		
Tried as summary or indictment?	Indictment.	Protective measures used during hearing?	The victim did not appear at the sentencing hearing personally (although she had been present at the arraignment and appears to have planned to give evidence in person at the abandoned trial) and her Victim Impact Statement was read by Det. Garda Cathy Burke of the Clare Garda Division Protective Services Unit. Reporting restrictions were also imposed due to the nature of the case.
What behaviour corresponding to Coercive Control was described?	<p>In his opening remarks for the subsequently-abandoned trial, counsel for the State stated that the coercive control count consisted of an environment where the perpetrator was very aggressive, monitoring the victim's phone calls and asking her who she was seeing. The State's case was that there was a pattern of behaviour by the perpetrator where he was exerting, through verbal threats and physical conduct, a persistent pattern of coercive control on the victim and that it had a serious effect on her.</p> <p>Counsel for the State said: <i>"It was a marriage that was disintegrating and was characterised in its latter stages by initially verbal and then physical abuse. There were specific instances where the complainant was trying to resist, the accused sexually assaulted and the complainant was also unable to leave."</i></p> <p>In terms of the physical element of the coercive control, detail was given of two serious assaults (at least the first of which also founded an independent sexual assault charge):</p> <ul style="list-style-type: none"> - In October 2018, in an incident which resulted in the victim leaving the family home with the couple's children, the perpetrator came up from behind the victim in the kitchen at the family home and told her <i>"I want a ride"</i>. When the victim told the perpetrator that she was not interested, he pulled her down towards a spare bedroom in the home and was very forceful and aggressive and pulled her jeans and underwear down. The victim continued to resist, but the incident only stopped when the couple's daughter came to the bedroom door (having first passed by the window); and - In another incident, the perpetrator tried to tie the victim to a plastic chair in a garage using a white rope. Again, this incident only stopped when it was interrupted by one of their children; this time coming to the side door of the garage. 		

<p>Outline of evidence of Coercive Control provided and accepted</p>	<p>The perpetrator pleaded guilty to the various charges and so, no full trial was required. Det. Garda Cathy Burke provided evidence of the factual background and detail of the incidents founding the various offences for the purposes of the sentencing hearing, as well as reading the Victim Impact Statement.</p> <ul style="list-style-type: none"> - Had the trial gone ahead, it was also planned for: - In-person witness evidence by the victim; - In-person witness evidence by the couple's daughter; and - Use of audio recordings taken by the victim and the couple's daughter on their smart phones of the ill treatment suffered by the victim at the hands of the perpetrator (some of which also included children's voices). A compilation of 23 minutes of audio recordings had been produced for trial and counsel for the State stated that it was an "unusual" feature of the case that the victim had begun to record, on her mobile phone, interactions between herself and her husband at a time when their marriage had irrevocably broken down and that their daughter had also started to record her parents' interactions. 		
<p>Summary/extract of Victim Impact Statement</p>	<p>In her Victim Impact Statement, the victim stated: <i>"my children and I have had to leave our family home where they have always lived and grown up because of your choice to abuse me. You have always made excuses for your actions and justified your behaviour, blaming anyone but yourself.</i></p> <p><i>At times, I have been so frightened of you. I have often wondered how all this would end. This has made me fear for my life. You have inflicted physical injuries on me throughout our marriage, but these have and will heal. The emotional and psychological pain that you have caused me and try to continue to cause, will never go away.</i></p> <p><i>I have chosen to make this stand and no longer be a victim of your abuse. I will not feel guilty for telling the truth and showing our children that domestic abuse is not acceptable.</i></p> <p><i>By making this victim impact statement, I want you to know that you will no longer control me or our children. Despite being a private person, I feel that I have no choice but to be honest about the hurt and pain that you have caused our family."</i></p>		
<p>Convictions</p>	<p>One count of coercive control contrary; and four counts of sexual assault. These were sample counts from the original 22 charges.</p>		
<p>Sentence</p>	<p>Four years and 10 months' imprisonment in total. This was the length of sentence for the most serious sexual assault. The other sexual assaults garnered shorter sentences and the coercive control conviction had itself garnered a sentence of 2 years and 9 months. All sentences were to run concurrently. The perpetrator's name was also added to the Sex Offenders' Register.</p>		
<p>Time for proceedings to complete (from initial complaint to sentencing)</p>	<p>Approx. 2.5 years (i.e., October 2021 - 20 May 2024)</p>		
<p>Appeal?</p>	<p>No.</p>	<p>Outcome of Appeal?</p>	<p>N/A</p>

Any judicial comment on sentencing:

In his sentencing remarks, Mr. Justice Comerford focussed mainly on the perpetrator's conduct in respect of the sexual assaults. However, some remarks related to the nature of the relationship between the perpetrator and victim globally (which would have been relevant to the environment of coercive control.

Mr. Justice Comerford said that the repeated sexual assault offences were carried out by the perpetrator *"in order to dominate the injured party"*. He said that *"it is patently clear that these sexual assaults were carried out and conducted as acts of gross domestic abuse in order to subjugate the injured party and the whole family to his whims"*.

Comerford J. continued that the perpetrator *"had committed a series of very serious offences against his estranged wife often in close proximity to their children"* and that he had done so *"because she had not acted in the way that he wanted and had not complied with his demands"*.

While various pleas were submitted by counsel for the perpetrator in attempted mitigation (including that he would now like to offer an apology to the victim and his children, was hope to repair his relationship with his family and had belatedly realised that his behaviour was unacceptable having attended courses), Mr. Justice Comerford appeared to only refer to the facts that the perpetrator had no previous convictions and had pleaded guilty.

Taking into account those limited points of mitigation, Comerford J. stated that he would not be suspending any of the sentence imposed.

10. The People at the Suit of the Director of Public Prosecutions v Joseph Colhoun

Brief Factual Summary	<p>In February 2024, Joseph Colhoun pleaded guilty to a range of charges including the coercive control of a woman at a residential address between 1 January and 22 November 2022. The perpetrator was also charged with (and pleaded guilty to), inter alia, multiple assaults of that same woman on various dates in 2022.</p> <p>The perpetrator had a history of violence against women, including multiple charges and convictions for assaults against previous partners and women with whom he was co-habiting.</p>		
County in which offending occurred	Donegal		
Age range of victim/perpetrator (at time of conviction)	Perpetrator – 41 Victim – Unknown	Sex of victim/perpetrator	Perpetrator – Male Victim - Female
Relationship between parties at time of offending	The relationship between the perpetrator and victim is not entirely clear. However, given that a barring Order appears to have been granted against the perpetrator in respect of the victim's home, it appears likely that they were a former or current couple.		
Was there previous Garda/Court involvement with the parties?	Yes. The perpetrator had previously been convicted of and imprisoned for a range of offences, including assaulting Gardaí, damaging a van, damaging a Garda cell, breaking a neighbour's windows, being intoxicated, criminal damage, and assault. In total, the perpetrator had approximately 50 previous convictions. In May 2004, a 5-year barring order was obtained against the perpetrator by a previous partner.		
Were protective Orders under the DV Act present?	A barring Order had been imposed on 16 November 2022 in respect of the victim's home. This was breached by the perpetrator on 27 November 2022 and such breach founded one of the perpetrator's charges/convictions.		
Were there children in common?	No.	If so, were they also abused?	N/A
Charges	Three counts of assault, two counts of assault causing harm, one count of coercive control, two counts of obstruction, one count of breaching a barring order		
Tried as summary or indictment?	Indictment.	Protective measures used during hearing?	There does not appear to have been any full hearing, with the perpetrator pleading guilty immediately.
What behaviour corresponding to Coercive Control was described?	No information available.		
Outline of evidence of Coercive Control provided and accepted	No information available.		
Summary/extract of Victim Impact Statement	Sentencing hearing does not appear to have occurred.		

Convictions	Three counts of assault, two counts of assault causing harm, one count of coercive control, two counts of obstruction, one count of breaching a barring order.		
Sentence	TBC		
Time for proceedings to complete (from initial complaint to sentencing)	TBC	Appeal?	TBC
Outcome of Appeal?	TBC		
Any judicial comment on sentencing:	Sentencing hearing does not appear to have occurred yet.		

B. NO CONVICTION

1. The People at the Suit of the Director of Public Prosecutions v Mark Doyle

“Domestic violence is the erosion of confidence and self-worth. Domestic violence is isolation from family, friends and the world. Domestic violence is financial abuse. Domestic violence is constant carnage wreaked to the family home. Domestic violence is constantly second-guessing yourself. Domestic violence is the fear of violence all the time and of violence against children. Domestic violence is not knowing what will set the offender off, and when you think you have worked it out, it changes on a whim. Domestic violence is fear of shame. Domestic violence is fear of having nowhere to go, while being judged for staying. Domestic violence is shame of letting it get that far.”

Brief Factual Summary	<p>In March 2024, former Garda Mark Doyle pleaded guilty to six counts of assault causing harm to his ex-wife and two of her sons between 2008 and August 2019. He had also been charged with coercive control, but this was ultimately dropped, seemingly as part of the plea deal.</p> <p>The victim stated that it was an interview with the mother and sister of Clodagh Hawe (who was murdered by her husband) that pushed her to seek help. Speaking to the press after the perpetrator’s sentencing, the victim stated that that interview had made her realise how dangerous the perpetrator was and how much more dangerous he could become, particularly given that, similar to Ms. Hawe’s husband, the perpetrator had set himself up as “<i>a pillar of the community</i>”. While the victim commented that it had still taken her “<i>another three years to actually find my way out</i>”, this had been a “<i>powerful moment</i>” for her.</p> <p>When faced with the initial complaint, the perpetrator had denied the allegations against him, saying “<i>everything had been twisted</i>” and alleging that he was, in fact, the victim of abuse. “<i>I have been experiencing abuse for years and controlling behaviour,</i>” he told Gardaí, alleging that one of his stepsons had drunkenly attacked him.</p> <p>The perpetrator was sentenced to six years’ imprisonment.</p>		
County in which offending occurred	Kildare		
Age range of victim/ perpetrator (at time of conviction)	Perpetrator – 38 Victim - 42	Sex of victim/ perpetrator	Perpetrator – Male Victim - Female

Relationship between parties at time of offending	The perpetrator and victim were in a relationship since 2007 and married since 2012 and lived together with the victim's two sons from a previous relationship (and perpetrator's stepsons) and two shared sons.	
Was there previous Garda/Court involvement with the parties?	No. The perpetrator had no previous convictions and was a serving member of the Gardaí when the complaint was made.	
Were protective Orders under the DV Act present?	Yes. The victim obtained a barring order in 2019, before filing her full complaint with the Gardaí in the spring of 2020.	
Were there children in common?	Yes. There were four children in the family; two shared sons and two sons from the victim's previous relationship (i.e., the perpetrator's stepsons).	
If so, were they also abused?	<p>Yes. The perpetrator pleaded guilty to two counts of assault to his stepsons causing harm.</p> <p>The perpetrator assaulted one of his stepsons with an airsoft gun, shooting him in the backside and laughing before removing the pellet with tweezers. This stepson recalls staying in his room a lot over the years and <i>"tuning out"</i> when the atmosphere changed in the house. He told Gardaí that his stepfather would call him names like <i>"stupid"</i>, <i>"fat c**t"</i>, <i>"retard"</i> and <i>"dope"</i>.</p> <p>The perpetrator also assaulted his other stepson on several occasions, punching him to the stomach, banging his head on the table, pulling him out of bed by the hair and stamping on him causing cuts to his face.</p> <p>When one of the children asked the perpetrator why he was so nasty to their mother, he slapped him in the face.</p>	
Charges	Coercive control, six counts of assault causing harm against the victim, two counts of assault causing harm against the victim's sons.	
Tried as summary or indictment?	Indictment. Although the perpetrator pleaded guilty before trial.	Protective measures used during hearing? As the perpetrator pleaded guilty, there was no need for a full trial. There do not appear to have been protective measures in place at the sentencing hearing, with the victim being named and appearing in person to deliver Victim Impact Statement.
What behaviour corresponding to Coercive Control was described?	An environment characterised by violence and fear of violence was described, including particular incidents where the perpetrator: <ul style="list-style-type: none"> - on two occasions, perforated the victim's eardrum by punching her in the head; - grabbed the victim by the throat with both hands and tried to choke her, knocking her to the floor while she screamed; - while the victim was five or six months pregnant, threw a chair at the victim, cutting her on the thigh; - grabbed the victim by the hair <i>"like a dog"</i> and pulled her around; and - kicked the victim repeatedly while wearing boots and whipped her head with his jacket, cutting her with the zip. 	

<p>What behaviour corresponding to Coercive Control was described?</p>	<p>It was reported that the victim had required medical interventions on numerous occasions and, on one such occasion, had lied to doctors, saying that her injuries were caused when she had <i>“fallen over the dog”</i>.</p> <p>After such violent incidents, the perpetrator would regularly blame the victim for his behaviour. For example, after perforating the victim’s eardrum, he stated <i>“you see what you’ve made me do, you just won’t stop”</i>. Such incidents also regularly occurred in front of the victim’s children, with them sometimes shouting for him to stop and/or trying to intervene.</p> <p>In addition to his violent behaviour, it was also reported that the perpetrator was verbally and emotionally abusive to the victim. He would <i>“slag”</i> the victim and pick on her over issues like money, weight gain, or how things were done in the house.</p>
<p>Outline of evidence of Coercive Control provided and accepted</p>	<p>The perpetrator pleaded guilty to the various charges and so, no full trial was required. However, the following evidence was provided for the purposes of sentencing:</p> <ul style="list-style-type: none"> – Detective Inspector Adrian Kinsella from the Garda National Protection Bureau gave evidence of the factual background and assaults; and – Copies of interview videos were also presented.
<p>Summary/extract of Victim Impact Statement</p>	<p>In her Victim Impact Statement, the victim said that the perpetrator took her and her children through <i>“horror after horror”</i> during the 12 years they were together and stated that she and her children had lived in <i>“constant terror and fear”</i>. <i>“Home is supposed to be a place of support and safety, but it was the opposite. Our home was a place of fear, humiliation, violence and walking on eggshells”</i>, she said, <i>“There was not one room in the house where an incident did not take place and every occasion, Christmas, Confirmation and Communion was ruined by his violence”</i>.</p> <p><i>“He was a respected member of the community but a monster in our home. He used his position to shake off any suspicion,”</i> she said. For example, she detailed how the perpetrator had once showed up to a parent-teacher meeting (which had been called after one of his stepsons shared concerns about his home life with a guidance counsellor) in his Garda car and full uniform.</p> <p>In terms of moving forward, the victim said that she could never have imagined the <i>“tsunami of issues”</i> that she and her children have endured as fallout of the abuse and that the constant battle to <i>“cope”</i> was <i>“exhausting”</i>, feeling that she and her children are now <i>“constantly on the back foot”</i>. <i>“The trauma will last a lifetime,”</i> she said, adding that the abuse had turned her from an independent, confident, outgoing, ambitious 26-year-old woman into a shell of herself, suffering from anxiety, panic attacks and depression, who <i>“couldn’t concentrate”</i> and was <i>“constantly unwell”</i>. She continued that her children also suffer from numerous mental health difficulties including anxiety, self-harm ideation, and anger issues.</p> <p>The Victim Impact Statement concluded with some general thoughts from the victim on the nature and impact of domestic violence: <i>“Domestic violence is the erosion of confidence and self-worth. Domestic violence is isolation from family, friends and the world. Domestic violence is financial abuse. Domestic violence is constant carnage wreaked to the family home. Domestic violence is constantly second-guessing yourself. Domestic violence is the fear of violence all the time and of violence against children. Domestic violence is not knowing what will set the offender off, and when you think you have worked it out, it changes on a whim. Domestic violence is fear of shame. Domestic violence is fear of having nowhere to go, while being judged for staying. Domestic violence is shame of letting it get that far.”</i></p>

<p>Summary/extract of Victim Impact Statement</p>	<p>Speaking to the media after the perpetrator's sentencing, the victim provided more detail on her experiences. In particular, she stated that:</p> <ul style="list-style-type: none"> - The perpetrator's position, as a member of An Garda Síochána, was "extremely intimidating" and was a fact that was "hanging over" her and her sons. She stated that she had been conscious that the perpetrator was "a well-liked person in the community" and a "pillar of the community" and that he would use his position of authority against them. This, she said, had initially caused her to lose hope: <i>"There was always hopelessness with that. That was always the worst for me and the boys. I knew I could never go into a regular Garda station because I just thought word would filter back down to him. There was no way I could just walk in,"</i>; - Recalling the incident with the school meeting in particular, the victim stated that the perpetrator had arrived in full Garda uniform and in a Garda car: <i>"He kind of rocked in with an 'I'm a guard, I have an important job, I don't have time for teenage attention-seeking wishy-washy guidance counsellors', kind of attitude. An authority figure coming in like that holds weight, and it made the boys feel so helpless, disclosing information to an adult they trust in school, and it amounts to nothing";</i> - During her time with the perpetrator, there had been many incidents of violence, including <i>"hitting me with the zips of his jacket, cutting my head open, fracturing a bone in my hand, kicking me with boots while I was on the ground. It's a horror story, the list is endless"</i>. However, despite such serious acts of violence, the victim stated that <i>"the worst part was the intimidation every single day"</i>. Indeed, the threat of violence was so prevalent that the victim used to habitually walk up the stairs close to the wall so that the perpetrator couldn't grab her through the bannisters or pull her leg to make her trip; - Following the sentencing, the victim stated that she finally <i>"feels free"</i> and is <i>"looking ahead"</i>. She feels that she has <i>"taken back control"</i> and is determined to find a new place to live as her current home is <i>"totally poisoned"</i>. <i>"It is horrific. There's not one room in the house that we go into without a bad memory, and that can get in on you when you're there all the time. Nobody comes to the house any more; my older children don't visit. It's like living in a shelter; it's somewhere that I go to sleep and eat, but it's not a home any more,"</i> she said; and - However, at the same time, some anxiety remains: <i>"I do feel free, but there's still something in the back of my mind. He was so arrogant all along, always trying to push things, always trying to control the narrative, even when there were things like barring orders in place. So, I hope, even in years to come, please God he'll stay away, and won't try make contact"</i>. 		
<p>Convictions</p>	<p>Six counts of assault causing harm (four to the victim and two to her sons).</p>		
<p>Sentence</p>	<p>A headline sentence of 10 years, reduced to a five year sentence and a one year sentence to run consecutively (with all other counts taken into consideration).</p>		
<p>Time for proceedings to complete (from initial complaint to sentencing)</p>	<p>Approx. 4 years (Spring 2020 – 15 March 2024)</p>		
<p>Appeal?</p>	<p>No.</p>	<p>Outcome of Appeal?</p>	<p>N/A</p>

Any judicial comment on sentencing:

In reducing the original 10-year headline sentence, Judge Nolan took into account that the perpetrator had pleaded guilty and had expressed remorse and that he believed that, in time, *“this man could clearly change his life”*. He further noted that the perpetrator is now in a new relationship which, based on references provided, seemed to be going well and that, while the perpetrator seemed to have had a father who had problems with alcohol, *“nonetheless I’ve no doubt he did well in life and moved on”*.

However, Judge Nolan continued that *“undoubtedly by his prolonged behaviour, he deserves a long custodial term”*.

Judge Nolan stated that the perpetrator had been *“aggressive and violent”* and engaged in *“reprehensible”* behaviour over a period of many years which involved a *“pattern of violence”* against the victim and her sons, creating an *“oppressive”* home for the victim and her four children for which they still *“bear the scars”*. He added that, for reasons only known to the perpetrator, *“he couldn’t control his temper and blamed his wife for his own bad behaviour”* and had caused *“trauma”*.

It was *“noteworthy”* too, Judge Nolan stated, that many of the assaults took place in front of children and that the perpetrator was a member of the Defence Forces and then An Garda Síochána.

Future Plans

Women's Aid and our partners at Arthur Cox LLP will continue to build our catalogue of coercive control prosecutions from publicly available sources. We also hope that it may be possible to further enhance this important work with support requested from An Garda Síochána Research Unit and other potential sources which are currently being explored. It is our goal to produce a more comprehensive review offering even deeper insights into the manner in which the important offence of coercive control is being recognised, prosecuted and sanctioned through the Irish justice system.

Acknowledgments

Women's Aid is indebted to the research team at Arthur Cox LLP: Naoise Cosgrave, Clíodhna Golden, Niamh Egleston and Carolann Minnock.

We also commend the women at the centre of each case included in our report for their resolve throughout the process. Their actions and courage, in the face of unimaginable intimidation and terror, will act as an example to other women currently trapped with abusive partners.

Information

Information on coercive control is available at:

- <https://www.womensaid.ie/what-is-abuse/types-of-abuse/coercive-control/>
- <https://www.garda.ie/en/crime/domestic-abuse/is-coercive-control-an-offence-.html>
- <https://www.safeireland.ie/wp-content/uploads/Safe-Ireland-Coercive-Control-Leaflet.pdf>

Support

- Women's Aid 24hr National Freephone Helpline 1800 341 900 www.womensaid.ie
- An Garda Síochána 112/999 www.garda.ie
- National Male Advice Line 1800 816 588 mensnetwork.ie/mal/
- Details of local and national domestic, sexual and gender-based violence services available at www.AlwaysHere.ie.

“When you're in that situation you just think there's no hope and there's such an awful stigma connected to abuse. You know, where there's shame and embarrassment and you shouldn't be ashamed or embarrassed. The person who is doing this to you should have the shame and embarrassment. There is nothing to be ashamed of – you didn't ask for it, you didn't want it and there is, especially now, there are so many resources out there and there's so much help and I think a big thing too is, it is being believed, it is being taken seriously. I would like to say to any woman in a similar situation: please reach out, because the support is there.” - Survivor.

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