



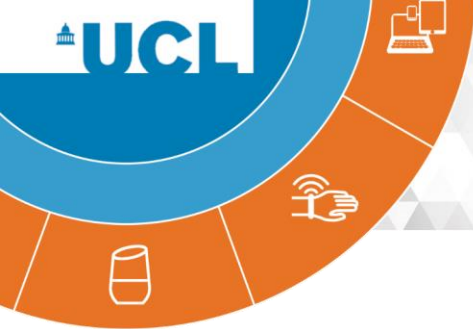
**Domestic Abuse Perpetrators Research Fund  
RQ3: Method of Abuse**

## **The Applicability of the UK Computer Misuse Act 1990 onto Cases of Technology- Facilitated Domestic Violence and Abuse**

**Final Report delivered for the UK Home Office**

**Francesca Stevens  
Leonie M Tanczer  
Frances Ridout  
Shane D Johnson**

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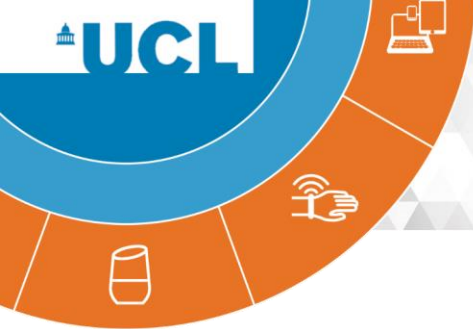
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## Introduction

Technology-facilitated abuse – so-called “tech abuse” – in domestic abuse and intimate partner violence (IPV) contexts is a rapidly increasing problem: Women’s Aid estimates that nearly 85% of victims/survivors are subjected to some form of tech abuse in the UK [1]. Tech abuse describes the **subversion of “everyday” digital technological systems** to coerce, control, and harm a person or groups of individuals. It includes offences such as “revenge porn”, cyberstalking, and GPS-tracking [2], [3], which can be committed using devices to include computers, smartphones, and apps but also any form of internet connected device such as cameras, washing machines and doorbells. It exposes victims/survivors and their children to a vast range of physical, emotional, and financial harm.

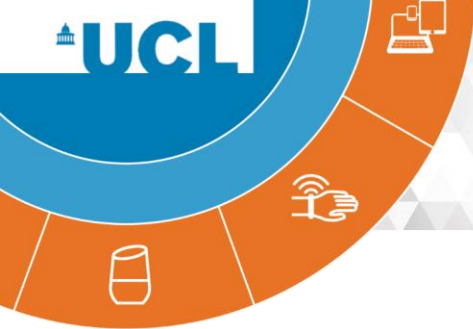
While research on tech abuse is evolving, the understanding of this issue in the UK is in its infancy. For instance, tech abuse is not yet an official measurement category, and no agreed definitions and typologies exist [4]. Most research focuses on the abuse of “conventional” systems such as smartphones, laptops, and apps, while the broader spectrum of potential abuse platforms is neglected [5]. Research on the scale, nature, and impact of tech abuse is even more limited. Globally, research hubs in Australia and the US dominate the field [6], [7] but very limited work looks at how technologies are being used or designed to challenge perpetrators. Instead, most studies and technical solutions are aimed at behaviour change in victims/survivors.

Our research aims to confront some of these shortcomings and offers much-needed insights to fill some of the prevalent knowledge gaps. Specifically, our project focuses on the **applicability of the Computer Misuse Act 1990 (CMA) and analyses its relevance for tech abuse offences**. The reason for this research focus lies in the fact that tech abuse is not a domestic abuse offence *per se*. Instead, activities such as hacking into someone’s phone, tracking a person’s online behaviour, or installing malicious software (i.e., spyware) are offences that can also fall under the CMA. While this piece of legislation is conventionally associated with unauthorised access to computer material for (say) financial and monetary gain (i.e., “cybercrime”), the Act may also be used to prosecute IPV tech abuse offenders. However, one of the few existing studies into the CMA showed that a limited number of perpetrators had previously been convicted of domestic abuse [8].

With limited research on this topic, we consider the evaluation of the CMA to be of paramount importance. A standardised assessment of the Act could allow us to understand the characteristics and dynamics of tech abuse perpetrators, the changing technological capabilities of abusers, and the relevance of the CMA for IPV cases. It is, therefore, that our current study has the following objectives:

- 1) Examine the **extent and nature** of domestic violence cases/IPV cases in CMA offences.
- 2) Identify how the use of technology in domestic violence cases has **evolved over time**.
- 3) Develop an **analysis framework** to evaluate tech abuse in IPV situations.

To achieve this, we conducted a **systematic legal evaluation**. Over the past three months, we methodically identified, extracted, and reviewed court cases in England/Wales that were prosecuted using the CMA or involved domestic abuse offences. This final report outlines the



work that has been carried out to date. It provides a synopsis of the methods we deployed, insights that we have observed, and the next research and dissemination steps we are planning to take following this pilot study for the UK Home Office. We are confident that our research will help raise awareness on the applicability of the CMA for the IPV context and addresses the UK Home Office interests in better understanding different abuse methods. The research is also particularly timely given the announcement in May 2021 that there will be a formal government review of the CMA this year [9].

## Literature Review

The UK CMA 1990 has, for over forty years, been the main instrument to prosecute perpetrators of computer-related crime (or more recently: cybercrime). Historically, these technologically enabled forms of abuse have been associated with business and commercial interests and understood to be anything from the theft of funds by manipulating digital systems, the stealing of trade secrets, to the unwarranted accessing of accounts and data [10]. In its original formulation, the CMA covered three substantive offences: (1) Unauthorised access to computer material; (2) Unauthorised access with intent to commit or facilitate commission of further offences; and (3) Unauthorised modification of computer material [11]. Over the years, decisions, reforms, and amendments helped to frame this legislation further [11]. Today, the CMA sets out five clear criminal offences.

1. Unauthorised access to computer material (contrary to section 1(1) of the CMA 1990). This offence requires an intent to secure unauthored material and knowledge that the material is unauthorised - maximum sentence of **two years imprisonment**.
2. Unauthorised access with intent to commit or facilitate the commission of further (listed) offences (contrary to section 2(1) of the CMA 1990). This offence requires a person to commit the offence above but with the additional intent to facilitate a further (listed) offence by themselves or another - maximum sentence **five years imprisonment**.
3. Unauthorised acts with intent to impair or hinder, or with recklessness as to impairing, the operation, access, reliability of a computer (contrary to section 3(1) and 3(3) CMA 1990 - maximum sentence **ten years imprisonment**.
4. Unauthorised acts which intend to cause or creating a significant risk of serious damage contrary to section 3ZA(1) CMA 1990 – maximum sentence **fourteen years imprisonment**.
5. Making, adapting, supplying, offering or obtaining articles for use in an offence listed at (1), (3) and (4) above – maximum sentence **two years imprisonment**.

Early on, law was seen as a means to solve problems associated with the negative consequences of technological innovation. For instance, between the years 1975 through 1985, 46 US states passed computer crime statutes and/or amended existing criminal codes to deal with such matters [10]. In the UK, the CMA was equally developed as a tool to target and criminalise wrongful conduct in our increasingly computerised society. As a criminal statute, it should handle the malicious erasure or falsification of data or the eavesdropping by third parties. However, the issue of *(un)authorised access* (which is at the heart of the CMA) is not solely a concern for corporations and enterprises. Computer, or recently tech abuse, can and does affect individuals – especially those living and working in proximity and under abusive circumstances.



Domestic violence and abuse describe the experience of (physical, emotional, sexual, psychological) violence between people within a household or familial environment, including parent and child, siblings, or even roommates. IPV is, in this regard, a more nuanced form of domestic abuse and violence, in the sense that it is perpetrated by intimate partners. The latter may be current and former spouses or dating partners. Johnson [12] proposed a typology that included two distinct types of IPV: *intimate terrorism* or patriarchal terrorism, which involves coercive and controlling behaviour and *situational couple violence*, which involves conflict occasionally “getting out of hand” and leading to “minor” forms of violence. Stalking is again another criminal offence that can, but does not need to, occur in domestic abuse and IPV situations [13]. It is commonly defined as repeated harassing acts that cause the targeted person to experience fear and a threat to their safety [14].

Whilst definitions of domestic violence, IPV, and stalking have expanded the focus to include “newer” forms of harm, such as financial abuse, technology-enabled forms (image-based sexual abuse, impersonation, withholding of access to devices [15]–[18]) are not yet widely considered in domestic abuse, IPV and stalking contexts [19]. Yet, CMA passages relating to the explanation of what constitutes a lack of authorisation, can undoubtedly apply to the domestic violence, IPV and stalking cases:

17(5) *Access of any kind by any person to any program or data held in a computer is unauthorised if—*

- (a) *he is not **himself entitled to control access** of the kind in question to the program or data; and*
- (b) *he **does not have consent** to access by him of the kind in question to the program or data from any person who is so entitled.*

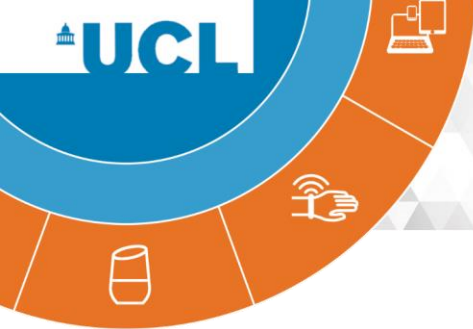
17(7) *A **modification of the contents** of any computer takes place if, by the operation of any function of the computer concerned or any other computer—*

- (a) *any program or data held in the computer concerned is **altered or erased**; or*
- (b) *any program or data is **added to its contents**; and **any act** which contributes towards causing such a modification shall be regarded as causing it.*

Law enforcement representatives that suspect above-outlined behaviour, are offered the powers to inspect, search, and seizure respective digital systems. Crucially the Crown Prosecution Service (CPS) website states [20]:

“When considering charging for CMA offences, in line with paragraph 2.5 of the Code for Crown Prosecutors, consideration should be given as to **whether the most appropriate offence is being prosecuted**. CMA offences are often committed as a **precursor to another offence** such as fraud or blackmail. In these circumstances a prosecutor may decide to charge the offence for which the sentence is likely to be higher in order to reflect the nature of the offending.”

It is clear that the CPS views offences under the CMA in a different category to IPV – simply through the mention of alternative offences (i.e., fraud and blackmail) on their publicly available



website. Rather than listing coercive and controlling behaviour, they list intercepting telephone communications or postal services, misconduct in public office, and data protection offences.

The applicability of the CMA to domestic abuse, IPV, and stalking cases is becoming more important as more and more devices are being connected to the internet. This interconnectivity increases the ways in which offending can occur [21]. Some of these tech abuse methods may not seem offensive (nor illegal) but can (and maybe) should be. For instance, on social media, scrolling through someone's profile, checking their relationship status, reading their posts, location tags, and family history is not perceived as stalking in a legal sense. This is because the viewing of the myriad of digital traces is not considered threatening or fear-inciting; regardless, it may certainly constitute an obsessive relational pursuit behaviour [22], [23], particularly when done repeatedly. Approaches to monitoring victim/survivor behaviour can also be achieved via so-called side-channel attacks where, for example, personal data is not accessed but an offender monitors the activity (e.g. energy consumption) of devices [24]. This may seem somewhat innocuous, but it provides a way of "profiling" a victim's/survivor's routine, such as when they are at home or at other locations.

### **Several factors limit the potential to control tech abuse by means of formal legal sanctions.**

Past research has shown that significant reform is needed to make the CMA fit for the 21st century, with problems identified across offences, defences, sentencing, and prosecutorial guidance [11]. Besides, the intricate UK court system, the possible lack of awareness of tech abuse within the police and CPS' charging decisions, as well as the backlog, delay, and lack of information on the progress of cases may come into play [25], [26].

In the UK, there is also a difference between the **criminal courts and family courts**, which are two different "systems"<sup>1</sup>. Family courts deal with various types of **family-related/private matters**, such as parental disputes, local authority intervention to protect children, divorce, financial support for children, as well as some aspects of domestic violence [27]. Thus, the family court is a place where disputes between two "equal" contesting parties is remedied to resolve (private family proceedings) and also hears cases where the state is involved in the family e.g. the removal of a child (public family proceedings).

Family cases are dealt with in **three forums**:

1. **Family Proceedings Courts** (which are specialist Magistrates' Courts),
2. **County Court**; and
3. **Family Division** of the High Court.

Criminal courts, however, wield power by the state against an accused individual. In these courts, crimes against society are being dealt with rather than disputes between people.

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<sup>1</sup> In addition to family and criminal cases, there are also civil cases. Civil cases involve conflicts between people or institutions such as businesses, typically over money. Civil cases include actions for money, landlord/tenant matters, breach of contract claims, personal injury etc.. Such civil cases are dealt with in the County Court with routes of appeal to the High Court and Court of Appeal (Civil Division).



The **criminal court system** in England and Wales can be considered as consisting of five levels (from “highest” to “lowest”):

1. **Supreme Court** (highest and final court of appeal)
2. **Court of Appeal** (separate civil and criminal divisions)
3. **High Court** (relevant for appeals by way of Case Stated from the Magistrates Court which are relatively rare and Judicial Review hearings for extradition offences<sup>2</sup>).
4. **Crown Court** (where trials and sentences for indictable offences and some either way offences are heard. Cases which go to trial in the Crown Court are decided by a Judge and Jury. Convictions can only be appealed to the Court of Appeal if they are unsafe e.g., on a specific point of law and sentences if they are manifestly excessive. There is no automatic right to appeal, and permission is needed).
5. **Magistrates’ Courts** (where the majority of criminal cases are dealt with, and all criminal prosecutions start. The Magistrates Court can hear summary only offences or either way offences. Cases are normally heard by either a panel of three lay Magistrates supported by a Legal Adviser or by a District Judge. Convictions and sentences from the Magistrates Court have an automatic right of appeal to the Crown Court. Questions of Law can be appealed by way of Case Stated from the Magistrates Court to the High Court. All extradition cases in England and Wales begin in Westminster Magistrates Court by specially trained District Judges.)

While one would assume that most domestic abuse, IPV, and stalking cases are dealt within the family court, it is actually the criminal court system that dominates. The family courts can be used to apply for two relevant civil orders that are of relevance to domestic abuse, IPV, and stalking cases: a Non-molestation Order and / or an Occupation Order. These are the only real applications for domestic abuse matters in the family court system. There are many cases within the family court system where these applications are not made, but the facts of the case indicate IPV. If there is a criminal offence (e.g., battery, malicious damage), the matter will be dealt with in the criminal court instead.

Most criminal cases in England and Wales are investigated by the police and then **passed onto the CPS for a charging decision, and in some cases, prosecution**. The CPS use the publicly available **Code for Crown Prosecutors** to make charging decisions [29]. The full code test includes two stages:

1. Is there **sufficient evidence** to provide a realistic prospect of conviction for each charge against each defendant.
2. Where the evidential test is satisfied, is it in the **public interest** to bring a prosecution.

The **CPS Domestic Abuse Guidelines for Prosecutors** [30] state that where the evidential test is satisfied and the victim is willing to give evidence, the public interest will more likely than not be satisfied. The **Guidelines are relatively sparse on technology-enabled abuse**:

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<sup>2</sup> The CPS has a specialist extradition unit that conducts extradition proceedings on behalf of foreign authorities for “requested persons” arrested in England & Wales. [28].





“The CPS recognises that most incidents of domestic abuse will take place through person to person contact and, that increasingly some incidents will take place via telephone/mobile calls, through internet and communications technologies, such as mobile texts, emails, social networking sites and other web-enabled methods. Some examples of such abuse may include controlling the use of a complainant’s phone; harassment through text, mobile, email, social networking sites etc; posting of inappropriate materials such as sexually explicit or nude images or defamatory or insulting comments; or stalking a victim through the use of GPS technology on a victim’s mobile device. This is by no means an exhaustive list”.

It is important to note that there are other prosecuting authorities who arise within the course of the research, such as the **National Crime Agency or the Series Fraud Office**.

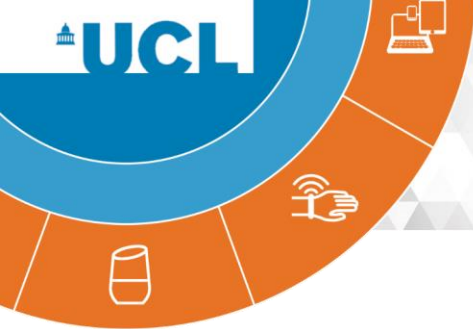
Once a court case is set in motion, **defendants may be charged with multiple offences** (typically one offence for each instance of behaviour/action such as criminal damage for smashing a victim/survivor's phone, and common assault for a push which happened shortly after). However, **the same exact act should not be prosecuted as two offences**. The Criminal Procedure Rules at 10.2(2) states: “more than one incident of the commission of the offence may be included in a count if those incidents taken together amount to a course of conduct having regard to the time, place or purpose of commission”. For example, if a defendant has punched two different victims/survivors during the same evening, but in two different parts of a public house, this may be charged as two offences. However, if they have punched the victim/survivor and pushed the same victim/survivor in close succession, this will likely be considered part and parcel of the same attack and be **charged together as a single offence which takes into account all the injury caused**.

## The Present Research

Together, all the above-outlined dynamics highlight the need to examine the past prosecution dynamics of tech abuse within the UK court system, and to specifically identify which legislation tech abuse incidents are dealt with. Over the course of February until May 2021, we, therefore, conducted a **systematic legal evaluation**. Across two studies, we methodically identified, extracted, and reviewed court cases in England/Wales that were prosecuted using the CMA (Study 1) or involved domestic abuse offences (Study 2). This focus enabled us to study the applicability of the CMA and analyse its relevance for technology-enabled abuse forms. We are confident that our research raises awareness on the pertinence of the CMA for domestic abuse, IPV, and staking contexts and addresses the UK Home Office interest in better understanding different abuse methods and may add to the ongoing formal review of the CMA [9].

## Study 1: Computer Misuse Act (CMA) Court Cases

To further our understanding of the applicability of the CMA, we conducted a systematic search of three legal databases (Westlaw, LexisNexis and Bailii) to review court cases where the CMA was of relevance. This culminated in a total of 94 cases, where the relevant court documents (case digests, law reports and judgments) were downloaded and analysed offline, drawing on a thematic framework which was established for this research. This resulted in the finding that just two of the 94 cases involved elements of tech abuse and IPV.



## Method

In March 2021, we conducted a **systematic search of three legal databases to review court cases where the CMA was referenced**. This approach allowed us to examine the use of the Act in previous IPV cases and its relevance for offences related to tech abuse. As our research is low risk and does not involve direct contact with vulnerable groups nor the collection of new, personal identifiable data, it was exempted from the need to obtain formal ethics approval.

## Eligibility Criteria

Ahead of conducting the search, we decided upon two inclusion criteria for the cases we would review: firstly, that the cases were of relevance to the CMA; and secondly, that they took place in a court within England and Wales. There was **no time limitation regarding dates**, as we wanted to review as many cases as possible since the Act became law in 1990.

## Databases

Westlaw, LexisNexis, and Bailii were the three legal databases utilised to undertake our systematic search. The first two were chosen as they are the leading commercial case law databases in England and Wales [31], and the latter because it provides the most complete virtual collection of legal documents that is freely available [32]. There is no official definition or explanation of a legal database. In short, they are privately run platforms which provide a mixture of externally generated information (e.g., public statutes, textbooks, and judgements) and internally generated content (their own summaries of cases or notes on an area of law). They are predominately used as a place to store law reports. Law reports are produced by different organisations and report interesting cases (typically those from the higher courts in the legal system). Examples include the weekly law reports written as W.L.R (published by ICLE) and The Criminal Appeal Reports written as Cr.App.R (published by Sweet and Maxwell).

Typically, databases will have important cases in multiple law report formats. Law reports will have a neutral citation showing the date in square brackets, followed by a number if more than one volume that year was produced, followed by the law report initials and the page in the report where the case is outlined. Where a case has not been featured in a law report but is the internal content of a database, it will have a number (they may also have an internal citation system, such as Westlaw using WLUK). Popular databases like Westlaw may have their own written case summary / digest for cases. As a matter of good practice, where available, this research has been conducted through law reports with neutral citations.

Most cases featured in these three databases have taken place in the following higher-level courts: High Court, Court of Appeal, and Supreme Court (previously the House of Lords). With some exceptions (e.g., Nominet - an alternative dispute resolution service), neither lower-level Magistrates' or Crown Court judgments are officially reported or made publicly available on these or any other databases [33].<sup>3</sup>

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<sup>3</sup> Approximately 2500 judgments - which equals less than 2% of all judgments - are reported annually within law report series (i.e., court cases in the High Court and Court of Appeal) [34].



## Search Terms

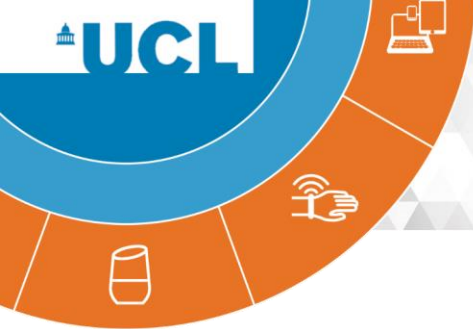
To ensure our search identified as many relevant documents as possible, we decided (together with our legal counsel and university subject librarians), to use “Computer Misuse Act 1990” as the core search term across all databases (which included the brackets). No additional filters (such as content type, date or jurisdiction) were added.

## Data Collection

When using these three legal databases, the search results provide users with law reports (i.e., record of a judicial decision on a point of law) and judgments (i.e., an official written record/ of the court’s judgment). The data extraction process for each database was as follows:

- 1) **Westlaw (n=82):** We searched within the Cases tab, under Case Search. We then input “Computer Misuse Act 1990” into the Legislation Title box, and pressed search. A total of 93 search results came up, which we then downloaded and read the full text of between the 5 March – 8 March 2021. These results were a combination of case digests (summaries of cases written by Westlaw), and law reports from court cases. Eleven of these were excluded because they were court cases which were linked to another case in the results list, and the most recent court hearing was the one that was kept for analysis. Consequently, this search culminated in 82 different cases.
- 2) **LexisNexis (n=9):** We searched within the Cases tab, inputting “Computer Misuse Act 1990” into the Search terms box, and pressed search. A total of 208 search results came up, which we then screened between 9 March – 12 March 2021, to check any duplicate results to those from Westlaw. We found law reports relating to nine additional cases which we had not found in Westlaw and proceeded to download these.
- 3) **Bailii (n=2):** We searched within the Case Law Search section, inputting “Computer Misuse Act 1990” into the Exact phrase box, and pressed search. This identified a total of 63 search results, although only 62 documents were listed. We then screened these 62 documents to check any duplicate results to those from Westlaw and LexisNexis. We found judgments relating to three additional cases which we had not found in Westlaw and LexisNexis and proceeded to download these on 12 March 2021. One case was from Northern Ireland, and therefore discounted.

We must note that when we initially conducted the database search, the preliminary search results did not always equal the exact number of individual court cases. Some cases had various stages, hearings and dates relating to the same parties and concerning the same behaviour. For example, we found that the Various Claimants v WN Morrisons Supermarket Plc [2017] EWHC 3113 (QB) took place at the Queen’s Bench Division court, with a judgment date of 1st December 2017. Then WM Morrison Supermarkets Plc v Various [2018] EWCA Civ 2339 took place at the Court of Appeal (Civil Division), on 22nd October 2018. Such instances are therefore counted as one court case overall.



## Data: Court Cases

The number of different individual court cases from the three databases came to a total of **N=93**. To ensure completeness, we also compared the search results with (a) Michael Turner's index of CMA case law (findings reported in a subsection below) [35], and (b) Casemine. To the best of the authors knowledge, Turner's database is to date the only other resource that summarises existing CMA court cases in an organised fashion. Casemine is a commercial, artificial intelligence (AI) enabled legal research tool that extracts court cases.

## Comparison with Casemine

To further add to our research integrity, we compared our search results with the legal research AI Casemine. As with the three other databases, we probed Casemine using the term Computer Misuse Act 1990 in its search bar (without brackets)<sup>4</sup>. The search returned 50 results under the "Judgments" tab, which we set side by side with our 93 cases. Thirty-three of these results were cases that duplicated our existing findings. A further ten of the results were repetitions of cases that had already been accounted for in the previously mentioned 33 results. Finally, seven new cases were flagged. Upon closer inspection, one of these cases did mention the Act but did not use it for prosecution, whilst the other six did not mention the CMA at all. Officially, this brought the total number of cases to **N=94** (see **Appendix A**).

## Data Analysis Process

All extracted court documents were downloaded and analysed offline drawing on a thematic framework established for this research. To do this, we read and reviewed all documents associated with each court case (i.e., case digests, law reports, and judgments), determined the number of cases that involved tech abuse and IPV, and summarised all information in a tabular format (see: **CMA Court Cases from Legal Database Searches Excel Spreadsheet**). In our framework, the most recent court date hearing is displayed to indicate court cases that have gone through different stages (e.g., the *WM Morrison Supermarkets Plc v Various Claimants* example).

After all the documents for each case were downloaded and read, a colour code was assigned to each case, to stipulate the following:

Yes = IPV involved

No = No IPV

Maybe = IPV suspected

Case of Interest = A case of interest that needs to be investigated further

## Results

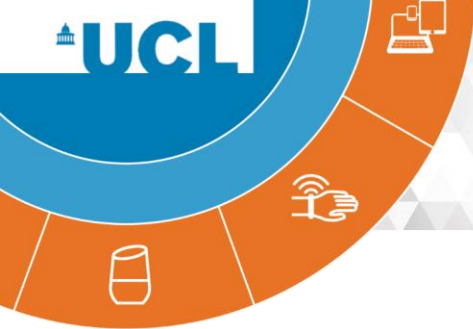
As mentioned, each case was assigned a colour code in relation to if they involved IPV. The breakdown was as follows for the **N=94** cases:

Yes = IPV involved (**2 cases**)

No = No IPV involved (**84 cases**)

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<sup>4</sup> The use of brackets on Casemine resulted in viewer search results.



Maybe = IPV suspected to have been involved (5 cases)

Case of Interest = A case of interest that needs to be investigated further (3 cases)

## Tech Abuse and IPV

To date, our analysis indicates that there are **only two cases** (R. v Rogers (Barry Henry)) [2014] EWCA Crim 830 and R. v Debnath (Anita) [2006] 2 Cr.App.R (S.) 25 that involved tech abuse and IPV. There were a small number of additional instances in which we suspect IPV could potentially have been occurring. Still, this latent dynamic cannot be confirmed based on the court documents available to us. In the following section, we provide a brief overview of the types of offences that we are referring to:

### Confirmed IPV Cases

#### *R. v Rogers (Barry Henry) [2014] EWCA Crim 830*

The appellant was **accused of stalking the complainant (his ex-partner Dr Judson) using electronic means**. The appellant was arrested in Scotland on 22 July 2011. Two computer towers belonging to the appellant were examined. A police expert found files containing a large cache of personal information about Dr Judson, her friends, and her family. **Emails had been copied from Dr Judson's new email address and from her sister and friends' email addresses**. In addition, the appellant had **saved photographs** of Dr Judson attending various events. All this personal information had been obtained by **hacking into computers** to which the appellant had no right of access. The appellant had been obtaining unauthorised access to material from the date of his separation from Dr Judson to the day before his arrest. The judge described the nature of his activity as a form of electronic stalking. On 2 April 2011, a police officer had given the appellant an informal harassment warning. Instead of contacting Dr Judson directly, he adopted the alternative method of breaching her privacy.

In her victim impact statement, Dr Judson said: "Only when Barry was arrested in July 2011 did it become apparent how much surveillance of my life had been carried out by him. I was disturbed when I was shown the many documents and emails that he had obtained since I had left him. It seemed that he had systemically observed, via electronic means, nearly everything that I had done in those months. This included personal emails between my friends and I and obtaining telephone and credit card bills. Through this he would have known my whereabouts on many occasions. Even more disturbing was to see that he had extensively violated the privacy of my sister (whom he had never even met), and my friends in Carlisle, by gathering personal information on them, and storing documents to which he had no right, such as their CVs, on his computer".

#### *R. v Debnath (Anita) [2006] 2 Cr.App.R. (S.) 25*

The appellant and the complainant, Mr A, were work colleagues who had a one-night stand in July 2001. The appellant believed that she had caught chlamydia from this encounter, although the complainant has never had chlamydia. It was this belief that appeared to spark a course of harassment by the appellant between February 2003 and February 2004. Her harassment included the following:



# TECH ABUSE

- She sent the complainant's fiancée **emails purporting to be from one of his friends**, informing her of alleged sexual indiscretions.
- She **registered the complainant on a website** called "positive singles.com", a database for people with sexually transmitted diseases seeking sexual liaisons.
- She **set up a website** called "A is gay.com", which had a fake newspaper article detailing alleged homosexual practices by the complainant.
- The complainant received large amounts of homosexual pornography. He found that he was **registered on a gay American prisoner exchange**. He received a letter from a long-term, gay, American prisoner in response to a letter he had allegedly written, describing various sexual fantasies.
- The **complainant's former employers received an email** purporting to be from him, which listed ways in which he was allegedly harassing the appellant and trying to frame her for harassing him. It was also suggested that he had a criminal record, which was not the case. The email was circulated throughout the company.
- The appellant arranged to have the complainant's **email account sabotaged** so that he was unable to access his account again. All the material in his account was forwarded to another email account to which the appellant had exclusive access.
- The appellant was arrested, and her computers were examined. She had **paid a group of computer hackers** \$150.00 to assist in sabotaging the complainant's email.
- She had **joined a revenge internet forum**, where she exchanged practical ideas about exacting revenge.

On 29 June 2004 at Leicester Crown Court, the appellant pleaded guilty. She was bailed for pre-sentence reports, one of her bail conditions being that she was **not to access the internet**, but she reoffended.

## **Suspected IPV cases**

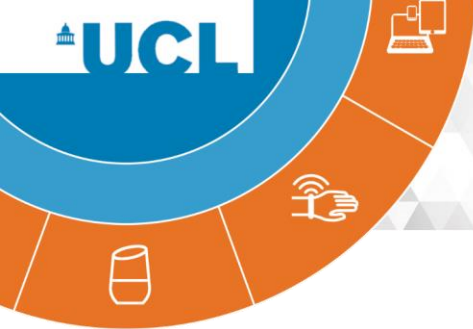
### *F v M [2021] EWFC 18, 2021*

This case involves a mother, father, and their three children (X, Y and Z.). The parents separated in August 2015, and the children had been subject to court proceedings since March 2015. The judge said that it is beyond doubt that all three children have been caused persistent and significant harm as a direct result of the actions of both parents, separately and jointly, arising from the discord between the parents.

The mother (M) had been summoned to appear at a Magistrates Court to answer a charge contrary to s1(1) and (3) of the CMA 1990. In May 2019, she was notified by the Crown Prosecution Service (CPS) that the criminal case was to be discontinued, as there was not enough evidence to support a realistic prospect of conviction. **There are no details of the CMA allegation within the judgement. However, an IPV element is prevalent.**

The judge made the following findings of the father (F):

- F deliberately lied about M having "knobbed" a judge when talking to Q (a family friend) to harm M's case.



- F has deliberately lied about the children having exhibited sexualised behaviour, following unsupervised contact with M in 2016, to harm M's case.
- F has demonstrated and continues to show hostility towards M causing her frustration, upset and distress and placing her under an intolerable stress level.
- F has damaged the children's relationship with M.
- F failed to support the children in relationships with the wider maternal family, thereby alienating them from their maternal family.
- F has excluded M from exercising parental responsibility for the children since they have been in his care.
- F deliberately sought to curtail M's exercise of parental responsibility in respect of X's proposed school move.
- F deliberately sought to cut M out of the decision-making regarding Z's proposed school change until as late as possible and deliberately sought to conceal the information from the parties or to the court when he had every opportunity to do so the hearing on 3rd April 2020.

### *R. v Khan (Mahdiya) [2013] 1 Cr.App.R.(S.) 113*

The applicant (K) applied for permission to appeal against concurrent sentences of eight months' imprisonment imposed after **she pleaded guilty to six counts of unauthorised access to computer material** contrary to the CMA 1990 s.1.

K was employed in the social services department of a local authority. **She had access to a database containing personal information.** Her access was limited for specific purposes, and she had signed a systems access confidentiality agreement. K's partner (X), with whom she had two children, had been charged with child abduction in relation to a teenager (T) and was being investigated for exploiting young girls. **Detailed information regarding T was held on the system.** K's colleague checked the records to see whether she had accessed them. She had accessed the records on 32 occasions over 15 days between July and September 2011. She also **accessed information about T's immediate family, X and X's brother.** K admitted the offences. She alleged that X was violent and controlling. He had urged her to obtain documentation, and she had done so out of fear. In passing sentence, the judge noted K's difficult relationship with X and the fact that she had two children with him.

### *White v Withers LLP [2009] EWCA Civ 1122*

This case concerns a claim brought by the appellant, Mr Marco Pierre White (W) against Withers LLP (S), one of the leading firms of divorce lawyers, Mr Marcus Dearle (D), one of its partners, and Mrs Matilde White (X), the claimant's wife. S had represented W's wife (X) in ancillary relief proceedings against W. W alleged that X had intercepted his post and withheld documents.

The defendants (S) pleaded that the claimant (W) had made a series of threats that in the event of Mrs White's (X) divorcing him, that he would fail to provide full and proper financial disclosure and/or he would dissipate his assets or frustrate the petitioner's ability to obtain the financial provision to which she was lawfully entitled. It is alleged that he informed her that:

“(a) she would not receive a penny from him were they ever to separate;



- (b) he would leave the country and that she would never find him;
- (c) he would pull the plug on everything and that she would get nothing from him because when his affairs were unravelled, she would discover that he owned nothing because it was all being dealt with now;
- (d) he owned nothing and had sold it all for £1.”

The defence pleaded that since the commencement of divorce proceedings, the claimant had conducted himself in a way which was calculated to frustrate X’s entitlement and to conceal his true financial position by means of a series of false, incorrect or misleading statements and failing to give proper disclosure of his assets. These allegations have been denied.

**The CMA was referenced by the judge in relation to a past case, L v L [2007] EWHC 140 (QB), [2007] 2 FLR 171, where the wife was potentially guilty of breaching the Data Protection Act 1998 and the CMA 1990.**

### *Harrison v Harrison [2008] EWHC 362 (QB)*

Following an unsuccessful application to set aside an order made in ancillary relief proceedings and an aborted attempt to freeze assets belonging to her husband’s company, a wife was ordered to pay her husband’s costs on an indemnity basis.

In late May 2002, the wife **obtained many documents and a CD from an anonymous source.** She said that she had telephoned some three people, one of whom was a current employee of the husband called Mr Hussain Radwan, and two former employees. She asked each of these people for help, and soon after the phone calls, she received no less than seven brown envelopes (sent from different locations) containing documents and a CD. The CD contained current printouts from the office computer at Interchange and similar printouts from the husband’s personal computer, which was kept in his rented home. A computer expert established that the **information had been drawn from the office computer out-of-hours and the husband’s computer on a date when he was away from his home.**

The judgment stated that “the wife asserts that the items must have been sent by one of the gentlemen whom she telephoned to seek assistance or, as she told me in her oral evidence, by the husband himself to discredit her. I find her explanations very unlikely. The husband considers that a private detective must have provided the information. The wife admits to employing detectives in the Children Act proceedings but denies their use in this financial case”.

### *L v L 2007 [2007] EWHC 140*

This case involved a claimant, the **husband, seeking delivery of all copies of the hard drive of his laptop computer made or taken by the first defendant, the wife, and her solicitors, the second defendant.**

The husband’s laptop was removed from his office at the family home by a computer expert engaged by the wife. The husband claims that this was illicit, and the wife contends that it was lawful. As far as property in the laptop is concerned, her case is that it was the **joint property** of





her husband (they were still married at that point) and herself, or that her husband **permitted her to access or copy the contents of the computer or authorise her agents to do so.**

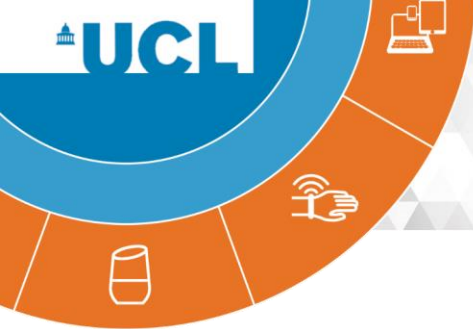
Following his discovery that the laptop had been removed, the husband instructed agents on his behalf to enter the outbuildings of the family home and to remove the network server, fearing that the wife might have that copied or removed as well. The wife complained of the husband's self-help act, saying it considerably exacerbated the ill feelings and mistrust between them, with corresponding distress and harm to the children. The husband contended that **the hard drive contained numerous documents and communications to or from his personal email account** that included information or material protected by legal professional privilege, confidential information not protected by legal professional privilege, and information about friends' personal and business affairs and colleagues.

## Other Relevant Cases

In addition to the cases discussed above, we were also able to identify a few more cases of interest. The case **R. v Coles-Day (Stephen) [2015] EWCA Crim 2444**, dealt with an appeal against conviction with the leave of the single judge: on 1 April 2015 the appellant was convicted of dangerous driving and driving whilst disqualified and was sentenced to 20 months' imprisonment for the dangerous driving and six months' imprisonment concurrent for the disqualification offence. He was disqualified from driving until an extended driving test was taken. He was also ordered to pay £1,500 in costs.

Interestingly, this defendant had previously been convicted of computer misuse relating to tech abuse which was raised in the judgment relating to bad character evidence. He had a previous conviction for an offence under the CMA 1990 due to having **accessed his former partner's Facebook account**. The conviction arose out of a campaign of harassment by the appellant against his former partner during which he hacked into her social media accounts. Messages were then sent from that account to all her contacts and posted on her Facebook wall. He also hacked into a dating website, where she was advertised as a paedophile on the site, as well as her own Facebook account. Full control of her accounts was taken away from her by the appellant. The accounts in her name remained active, and those communicating with her accounts would have done so in the belief they were talking to her. The appellant's computer was seized. It was found to **contain hacking software for recovering encrypted passwords; for deleting user activity and for allowing remote access** from any computer having an internet connection. On it was also evidence that the computer had accessed the hacked accounts.

We found two further cases of interest. In **R. v Nichols (Andrew Alan) [2013] 2 Cr.App.R(S.) 10**, a police officer had used the police force intelligence system to perform checks on relatives. In **R. (on the application of Webb-Johnson) v DPP [2005] EWHC 3123**, there were two charges against the claimant: harassment of a former female friend for three years (his diaries suggested that he had become obsessed with her) and causing a computer to perform a function with intent to secure unauthorised access to a program or data held. These cases require further investigation to understand if IPV and tech abuse were involved, as the documents available to us did not provide much detail.



## Comparison with Michael Turner's Database

In addition to the individual analysis of the identified cases, we further compared our findings (a total of 94 cases) with Michael Turner's database, which he has maintained since 1992 [35]. At the time of writing, his database contained 168 cases where the CMA has been used. We found that we had a crossover of 21 cases. We were keen to ascertain why these discrepancies existed and why specifically the *R. v Rogers* (Barry Henry) and *R. v Debnath* (Anita) cases were not part of Turner's index.

We were able to coordinate a phone call and several email exchanges with Turner. During these interactions, we confirmed that his database is not generated using a systematic search of legal databases. Instead, Turner's database is set up less systematically, using various sources (i.e., web searches, Google Alerts, news and media website, personal contacts within the police, referrals from the CPS). Based on these more ad-hoc data points, Turner compiles his index, with his main inclusion criteria being that (a) a defendant/s had to be prosecuted under the CMA, and that (b) he is able to identify more than one independent source discussing the court case (e.g., BBC news article).

Having established these methodological differences and case overlaps with both Turner's database and Casemine, we are confident of the completeness of our findings, even though some of the identified disparities point to some limitations.

## Study 2: Domestic Abuse Court Cases

As our extracted court documents relating to the CMA did not deliver the amount of information that we had expected them to, we conducted a **systematic search of court cases that were of relevance to domestic abuse within England and Wales**. We used the same three legal databases (Westlaw, LexisNexis and Bailii) as with the CMA systematic review. This culminated in a total of **N=108 cases, where the relevant court documents (case digest, law reports, and judgments)** were downloaded and analysed offline drawing on a thematic framework which was established for this research. This resulted in the finding that 20 cases involved elements of tech abuse.

### Method

Over the course of April and May 2021, we conducted a systematic search of three legal databases (Westlaw, LexisNexis and Bailii) and conducted a **time-limited dip sample of domestic abuse court cases prosecuted in England and Wales**. As with the CMA systematic review, our research is low risk and does not involve direct contact with vulnerable groups nor the collection of new, personal identifiable data, so we have been exempted from the need to obtain formal ethics approval.

### Eligibility Criteria

Ahead of conducting the search, we decided upon three inclusion criteria for the cases we would review: firstly, that the cases were of relevance to domestic abuse; secondly, that they took place in a court within England and Wales; and thirdly that the court cases occurred within the ~ last six months. This time-limited dip sample approach was chosen due to the vast number of court cases



that take place where the law report involves some form of mention or reference to domestic abuse.

## Databases

We used the exact **same legal databases** (Westlaw, LexisNexis, and Bailii) to undertake our systematic search as with the CMA search.

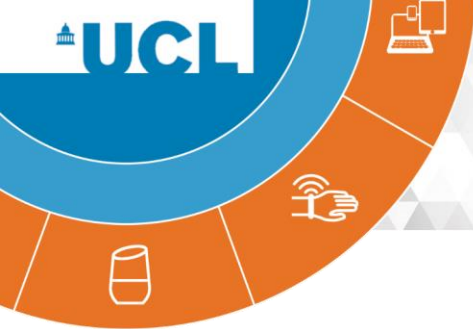
## Search Terms

To ensure our search identified as many documents as possible which were of relevance to our research, we decided (together with our legal counsel) to use “Domestic Violence and Abuse” as our core search terms across the three databases (which included the brackets). However, when these search terms were input into Bailii, they generated only 134 results, so instead we used “Domestic Abuse; Domestic Violence” which brought up a far greater number of results (1283 results), which will be touched on in more detail below. No additional filters (such as content type or jurisdiction) were added.

## Data Collection

As with the CMA court case search, whilst using these three legal databases, the search results provide users with law reports (i.e., record of a judicial decision on a point of law) and Judgments (i.e., the official written record/transcript of the court’s judgment). The data extraction process for each database was as follows:

1. **Westlaw (n=30):** We searched within the Cases tab, under Case Search. We then input “Domestic Violence and Abuse” into the Subject/Keyword box, and pressed search. A total of 854 search results came up. Due to the time-limited dip sample approach that we took (cases from ~ last six months) we read through and downloaded documents between 13 April – 15 April which were of relevance to court cases that took place from 30 October 2020 to 12 April 2021. This came to a total of 40 results. These results were a combination of case digests (summaries of cases written by Westlaw), and law reports from court cases. Out of these 40 cases, three took place in courts outside of England and Wales so we did not include these. Furthermore, we were not able to review seven cases as we did not have access to those resources. Therefore, the search culminated in a final number of 30 different cases.
2. **LexisNexis (n=21):** We searched within the Cases tab, inputting “Domestic Violence and Abuse” into the Search terms box, and pressed search. A total of 3370 search results came up. As with Westlaw, due to the time-limited dip sample approach that we took (cases from ~ last six months), this came to a total of 60 results for the period 30 October 2020 to 12 April 2021. We then screened these results from between 23 April – 26 April 2021, to check any duplicate results to those we already had from Westlaw. We found law reports relating to 31 new cases which we had not found in Westlaw and proceeded to download these. However, ten of these cases were not in England or Wales so these were excluded. Therefore, the search culminated in a final number of 21 different cases.



3. **Bailii (n=56):** We searched within the Case Law Search section, inputting “Domestic Abuse; Domestic Violence” into the Exact phrase box, and pressed search. A total of 1283 results came up. We conducted this search and screened results between the 4 May and 6 May 2021, so with our time-limited dip sample approach (cases from ~ last six months) we considered cases up until these dates. Therefore, the cases we screened for this database were those heard from 30 October 2020 to 4 May 2021. This came to a total of 94 results. We then screened these 94 documents to check any duplicate results to those from Westlaw and LexisNexis. We found Judgments relating to 60 new cases which we had not found in Westlaw and Lexis and proceeded to download these. However, six of these cases were not in England or Wales and so were excluded. Therefore, the search culminated in a final number of 54 different cases.

## Data: Court Cases

The number of different individual court cases from the three databases therefore came to a total of **N=107**.

## Comparison with Casemine

To further add to our research integrity, as with the CMA court cases, we compared our search results with the legal research AI Casemine. We probed Casemine using the search terms, Domestic Violence and Domestic Abuse, in its search bar (without brackets)<sup>5</sup>. The search returned a total of 11,620 results under the “Judgments” tab, and we then clicked on the “Recent” tab, which then returned a total of 355 results. Twenty-three of these results fell within the ~ last six months (our time-limited dip sample of domestic abuse court cases prosecuted in England and Wales). We set these 23 cases side by side with our 107 cases. Nineteen of these results were cases that duplicated our existing findings. Furthermore, three cases were discounted because they did not take place within a court in England or Wales. Finally, **one new case** was flagged. Officially, this brought the total number of cases to **N=108** (see **Appendix B**).

## Data Analysis Process

All extracted court documents were downloaded and analysed offline drawing on a framework established for this research. To do this, we read and reviewed all documents associated with each court case (i.e., case digests, law reports, and judgments), determined the number of cases that involved a case of domestic abuse, and more specifically tech abuse, and summarised all information in a tabular format (see: **Domestic Abuse Court Cases from Legal Database Searches Excel Spreadsheet**).

As with the CMA court cases, after all sampled documents were downloaded and read, a coloured code was assigned to each case:

Yes = Tech abuse was involved.

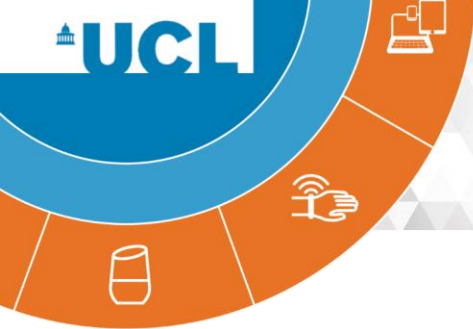
Unknown = Does not mention any specific involvement of tech abuse in the documents.

Maybe = Tech abuse is suspected to be involved.

N/A = Not involving a case of domestic abuse.

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<sup>5</sup> The use of brackets on Casemine resulted in fewer search results.



## Results

As mentioned, each case was assigned a coloured code in relation to if they involved IPV. The breakdown was as follows for the **108 cases**:

Yes = Tech abuse was involved (**20 cases** in total: 19 cases of IPV tech abuse and 1 case of tech abuse perpetrated by a son against his father)

Unknown = Does not mention any specific involvement of tech abuse in the documents (**67 cases**)

Maybe = Tech abuse is suspected to be involved (**5 cases**)

N/A = Not involving a case of domestic abuse (**13 cases**)

Cases of Interest = A case of interest that needs to be investigated further (**3 cases**)

Our search terms, “Domestic Violence and Abuse”/ “Domestic Violence; Domestic Abuse” brought up court cases which mentioned domestic abuse in a myriad of capacities. This included cases which directly concerned a case of domestic abuse between two individuals (e.g., **R. v Baldwin (Kara) [2021] EWCA Crim 417**) to cases where domestic abuse was solely mentioned in the judgment in relation to another case which had been referred to (e.g., **(R (on the application of Pearce) v Parole Board of England and Wales and another [2020] EWHC 3437 (Admin))**).

Furthermore, many of the cases we examined and analysed were in fact not specifically solely about two people who were in/had been in an abusive relationship, with one individual taking the other to court to prosecute them for being an offender of domestic abuse. However, the cases commonly concerned the following: (a) **children** and which parent they should live with, or regarding care or supervision orders, for which domestic abuse has been a part of a parent’s/the parents’ relationship; (b) cases where an **appellant is appealing against a prior decision** made not to grant them leave to remain in the United Kingdom, and for which domestic abuse is relevant due to either the claim that they are a victim of such offences, or they have previously been found to be a perpetrator.

This meant that the comparisons we had hoped to make<sup>6</sup>, were not possible in every case, due to the type of information and court cases that our search had provided. Instead, our systematic review of domestic abuse cases meant that we were able to examine: (a) court cases that have taken place during the last six months that were of relevance to domestic abuse; (b) cases where tech abuse had occurred; (c) technologies utilised to carry out such abuse; and (d) sentencing types across a few cases which were directly concerned with domestic abuse between two individuals.

As previously mentioned, with some minor exceptions, neither lower-level Magistrates’ or Crown Court judgments are officially reported nor made publicly available on the three databases we used. Thus, most featured cases took place in higher-level courts. This is also relevant in domestic abuse cases because almost all criminal court cases start in a Magistrates’ court, with

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<sup>6</sup> Comparative elements we hoped to examine: (a) how cases differ; (b) whether cases that involve tech abuse are not prosecuted using the CMA (i.e., which would highlight limitations of the Act); (c) whether cases involving the CMA result in different outcomes to those that do not (e.g., successful prosecution and sentence length); and (d) whether as well as what type of expert witnesses are called.



approximately 95% being completed there [36]. For the year ending March 2020, the CPS recorded 28,413 cases of stalking or harassment that came to a first hearing at a Magistrates' court. Of these, 82% (23,431 cases) were related to domestic abuse [37]. This, of course, means that the cases we have access to on the legal databases are just a very small snapshot of court cases that take place each year across England and Wales.

Furthermore, with regard to being able to make sentencing comparisons between the cases found with the CMA and the domestic abuse searches, it should be highlighted that many of the domestic abuse court cases we analysed took place within a family court. This is of importance because as the Judgment from the **H-N (Children) (Domestic Abuse: Finding of Fact Hearings), Re [2021] EWCA Civ 448** case explains:

"The Family Court is a civil court of law. Where an allegation of domestic abuse is made, but not admitted and the court goes on to conduct a 'fact-finding' hearing to determine whether the allegation is proved, it does so under the ordinary civil law. The burden of establishing truth is on the parent who makes the allegation. It is for that parent to satisfy the court, on the balance of probabilities, that 'the occurrence of the event was more likely than not'".

Therefore, many of the cases we examined mentioned domestic abuse in relation to allegations or fact findings instead of specifically relating to the prosecution of a perpetrator due to the domestic abuse offences they had committed.

## Cases involving Tech Abuse and IPV

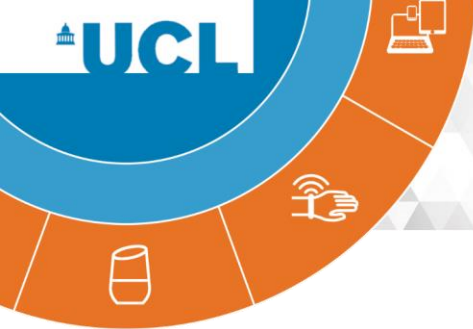
Our analysis indicates that there are **19 cases** that involved tech abuse and IPV and **one case** that involved tech abuse perpetrated by a son against his father (**BHX v GRX & Anor [2021] EWHC 770 (QB)**). In the following section, we provide a brief overview of these types of tech abuse offences.

### ***H-N (Children) (Domestic Abuse: Finding of Fact Hearings), Re [2021] EWCA Civ 448***

This case involved four conjoined appeals (*H-N Appeal, H Appeal, B-B Appeal and T Appeal*), which included allegations of domestic abuse by one parent against the other. Regarding the *B-B* case, the mother had made allegations that the father had forced her to take cocaine that he controlled her financially, relying on her income to support him; that he was verbally and physically abusive; that he was controlling by **listening to her phone conversations**, wanting to know where she was at all times and that he was unsupportive and irresponsible. The father alleged that the mother was verbally and physically abusive, that she would accuse him of cheating and **regularly check his phone**, that she was violent with their child.

### ***R. v Marshall (Peter Thomas) [2021] EWCA Crim 325***

The complainant (Miss Smyth) was in a brief relationship with the appellant from mid-November 2019 to 1 January 2020. The relationship ended on New Year's Day 2020 when Miss Smyth felt that the **number of calls and messages she was receiving from the appellant was excessive**, and she told him that it was over. However, he continued to send her messages and telephone her. The messages ranged from mild threats to abuse, from telling the complainant that he loved



# TECH ABUSE

her, to threatening her and her family, for example: saying that he would “smash her up” and would “cut her like a pig” and “I’ll fucking humiliate ya on my mum’s fucking life and I’ll pull up and blow all ya windows out and then kick the front door down and tie ya up while I Stanley blade ya.” The complainant made the decision to change her telephone number as the contact from the appellant had not diminished but had increased, **and she could not use her telephone due to the number of incoming calls and messages she was receiving.** His repeated contact made her change the way she lived, stopping her from allowing her daughter to play in the garden, and making her keep her doors and windows closed. **The appellant breached that restraining order by making contact with her over Facebook.** At the sentencing hearing, a particular focus was on the appellant’s abysmal record of threats and violence against women.

### ***A Local Authority v Mother, Father, The Child ‘S’ through his Children’s Guardian, Paternal Grandmother [2021] Family Court***

This case is concerned with a nine-month-old baby and where he should live. The child’s mother disclosed physical abuse, emotional abuse, and coercive control by the father. When the father was released from prison on bail, pending his criminal trial, his bail conditions were understood to have included that he was not to have any contact with the child nor to enter the Local Authority area where the mother was living. However, the mother and father did meet, and she said she had initially ignored his calls and then changed her number. However, he was persistent and **contacted her on her different social media accounts using fake accounts.** She also said that the father was aware of when she has contact with their child and knows her current address.

### ***R. v T [2021] EWCA Crim 318***

The complainant had been the appellant’s second wife. They married in July 2002 but were divorced in November 2010 after separating in 2009. Following the divorce, the appellant had **continued to contact the complainant by text message.** During 2016 and 2017, he sent her a large number of text messages. Many were **explicitly sexual in nature**, and many were sent late at night or in the early hours of the morning. She asked him to stop, but he continued to contact her. On 6 June 2017, the complainant made a formal complaint to the police about the abuse she alleged she had suffered during the marriage. The appellant was interviewed on 22 September 2017. He denied all the allegations of abuse that had been made but admitted to having sent the text messages.

### ***J (Children) (Transnational Abandonment), Re [2021] EWHC 280 (Fam)***

This case involves allegations of domestic abuse, controlling behaviour, and transnational abandonment. The applicant is the mother and the respondent the father of three children. The mother alleges that the father’s abandonment of the family was part of his controlling behaviour over the course of the marriage, which involved the use by him of physical violence against both the mother and their daughter, J, which had come to the attention of J’s school, social services, and the police.

The judge said that the evidence establishes quite clearly that the father sought to control the mother. He controlled the mother’s access to money; she did not have a bank account and had no other source of income. He did not take any serious steps to assist her in learning English. He **installed a camera in the family home to spy on and control the behaviour of the mother.**



# TECH ABUSE

## *F v M [2021] EWFC 4*

This case involved the court making findings of fact following the application of a father (F) for contact with his two children, Y and S, after their mother (M) alleged that he had subjected her to domestic abuse. He coerced her into quitting university, after which they moved to a new house many times to prevent her parents from locating them. There were times where the mother had tried to leave him, and her mother (MGM) said she was “devastated to discover that the Respondent had returned to the Applicant, as he had bombarded her with calls and texts for her to return to him”. After their first child was born, the mother alleged that the father frequently locked them indoors, neglected the child, controlled their food, sold her things, and took her savings. She further claimed that he demanded they have a second child and raped her multiple times. While pregnant with their second child, she managed to get in touch with her parents and left him in September 2017. The Judge said:

“It became obvious to M’s parents that F **had taken away all her daughter’s means of communication**. M told me that F had **taken away her email access, Facebook and eventually her phone**. She was, I find, completely isolated” and he found her mother’s (MGM) evidence to be “particularly helpful in understanding not only her own circumstances but those of her daughter. What was striking in her evidence and magnified in her daughter’s, were the occasions when she genuinely struggled to disentangle what F had told her from that which she had experienced. **Texts and messages were sometimes sent to her purporting to be from her daughter but manifestly from F**”.

## *R. v Hoban (Bradley) [2020] EWCA Crim 1692*

This case concerns an application on behalf of the Attorney General, under section 36 of the Criminal Justice Act 1988, for leave to refer to this court a sentence which he considers to be unduly lenient: a total sentence of three years’ imprisonment imposed on an offender who had pleaded guilty to arson. The offender had been in a relationship with a woman (Miss Collin) and had been sentenced to 12 weeks’ imprisonment and made subject to a restraining order following an assault on her. They resumed their relationship, but a short time later, the relationship broke down. The offender repeatedly contacted her over the course of a day (14th February). She received a text message wishing her “Happy Valentine’s Day”, and she replied saying “How many times do I have to say leave me alone?” **The offender continued to contact her by telephone**, and she answered some of the calls. He wanted to know who she was seeing and said that he was going to her home and that she had to watch out because when he got hold of her, he was going to kill her and throw acid in her face. During one of the calls on 14th February, he told Miss Collin that he was going to “stab her dad up, petrol bomb her house, and burn her dad’s car”. He telephoned on approximately five more occasions when this threat was repeated. That evening, the offender set fire to a car at her property after drinking a litre of vodka. The fire spread to two further vehicles. In addition to £58,000 of damage to the cars, the house and garage were also damaged.

## *L (Children) (Domestic Abuse: Stranding/Abandonment: Continuing Risk of Emotional Harm) [2020] EWHC 3782 (Fam)*

A mother and her three children, who were just four years old, two years old and 16 months old, were abandoned by their father in Country B. The mother was subjected to physical, mental and





emotional abuse by the father. He was controlling of the mother: he isolated her, made her stay in the house, prevented her from meeting new people and **monitored her phone**. He told her to keep purdah (seclusion from males who are not immediate relatives) and not use make-up.

### ***C v D [2020] EWFC***

The court held a fact-finding hearing in proceedings brought by a father for child arrangements order regarding his five-year-old son. The parents' relationship was unstable, with police callouts and the mother accusing the father of violence, aggression and controlling behaviour. She said that the father **would text her when she went out**, suggesting that she preferred to spend time with people other than him and that she was looking for, or with, other men. She also said that the father sent her offensive texts, accusing her of masturbating and **pestering her for sexual pictures**. She said that when she was away visiting friends and asked him to send a picture of the child, he had said he would only agree to this if she sent her sexual pictures of herself. In the hearing before His Honour Judge Tolson, the father also denied allegations put to him that he had sent the mother abusive or humiliating texts such as saying, "if you don't shut up, I will stick my cock up your ass", or "you are playing with yourself. I can smell it", saying that he would never do that and that such was disgusting. However, the messages were disclosed and demonstrate the father sending such texts. The father then said that he deeply regretted sending such texts and had done so at the time because he was stupid, and he had misguidedly intended them as a joke.

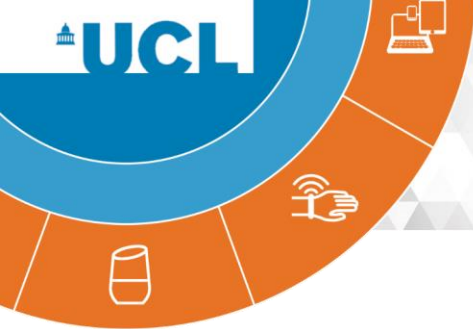
The Judge said: "I accept the mother's evidence that the father was frequently aggressive and intimidating to her, that he accused her of cheating on him and that he would make it difficult for her to see her friends by being difficult or rude when they visited or texting her constantly when she was out".

### ***A (A Child) (Relocation), Re [EWHC] 2878 (Fam)***

A mother applied for permission to relocate her 21-month-old daughter to Slovakia permanently. She had been born in England. Her Slovakian mother and British Algerian father had separated. The mother made allegations of violence and abuse against the father, which he stated were entirely fabricated. In turn, the father alleged that the mother had frequently abused and assaulted him. The mother states that following her conversion to Islam, the father's behaviour towards her changed, and he became controlling and violent. This is denied by the father, who alleges the mother has been regularly abusive and violent towards him, which she denies. Her relationship with the father had become "toxic". Still, she had become highly dependent on him – she was isolated in England, she was depressed, and she was financially dependent on him. Even though he had assaulted her and was controlling her behaviour and activities, she felt she needed him and wanted to keep the relationship going. The **father had texted the mother saying**: "U have to change ur number and ur fb [facebook] and ur delete ur snap chat. No more bad friends. No more hiding. No more talking about our relationship to anyone who ever is. And u have to follow wot I say. U have to stop chatting to any of ur old fd only girls and ur family".

### ***R. v Wagster (Daniel Eric) [2020] EWCA Crim 1572***

An offender appealed against a five-year extended sentence, comprising a four-year custodial term and a one-year extended licence period, imposed following his guilty pleas to offences of assault occasioning actual bodily harm and common assault. The offences took place during a



course of domestic violence by the appellant against the victim, his girlfriend. Count 3 related to an incident on 18 October 2019 when the appellant and the victim went out for the evening, and he became aggressive and abusive. After a night of aggression and abusive incidents, including biting her fingers and face, and grabbing her and pinning her against a shop window, the victim got into her car and drove home. As she did so, she received a message from the appellant saying he would kill himself if she did not take him to the hospital. Knowing that the appellant had previously tried to hang himself, the victim returned and collected him. While in the car, his mood switched, and he refused to be taken to hospital. They returned to the victim's home, where she called the police. Two officers attended and saw her distressed and with an injury to her cheek. At that time, she did not wish to make a formal complaint. Later she received a call from the appellant, which was in threatening terms.

After another incident, where he told her he would love to slit her throat and that if he did, he would only get 15 years, she managed to calm him down, and he slept but kept waking up screaming, "Where's the blood?" In the morning, he apologised and said he would leave. During the day, **he sent abusive and apologetic messages to her**. When she returned home, he grabbed her by her coat and threw her to the floor, which caused her to bang her head on a coffee table and threw his phone at her, which hit her to the head. Later that day, she called the police. They attended, and the appellant was arrested. In an interview, he denied any assaults and said the victim had caused the problems.

### ***Re EB and another (children) (return order) AB v CD) [2021] EWHC 665 (Fam)***

The father sought the return of their two children to Kazakhstan under the Hague Convention 1980. The Mother removed the children, unlawfully as it is now accepted, from Kazakhstan to this jurisdiction on 29 December 2019. They were married in an Islamic ceremony on [a date], which is not recognised as a legal civil marriage in Kazakhstan. Under Islamic law, F was entitled to, and did, marry two other women in Islamic ceremonies. It is not in dispute that M did not inform F of the move nor seek his agreement. Immediately after arriving in this jurisdiction, M made an application for asylum. The court was informed at a hearing on 20 October 2020 that the basis of her claim was that "she and the children are in danger from the father, and the father has threatened to remove the children from her care". The only contact F had had with M since then is one text message from her in March 2020, which he describes as "offensive". F responded in kind with an abusive text message to M on 23 April 2020. He also sent a **handful of threatening messages** to members of her family in early 2020.

### ***M v F and others [2021] EWHC 585 (Fam)***

These proceedings relate to three children and their parents. The mother's case is that when they lived in the UK she was heavily reliant on her husband in dealings with the outside world, partly because he was her husband, and culturally, she would expect to have a degree of obedience to him. The control went beyond what was necessary and appropriate. She moved in, upon marriage, to the home for which he had a council tenancy at the time. All financial decisions and applications for benefit and bank accounts in her name were made by him. He also controlled all the family documents.

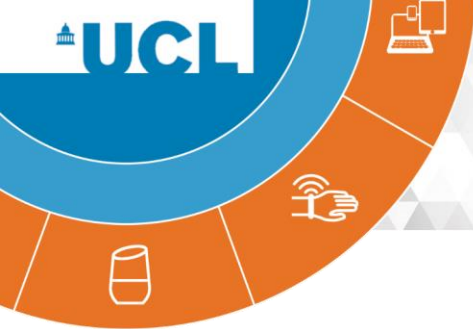


They left the UK on 31 January 2008. With the assistance of her half-brother J (who was in England). The mother arranged a re-entry to the UK in 2011. In March 2011, the father visited Britain, and there were differing accounts of what happened during this visit. The father's case is that he and the mother, with the assistance of a mediator from within their community, spoke. The mother said that she would return to Saudi Arabia once she had obtained British Citizenship. The mother's case is that the **father telephoned her**, threatened to kill both her and her family, and said that she would never see the children again.

### *R (on the application of Grice) v HM Senior Coroner for Brighton and Hove [2020] EWHC 3581 (Admin)*

This case concerns the murder of Shana Grice by her former boyfriend, Michael Lane, at her home on 25th August 2016. They had been in a relationship for a few months in the latter part of 2015 before they broke up, and she resumed a relationship with her long-term boyfriend (Cooke). Lane began stalking her, and she made her first report to the police in February 2016. She told the police at that time that Lane was just a work colleague who had misconstrued their relationship. Lane was telephoned and given a warning. However, the behaviour continued, and he physically assaulted her. The next day, the police took a statement from Grice, in the presence of her boyfriend and his family, where she claimed to have become friends with Lane but declined his invitations for drinks because she was not interested in a relationship with him. She recounted incidents of him following her home, the damage to her car and the unwanted flowers. The officer then interviewed Lane, who said he had had an “on and off” intimate relationship with Grice since autumn 2015. He admitted having followed Ms Grice to speak to her but claimed to have ceased contact following the police warning. He said that she had contacted him, and the relationship had begun again. To support his claim of a continuing connection, he showed the police various text messages. The officer then spoke to Grice, who admitted that she had been in a relationship with Lane. The officer decided that there would be no further action on any of the allegations, and Lane was released without charge. Another officer issued Grice with a Fixed Penalty Notice (“FPN”) for wasting police time by lying about the relationship.

The stalking continued, and it is understood that at some point, he **placed a tracker on her car** and continued to follow her. From this time onwards, different people described how Lane regularly seemed to be “lurking around” Ms Grice. However, it appeared that Ms Grice and Lane were continuing a secret, periodic relationship. In May 2016, Grice found her tyres slashed again, amongst other incidents. In early June 2016, Grice and Lane began an overt relationship, which ended in early July 2016. Grice then started seeing Cooke again while continuing to see Lane in secret. On 8 July 2016, Lane left Grice's house, taking a back-door key, using it to enter the house at 6am the following day. He entered her bedroom, where Grice hid beneath the bed covers until he left. She described her fear at hearing a man “breathing in her bedroom” and identified Lane by looking out of the window and seeing him as he left the house. She reported this event to Sussex Police, and an officer visited and took a statement from her in which she described her shock and fear. While the officer was at her house, Lane arrived and was arrested on suspicion of theft of the key. An officer investigated the matter, and he interviewed Lane, who admitted to taking the key “stupidly”. Lane was given a police caution for the theft and issued a PIN for harassment. On 10 July 2016, Grice called Sussex Police again, reporting a **series of calls**, one of which she had answered and heard heavy breathing on the line. She described herself as



# TECH ABUSE

worried and scared. A police call handler told her that one of the numbers used to call her had been shown by a “Google” search to be that of a travel insurance company. However, it was Lane's landline number. Eight days later, the police identified the landline as originating from Lane's address, but no action was taken.

On 12 July 2016, Grice called Sussex Police again, reporting that Lane had been following her to work. A call handler assessed the risk of harm as “low” because of a lack of threatening behaviour and Grice's presentation. Later that day, she made a final call to the police, asking for an update. Although the calls were referred to the responsible officers, she received no response. Referrals were made to Victim Support and to RISE (a domestic abuse charity). However, because **calls from those organisations were made to Grice from withheld numbers**, she did not respond to their messages. Over the following weeks, Lane continued to be seen near Grice's home. In early August 2016, a friend urged her to call the police again, and she said she was reluctant to do so because the police would think she was “blowing it out of proportion”. In mid-August 2016, she and Lane arranged to meet at a local hotel. They spent a few hours together and agreed that their relationship was over. On 25 August 2016, Ms Grice was not at work, and her manager called Cooke. His sister went to Grice's home, where she found a bloody footprint on the doorstep. She called her father, and together, they entered the house, finding Grice's body on the bed, with her throat slit. In the criminal trial that followed in 2017, it was established that Lane had killed her that morning; that he had moved her body to the bed before dousing the room with petrol and setting a fire (which had not spread), and that he had then taken her bank card and withdrawn money from her account.

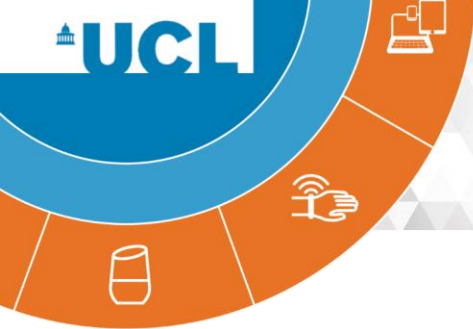
## ***X and Y (private law – change of name – termination of parental responsibility) [2021] EWFC B24***

This judgment is about two sisters, X, aged seven and Y, aged two. Their father has parental responsibility for both girls as he is named on their birth certificates. The father is currently serving a term of life imprisonment for the attempted murder of the mother and stalking.

On 4 April 2020, the police received a report from Crimestoppers of an anonymous phone call made to them stating that the mother was going to be murdered that day. In the previous week, the **mother had received (and declined) Instagram friend requests from two relatives of the father**. Prison phone call logs identified that the father had called the Crimestoppers 0800 line on 4 April 2020. He later confirmed to the Children and Family Court Advisory and Support Service (Cafcass) officer that he made the call. It was noted that he had also made contact with one of the **relatives who had made the friend request to the mother**. The prison provided recordings to the police of the father's phone calls, and the police report notes, “he wants to ascertain whether [the mother] has got a new partner in her life through getting [name redacted] to look at her social media.” There is still a level of obsession on [the father's] part, and he cannot accept that [the mother] might have moved on with her life.

## ***AB v CD & Anor [2021] EWHC 819 (Fam)***

This is an appeal against findings made against the appellant, which included two occasions on which the appellant had “aggressively raped” the respondent whilst she was in bed with their young child. There were further findings of emotional abuse and threats to remove the child from



the respondent's care to abduct her to Pakistan. Counsel said: "The respondent mother has suffered extreme domestic abuse including sexual abuse, physical abuse and emotional abuse from 2006 and continuing. ... The domestic abuse is ongoing, and the father uses the fear of continued violence and abuse to coerce and control the respondent into allowing contact between him and the subject child. The abuse is used deliberately to undermine the respondent's mental health, which would put [the child] at risk of emotional harm. ... The respondent cannot trust the applicant not only because of his continued abuse but because this continues against a background of dishonesty".

**Email and WhatsApp communications between the parents** provided the evidential basis for the conclusion. They found that the appellant had threatened the respondent with both the child's removal and professional embarrassment. Those threats aimed to control and intimidate her. **He pestered and harassed her and her family members with social media messages and other forms of communication, which were designed to put pressure on her and cause shame, degradation, and embarrassment** to ensure that contact with the child took place.

### *E, S and Y (Children: Care and Placement Orders), Re [2021] EWFC B2*

The case is concerned with three children, 'E', 'S' and 'Y', who all have the same mother. FE is the father of E, and FSY is the father of S and Y. The applicant is the Local Authority, and they applied on 27th January 2020 for a Care Order in respect of 'E' and 'S'. The Local Authority is concerned that the child, 'E,' has experienced physical abuse in the care of his mother and the father wherein the child sustained bruising, swelling, and cuts to the face. The Local Authority asserts that the oldest two children have been exposed to parental domestic abuse and neglect. All three children are at risk of significant harm in the care of any of their parents. On 18th March 2020, the Local Authority issued proceedings in respect of "Y" following her birth.

There are police reports relating to FE arising from the mother's complaints that he made threats to kill her whilst pregnant with 'E', that he had come to her property and caused damage to her door and that further **threats were made via social media**, which led to the mother withdrawing her willingness to pursue a prosecution.

### *J (A Child) [2020] EWFC 60*

This case is concerned with a young boy, J, who has been placed in foster care since 2 October 2019, initially accommodated, but since 24 October 2019, subject to an interim care order. In around March 2016, the mother (M) and father (F) met and commenced a relationship. Two days after they met, she reportedly moved into his family home, and it is reported that the parents separated and reconciled on several occasions. In about July 2016, M became pregnant. M said (subsequently) that on 1 January 2017, F raped her. On 8 April 2017, J was born. Very shortly afterwards, the parents separated, and M returned to live in her own property with J.

AZ (a social worker) carried out a home visit on 19 June 2019 at 17:30. She recorded that as soon as she arrived, M informed her that F had been harassing her since Tuesday. M showed AZ **messages which stated how he missed her, asking her not to ignore him and how he missed his best friend**. M's replies were minimal and to the point. M also reported that she had received a **telephone call** from F stating that he had received a phone call from AZ on 11 June



2019 stating that if M failed the psychiatric assessment that J would be taken into temporary foster care.

### *D (rehabilitation to mother after failure to protect from inflicted injuries) [2020] EWFC B54*

Around 16-months-old, D was the victim of a series of significant physical assaults perpetrated upon him by his father between November 2018 and January 2019. It was also found that his mother failed to protect him. She had prioritised her relationship with the father above the need to protect her son, had failed to seek medical treatment. She further lied to nursery staff and health care professionals about the cause of D's injuries.

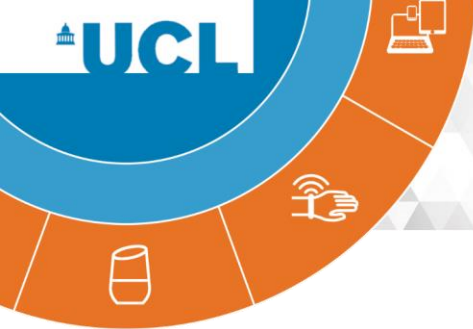
The parents originally got in touch through a dating app and met in person for the first time sometime in August 2016. In November 2016, the mother discovered that she was pregnant. She decided to keep the baby whether or not the father chose to be involved in his life, but she very much hoped that he would be. The father was already in a long-term relationship, and a few weeks later, his partner discovered that she was also pregnant. The mother says that the father made it clear to her he did not want to be involved, and both he and his partner sent her **threatening messages** telling her not to contact the father. She says the father sent her a message, saying that he would assault both her father and brother and burn down their home if she continued to contact him.

### *BHX v GRX & Anor [2021] EWHC 770 (QB)*

This case is fundamentally a dispute between brother and sister, affecting other family members, most notably their parents. The claimant has brought this claim alleging that the Defendants have **defamed him, misused his private information, maliciously published falsehoods about him** and harassed him. The First Defendant is the claimant's sister, and the Second Defendant is the husband of the First Defendant.

The claimant was arrested on or around 23 March 2016 and investigated by the police on suspicion of grooming a child under 16. Following an investigation, no charges were brought against the claimant. The claimant has consistently maintained his innocence. In the claimant's evidence, he states that this caused him to suffer post-traumatic stress disorder and that the First Defendant assisted him in finding professional support. The claimant alleges that the First Defendant promised not to tell anyone about the arrest. The litigation between the parties began in late February 2018. The Defendants had placed restrictions on the claimant's access to their children. They asked him **not to post pictures of the children on social media**. The Defendants' case is that the claimant did not respect the Defendants' wishes, and so ultimately, his access to the children was effectively curtailed from about December 2016.

The Judge saw a letter from the claimant and First Defendant's father, on behalf of himself and his wife, dated 26 November 2018. It states the following: "I believe [the claimant] our son has **accessed my phone and taken information from it with regards to texts between my daughter ... and myself**. I must stress that this has been done without my permission, and I'm extremely annoyed. I do not wish this information to be used in any civil or legal action as this is my private information. He borrowed my phone a few weeks ago so he could access the internet



(tethering his laptop to my phone) concerning work he did not ask for permission to access information on my phone. I'm disgusted this has happened so he can pursue legal proceedings against our daughter and son in law again."

## Suspected Tech Abuse

There are several instances in which we suspect that tech abuse could potentially have been occurring. However, this dynamic cannot be confirmed based on the court documents available to us. Therefore, these cases come under the "Maybe" category (five cases) in the framework. In the following section, we **provide a brief overview of the ten cases that we are referring to:**

### *R. (on the application of GA) v Secretary of State for the Home Department [2021] EWHC 868*

This case is about a mother and her four children. She says that the children's father has a history of drug abuse and mental health problems and has subjected her to severe physical and emotional abuse. He has interrogated and beaten her, sometimes knocking her unconscious. He has burned her, repeatedly threatened to kill her and the children and, on occasion, been violent towards the children.

In December 2019, the mother applied to Her Majesty's Passport Office (HMPO) for passports for the children. She signed the box on the application form confirming that she had parental responsibility for them. In a handwritten note, she explained that the father had recently been arrested after "months of extremely serious physical and psychological abuse including torture of me – much of this witnessed by the children – when he isolated us". HMPO declined to process the application unless the consent of the father was obtained, which he had refused. The mother says that HMPO's stance forced her to return, with her youngest child, to her abuser, thereby exposing them to the risk of further violence from him. The father has still not given his consent for the passport applications.

The mother had asked that her mother be included in all communication between HMPO and herself "**since my email address and phone number cannot be guaranteed long-term**".

### *R. v LM [2020] EWCA Crim 1614*

The appellant and the complainant (RC) had been in a relationship for around six years. During the period of 1 August 2018 to 2 February 2020, the appellant **engaged in controlling or coercive behaviour towards RC**, which included not allowing her to go anywhere alone. He did not allow her to leave the property unless she was accompanying him, and on one occasion, he pulled her back into the house by her hair to stop her from going out. The appellant had isolated the complainant from the rest of her family, and he would turn up at her place of work to check up on her. She had to give up her job. The appellant had threatened to kill RC, and because of his behaviour, she thought that these threats were real. He took control of the finances and made RC transfer money to him from an inheritance and her income to pay for his drug habit. RC described trying to break up with the appellant. Each time he promised to be better. The complainant's ten-year-old son had witnessed the appellant's abuse towards his mother.



On 17 June 2020 the appellant pleaded guilty before the Lincoln Magistrates' Court to engaging in controlling or coercive behaviour in an intimate relationship, contrary to s.76 of the Serious Crime Act 2015. In her sentencing remarks, the judge outlined the facts of the case and her concerns about the appellant's controlling and coercive behaviour towards RC. The appellant had threatened to kill her and had strangled her on one occasion. RC feared for her life daily and began to avoid anything that could lead to violence from the appellant. He had been in complete control of her life. The offence of coercive and controlling behaviour involved harm in category one and culpability in category A, because it had been persistent action over a sustained period, involving multiple methods of control.

### *EM (A child), Re [2021] EWFC 19*

The father successfully applied for a child (EM) return to Norway, from where the mother had abducted EM. The mother relied on art 13(b) of the Hague Convention on the Civil Aspects of International Child Abduction 1980 to oppose the application.

She accuses him of domestic abuse “which comprised of physical, emotional and sexual abuse, and of his being controlling and coercive. **She produced a series of short videos taken on her iPhone, which she says were restored to her by her sister after the father took her phone from her just before her departure from Norway.** She says that in the videos, the father ‘makes very serious threats to kill’, which she believes ‘he is more than capable of’”.

The Judge: “I have not seen any evidence which persuades me that the father has made a realistic threat to harm EM. The only specific evidence on which the mother relies for this is the video clip, and I do not accept that that provides credible evidence of a real threat. This is only confirmed by the fact that, as I have indicated, the mother evidently did not consider it to be so at the time as she sat filming; such a threat evidently formed no part of her reasons for leaving Norway. I have no evidence before me, which leads me to believe that the father is not perfectly capable of caring for EM if the mother does not return with him.”

### *Re Frank A local authority v AB and others [2020] Family Court*

This case involved determining future plans for a child named Frank, where the Local Authority (LA) had put in applications for care and placement order for him. Frank's parents both oppose the LA applications for their son. The parents have been in a relationship for many years and have been the subject of social care involvement for most of their relationship. The parents have three older children: L, Z, and S. All three children were removed from the care of their parents and have subsequently been adopted. The LA had persistent difficulties in persuading the family to engage in unannounced visits. The LA received several reports of domestic violence and abuse between the parents.

In June 2018, the father received a suspended sentence for assault against the mother. She reported that he had strangled her and beat her with fists and feet and held a knife to her head. She reported a history of physical abuse and rape that had occurred three years previously. A protection from harassment order was put in place for an unlimited time. The condition was that the father must not have any contact, either direct or indirect, with the mother or attend the home address. This order was undoubtedly breached as the mother became pregnant and the parents





reported being in a relationship. A decision was made to commence care proceedings upon Frank's birth. Frank was made subject to an interim care order shortly after his birth and has remained in foster care since that time. **There has been a pattern of relationship conflict, including violence and controlling behaviours.** The mother has been unable to keep herself safe.

### ***K (Children: Placement Orders), Re [2020] EWCA (Civ) 1503***

This is an appeal from care and placement orders made on 2 September 2020 in respect of three children, R (a boy aged 3), J (a boy aged 2) and Q (a girl aged 1). The family first came to the attention of the police and the local authority in May 2017 following an incident in the home in which R (then aged ten weeks) sustained a small bruise above his right eyebrow. The mother called the police, complaining that this had occurred during an assault on her by the father. R was taken to the hospital and kept under observation. On discharge the next day, R returned to his mother's care to agree with the local authority that she would live separately from the father. R remained within the family until he was 18 months old. On 21 December, the mother and R left the jurisdiction. Because the child could not be found, the proceedings were allocated to the High Court level, and in January 2018, they came before the Judge for the first time. In the 2½ years that followed, he conducted no fewer than 30 hearings.

In an earlier fact-finding judgment, the Judge made damning findings of the credibility of the parents. Having set out their evidence in detail, he described the mother as "the most egregious liar I have ever encountered" and observed that the father "appears not to know when he is telling the truth and when he is lying". He continued:

"At the hearing on 18th December 2019, I had carefully explained to the father that:

- i) I did not want to find myself forced to place his children for adoption;
- ii) I wanted to give the children the chance to be cared for by a capable and loving father; and
- iii) I required him to promise he would not have any further contact with the mother.

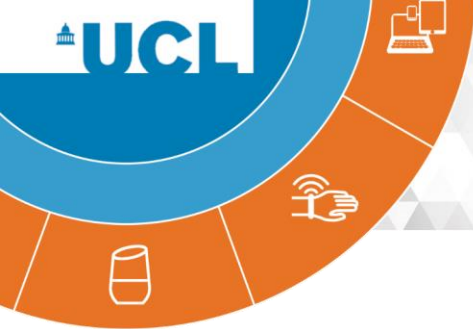
I warned him, however, that if he breached my requirement for him not to have any further contact with the mother, it would be likely that I would be compelled and left with no choice but to place his children for adoption. I called him into the witness box, with his interpreter, to explain these matters to him and ask him if he understood. He said he did. Nevertheless, as the parents' phone records reveal, within moments of the father leaving court, he breached his assurances to me, and he **contacted the mother by her mobile telephone**. He then repeatedly breached his assurances to me by **repeatedly contacting the mother**. He demonstrated an utter and complete disregard for everything I had said, and he had said on oath at that hearing".

### **Cases of Interest**

There are three cases that fall within the "Case of Interest" category, which **require further investigation** to decipher if there was potentially tech abuse occurring.

### ***R v Damji [2020] EWCA Crim 1774***

Between December 2013 and April 2014, the appellant engaged in a campaign of harassment against Daniel Poulson. She stood trial concerning offences of stalking and was convicted. Following those proceedings, a restraining order was made on 22nd November 2016, pursuant



to s.5(1) of the 1997 Act ("the Original Restraining Order"). Vincent Chan ("PC Chan") was the investigating officer for the proceedings in the Crown Court at Kingston. Daniel Poulson was the complainant in those proceedings, and Brian Calder was a close friend of his and a witness in the proceedings. This is a case of interest that needs further investigation because we do not know about the appellant's relationship to Poulson, and how/why the harassment began.

In the original restraining order, she was told not to contact, **directly or indirectly**, Chan, Poulson, or Calder, or to refer **expressly or impliedly** to him by **communicating in written form, in typescript, by email or on social media**. Also, that she is not to refer expressly or impliedly to Poulson, Calder, or any other prosecution witness in this case or prosecution personnel or court staff in the proceedings by communicating in written form, in typescript, by email or on social media.

The appellant faced two counts of breaching the Original Restraining Order. On count 1, the appellant, on or before 15th April 2018, sent a letter to the Multi-Agency Public Protection Arrangement Team ("MAPPA"), which referred to PC Chan. She accused PC Chan of harassing her mother by telephone contact and interfering with the arrangements for the appellant's release on licence. The letter said that the appellant's local MP was investigating PC Chan; that there was an investigation of his conduct by the Investigatory Powers Tribunal; and that PC Chan had lied under oath, perverted the course of justice, misrepresented his rank. Count 2 **related to a tweet** received on 15th June 2018 by the Crown Court at Southwark headed "Justice for Farah" from the Twitter account "@faradamji" ("the tweet"). The tweet contained a **link to a crowd justice funding web page** entitled "Crowdfunder.com/case/justiceforfarah" ("the crowd funding page"). The crowd funding appeal was entitled "Farah went to prison for telling the truth about a serial predator". It stated that it was written by the appellant's supporters. Within the crowd funding page were hyperlinks to documents naming PC Chan and Mr Calder, namely: a letter dated 8th April 2014 sent by the CPS to a solicitors' firm acting for the appellant ("the April 2014 letter"), and a Victim Impact Statement from Mr Calder. The commentary in the crowd funding page into which the hyperlinks were embedded **made a series of allegations** about PC Chan and Mr Calder, albeit without naming them. In relation to Mr Calder, it was said that he was responsible, amongst other things, for perpetrating domestic abuse. Other aggravating factors were that the letter had been sent shortly before the appellant was released from prison. Recent tweets showed no remorse but **continued slanderous accusations against a number of people**.

The judge commented that the appellant's behaviour over many years demonstrated that she had no respect for anyone but herself. Her criminal record showed that she paid no heed to her obligation to obey the law. She was 53 years old and had appeared before the courts in England on five previous occasions. The offences of stalking in 2016 were so severe that a sentence of five years' imprisonment had been imposed.

### **HU187192019 [2021] UKAITUR HU187192019**

The appellant, a citizen of Pakistan, appealed with permission against the decision of the First-tier Tribunal panel, who dismissed his human rights appeal in a decision promulgated on 26 February 2020.



# TECH ABUSE

On 30 April 2011, the appellant was married to G, a British citizen, in Pakistan. This was an arranged marriage. On 2 May 2019, the appellant applied for leave to remain outside the rules under the destitution domestic violence concession (“DDVC”) and was granted from 9 May 2019 to 8 August 2019. On 17 July 2019, the appellant applied for indefinite leave to remain as a victim of domestic violence.

The appellant said that in October 2018, his wife went to Pakistan for a family wedding and left strict instructions at what time he was allowed in the house and where the house he was allowed to go with **cameras keeping track of his movements**. In the domestic abuse summary, the appellant disclosed that the reason his wife put cameras in the bedroom was to record him changing his clothes. However, this was inconsistent with his witness statement when he gave a different reason that his wife had installed the cameras in the bedroom to record “failing at having sex”.

This is a case of interest because the panel identified that the appellant’s evidence was discrepant concerning different accounts of the frequency of abuse, the manner in which he claimed to have been abused, and the account of the appellant differed as to why cameras have been placed in the bedroom. The panel noted the appellant’s inconsistent account as to whether there had been sexual intercourse in the UK. Other factual findings were made in relation to the financial evidence provided, which went to the claim made that there was coercive and controlling behaviour on the part of his wife. The panel reached the conclusion that the evidence relied upon did not demonstrate that the appellant’s wife did have inappropriate control over the appellant’s money and contrasted that evidence with the more recent proof following his separation from his wife.

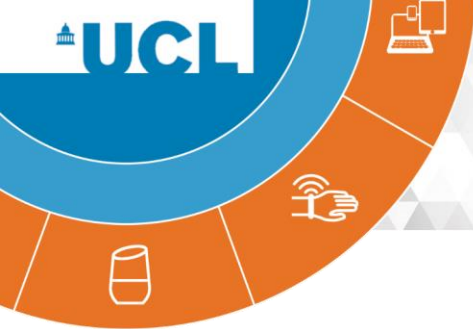
### ***X, Y and Z (Children: Agreed Transfer of Residence) [2021] EWFC 18***

It should be noted that this is the same case as **F v M [2021] EWFC 18, 2021**, which was covered in the CMA systematic search under the “Maybe” category for the potential occurrence of IPV between parents.

The case involves three children, all aged under 12 – X, Y and Z. The children’s parents are F and M, who were previously married but are now divorced. M has recently remarried to Mr M, who has a daughter, VM. F is now 45, and M is now 43. They share parental responsibility for the children who have lived solely with F since August 2018. Both parents have told the guardian at various times that they felt bullied and intimidated by the other parent, and each regarded themselves as a victim of domestic abuse by the other.

Part of the matrimonial finance judgment dealt with M’s allegations that “F is intent on destroying her and has done hitherto all in his power to achieve that by way of his constant complaints to outside agencies”, and that “her case is he has lost her clients, reported two of her staff to the police, reported her and her family numerous times to the police, Children’s Services, the HMRC and more”.

At that hearing, it was confirmed that M had been summoned to appear at Town A Magistrates Court on 23 April 2019 to answer a charge contrary to s1(1) and (3) of the CMA 1990. In May 2019, M was notified by the CPS that the criminal case against her was to be discontinued. The



reason provided by the CPS was that there was not enough evidence to support a realistic prospect of conviction.

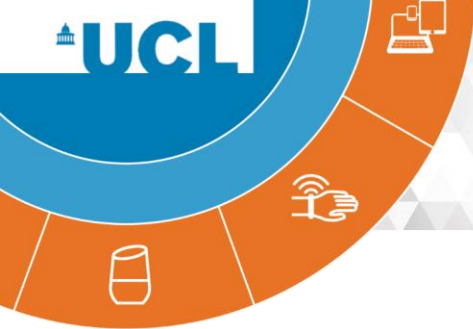
On 24 December 2020, all the children got out of the car and into the back of M's car with absolutely no issues. Although X refused to hug M initially, she later linked arms with M, and the contact appeared to M to be going reasonably well. However, at suppertime, X was **refusing to put her mobile phone away and was constantly texting F**. M's notes describe the sort of texts that X received in reply from F: "I wish he would not reciprocate as it does not allow X to settle. It also **brings us into conflict as parents** because we have some rules at home about phones etc at mealtimes. If I ask her not to do this, **she says that she must reply to Dad** and I am denying her human rights. He sends her messages (I know as she showed me) saying how proud he is of her, how brave she is being, how much he misses her, and it is only one sleep until she is back. I found X **taking pictures of the house again and sending them back to her dad**. Mr M caught Z doing the same and he said brashly to Mr M that he was **'snooping' for Dad**".

Dr Mark Berelowitz, an expert child and adolescent psychiatrist who jointly instructed in the case, stated that F needs to explain to X that **he will not be responding to her texts or phone calls and said that there must be no secret or back channels of communication to the children**. He also said that any evidence that F later reneges on his commitment to making this arrangement work could be seen as a form of emotional abuse. He noted that secrets between pairs of family members should be avoided and that secrets should not be used to create intimacy between family members.

This is a case of interest for two reasons. Firstly, as previously mentioned that M had been summoned to appear at a Magistrates Court to **answer a charge contrary to s1(1) and (3) of the CMA 1990**, which we do not know any further details about but required further investigation. Secondly, that **technology played a vital role in the complex family dynamics** and issues that were occurring, with the father constantly texting his daughter (X) when she was in the mother's care, and Z taking photos of the house to send their father.

## Discussion

Across this research, Study 1 highlighted the extent and nature of domestic violence, IPV, and stalking offenses in CMA court cases, with Study 2 revealing the scope and type of tech abuse within a six-month dip sample of domestic abuse court records. As we aspired, we developed and produced an **analysis framework** (see: Excel Spreadsheets) that rigorously maps tech abuse instances and offered a **first overview of the misuse of technology in courts within England/Wales through a systematic legal analysis over time**. While the level of detail we were able to extract from the three legal databases (Westlaw, LexisNexis, and Bailii) was limited, we could examine the general applicability of the CMA to domestic abuse court cases (Study 1) and help generate a better understand the sentencing and coercive and controlling behaviours that occur (Study 2). The research, thus, opened up new avenues to continue to study tech abuse in the UK legal system and **may encourage actors such as the CPS to apply more "technical" Acts such as the CMA to more "social" dilemmas such as domestic abuse**.



# TECH ABUSE

Study 1 uncovered that while only two cases explicitly involved tech abuse in IPV settings that had been prosecuted through the CMA, there are at least five others that could have involved domestic abuse, with potentially **far more prevalent in Magistrates' courts**. The latter are courts where most domestic abuse issues are being dealt with. However, these sadly do not provide public records that the research team could access. Study 1 also showed the type of offenses that are more related to the CMA, including unauthorised access to databases in employment contexts, obtaining files and documents without consent from partners, or the query of police intelligence systems. Hence, the analysed CMA court cases related to domestic abuse, IPV and stalking involve the execution of data breaches with the motivation to obtain information and keep.

Study 2, which centred on domestic abuse court cases and looked for tech elements in these records, exposed a slightly different dynamic. Across the evaluated 19 cases that involved tech abuse and IPV and the additional five suspected tech abuse cases, **the nature of the technologically-enabled abuse forms was centred on control and manipulation**. This was seen through perpetrators checking phones, excessively calling or text messaging victims/survivors, listening to phone conversations, installing monitoring equipment such as cameras or trackers, up to deliberately withholding access to digital and communication devices. These findings echo existing studies on the nature of tech abuse [16], [19], [38], [39], which **showcase that the purpose of the abuse was rarely to access data (except where there was the added element of control) but rather to coerce and monitor victims/survivors**.

Together, both studies demonstrate that there are circumstances where unauthorised access to a computer or other digital device is used to facilitate domestic abuse, IPV, and stalking. In the court cases seen in Study 2, we considered that **one out of nine court cases could potentially have been an offence according to the CMA** (BHX Vs GRX & Anor). **Section 3ZA CMA 1990** is particularly interesting, as it creates an offence of unauthorised acts causing or generating a risk of **serious damage of a material kind**. The statute is clear that this can include human welfare (loss of life, illness or injury) and **attracts a range of maximum sentences** (some of which are significant in length). While there are relatively few domestic abuse, IPV, and stalking offences that could have been prosecuted under the CMA, this dynamic is likely to change as technology further develops and is becoming even more integral to everyday life.

Thus, we have shown throughout our research as well as it has been evidenced in previous studies [2], [15], [40], unauthorised access can be (and frequently is) a regular feature of IPV (e.g., taking passwords and checking phones, screenshots of content of phones and emails etc.). **Prosecutors should, therefore, be alert to consider the CMA whenever there is an instance of unauthorised access to tech**. Those making charging decisions in IPV cases must be **adequately trained, and there is suitable awareness of the five offences outlined in the statute**. These five offences differ slightly but relate to the unauthorised use of computer equipment. They include unauthorised access with intent to damage data (whether or not a system was actually damaged), an offence concerned with articles for use in unauthorised access (whether actually used or not), and where the unauthorised access was intending to commit a further offence (note that no actual further offence needs to be committed). Interesting points may arise in the future about whether access can be “unauthorised” if a victim/survivor gives access under a coercive controlling environment.



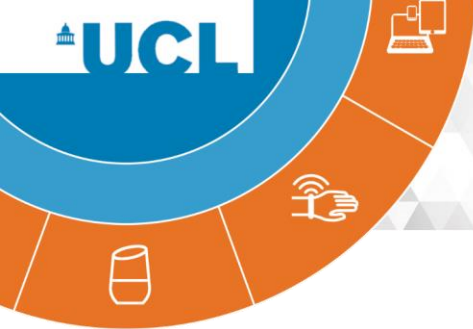
# TECH ABUSE

Existing research on computer misuse regulation has argued that arrangements to aggregate statewide records on the number of computer crime cases charged or prosecuted were always practically inexistent. Computer crimes would be classified under broader categories (e.g., embezzlement), and there was no practical way of extracting the specific information sought from court cases [10]. We **saw similar arguments being put forward on the CMA back in its early days that may now be applied to the lack of usability in IPV cases today**: "the law is of recent origin and prosecutors are not yet familiar with it;" "prosecutors probably [are] unfamiliar with computers and how they can be used to commit crime;" "the issues involved are too technical;" "the value of intellectual property is alien to common law concepts of property;" and "the loss incurred by unauthorized access cannot be assessed and can be easily challenged by defence counsel." [10].

We also want to raise attention that abuse through **phone and other communication devices** (email, social media or messaging application such as WhatsApp) dominated our sample. Hence, we have not observed more "sophisticated" or "emerging" technologies such as smart, Internet-connected devices nor game consoles or drones being flagged up in court cases. With that being said, it could be interesting to monitor the legal landscape to examine a possible technological abuse transition over time as such digital tools become more prevalent and widespread [41], [42].

The **vagueness and lack of details of some judgements** that referred to the "hacking into computers", the deployment of "hacking software", the unwanted contact through "different social media accounts" or that there were "other forms of abuse" (in which tech abuse could be included) prevents a nuanced evaluation of tech abuse. Whilst the CMA itself is detailed about the kind of offense that must occur (i.e., unauthorised access, deliberately impairing the operation, access, and reliability of systems), broad phrases such as "hacking" do not provide the necessary level of information about the kind of technology that is abused nor the exact modus operandi that facilitated the harmful behaviour.

The murder of Shana Grice by Michael Lane (**R (on the application of Grice) v HM Senior Coroner for Brighton and Hove [2020] EWHC 3581 (Admin)**) is a case of particular significance for different reasoning: This case emphasises the complexities surrounding IPV relationships and uncovers a myriad of police failings when it comes to emergent but possibly still unknown forms of coercion and control. Despite the warning signs and Grice having contacted law enforcement several times regarding Lane's behaviour, the police did not take the case nearly as seriously as was necessary, leaving Grice in a most dangerous and vulnerable position. The case depicts the most **severe outcome of tech abuse within our sample (i.e., murder) and highlights how technology (a tracker) aided the offender in perpetuating the abuse against its victim**. After Grice's murder, 12 other young women came forward reporting incidents of harassment by Lane, most with a sexual connotation. With one exception, none had made a report to police before Grice's death. The exception was that, in 2010, Lane had been a scout volunteer and had been arrested for sending **inappropriate text messages to a girl attending the scout group**. The incident had been investigated and closed because an offence could not be proven. It demonstrates that Lane was a serial offender that also drew in technology, and despite a previous investigation, Grice was still failed when she needed police protection.



Overall, we consider evaluating the applicability of the CMA for IPV and specifically tech abuse offences of **paramount national importance**. Domestic violence is a national challenge for the UK. The latest figures from the Crime Survey for England and Wales show little change in its prevalence [43]. In light of these numbers and considering the **rise of tech abuse since the start of the COVID-19 pandemic [44], the findings offer unique avenues to achieve social impact**. A better understanding of **historic domestic abuse and CMA cases** can not only give law enforcement agencies and the CPS a powerful tool to charge tech abusers, but help the research and practitioner community (e.g., domestic abuse charities, industry) to develop an awareness of the types of digital systems that are abused, refine technical mitigation strategies such as privacy-enhancing technologies (PETs), and explore the use of existing legislative means (such as the CMA) to deal with the harms derived from digital systems.

Our research therefore closely **align with ongoing policy developments** such as the UK's draft Online Safety Bill, the Violence Against Women and Girls (VAWG) Strategy, a CMA review [9], a Law Commission's consultation on image-based sexual abuse (2021), and addresses Areas of Research Interest put forward by UK Government departments (i.e., Home Office. DMCS; MHCLG; MoJ). Hence, we are hopeful that our analysis should support justice, rights, and equal opportunities for some of the most vulnerable groups within the UK and **challenges a regulatory omission that can help the UK respond to such online harms more effectively**.

## Limitations

Despite our systematic search and analysis process, as with any research, there are limitations to our study. Chief amongst these are:

- **Missing Magistrates' and Crown Court cases:** Whilst we extracted all available data from the three databases in a systematic fashion, most court cases in England and Wales are not featured nor have their judgment transcribed and written up for them to be made accessible online. Using standardised FOI requests, we hope to address these omissions in the future.
- **Prosecution:** During our analysis, it also became clear that not all court cases we could identify and extract from the three legal databases ended up prosecuting the defendant/s using the CMA. Instead, references to the CMA came up in a range of ways, including:
  - Cases in which the CMA was used to prosecute perpetrators successfully. For example: R. v Kaye (Daniel).
  - Cases that mention how an individual may be guilty of an action that falls within the CMA, but it does not get used in practice to prosecute as there is not enough evidence. For example: F v M, X, Y, Z (by their guardian, Mr T) (Children).
  - Cases where the CMA is mentioned in passing (e.g., to help further explain the case at hand) but not as the prosecuting legislation. For example: R. (on the application of Chesterfield Poultry Ltd) v Sheffield Magistrates' Court.

To account for these differences, we included a column in our Excel database that indicates whether a CMA prosecution occurred.

- **Tracking court cases through the legal system:** As previously mentioned, most court cases that appear in the three legal databases took place in a high-level court (i.e., High Court, Court of Appeal, and Supreme Court). It can be difficult to track an offence through



the UK legal system since its first (and sometimes only) court hearing begins at a Magistrates' Court, which lacks transparent reporting on judgments as possible in, say, the Supreme Court.

- **Level of detail in documents associated with each court case:** The information in the extracted law reports and judgments does not provide the nuances needed to offer in-depth information on the background of and relationship between defendant/s and plaintiff/s, or the nature of the crime that was committed. The anticipated expansion of our methodology will hopefully address this issue.

## Further Steps

Based on the gathered findings, the research team plans a range of additional funding, research, and dissemination steps. We hope these actions will enable us to continue with this critical piece of research and raise broader awareness of the CMA's applicability for IPV cases.

## Methodological Expansion

To increase the diversity of data available and help counteract some of the above outlined methodological limitations, we are keen to diversify our data collection and analysis methods.

## Media Analysis

In the following research iteration (should funding sources permit), we hope to complement our study with a systematic search of media/news articles relating to CMA cases. Media analysis is used in several contexts where official sources of data regarding particular forms of crime are patchy, unhelpful, or non-existent. For example, the Global Terrorist Database, which is the primary data source used to monitor terrorist attacks worldwide, is derived from the analysis of media reports. We are planning to pursue this in the context of the current work via the "News" section of LexisNexis. The latter is an authoritative news and media monitoring solution [45]. Approximately N=10 national newspapers, with a range of readership profiles, including multiplatform circulation, and readership may be examined. An initial test search using "Computer Misuse Act"<sup>7</sup> retrieved after accounting for duplicates - 1,883 hits. We hope the close inspection of public news reports will again increase our data pool and provide us with more details about the relationship between defendant/s and plaintiff/s, the nature of the crime that was committed, the seriousness or gendered motivation of a given case, information on the type of digital devices abused, the nature of the technical breach that occurred, and the kind of harm suffered by the affected parties. Together, our analysis will provide a method (and resulting dataset) to identify (over time) the nature of the relationship between perpetrator(s) and victim(s), the involvement of others such as children, and variations in rates of violence/tech abuse per year and case.

## Interviews

To offer even more nuance and depth to our data and analysis, we would also like to conduct semi-structured, one-to-one interviews (n=50; each about 90 minutes) with academics and legal professionals (judges, barristers - some of which were involved in analysed court cases) to

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<sup>7</sup> UCL's subject librarians encouraged us to exclude the date of the Act as most newspaper reports do not seem to refer to it.





explore and understand their experiences and views (of barriers and enablers) concerning the applicability of the CMA and the prosecution of domestic abuse perpetrators. The proposed sample size is based on prior research, although the sampling process will end whenever a “saturation point” (i.e., data collection yields no further new information) is reached [46]. In close interaction with our legal counsel and assistance from our existing stakeholders (i.e., domestic abuse charities, CPS, law enforcement, policy officials), we hope to apply a purposeful/snowball sampling technique to identify participants [47]. The interviews themselves would assist us in further gathering details that help to complement the above-discussed analysis methods, ask about rationales for why particular Acts were or were not used in tech abuse court cases, and to address our three study objectives effectively. All gathered interviews would be audio-recorded and professionally transcribed and after that analysed by the research team using an inductive approach to Thematic Analysis [48]. This qualitative method could identify common patterns within the textual data, with the gathered insights complementing details identified from our other datasets.

## Ministry of Justice, HM Courts & Tribunals Service & Data First

Lastly, we hope to access data held by the MoJ, HMCTS, and Data First. The latter is an ambitious data-linking programme to connect administrative datasets from across the justice system led by the MoJ. These datasets are not easily made available to researchers. We consequently have started the application process to be vetted and certified as accredited users, which may take up to six months. Accessing these sources could allow us to analyse data of civil, family and criminal justice realms, enabling us to build a picture of the role of the CMA and tech abuse in the UK justice system over time across users, courts (“lower” and “higher” courts), prison, and probation service. Together with the more nuanced data derived from the news and interview analysis, a comprehensive picture of the state and applicability of the CMA should be formed.

## Dissemination

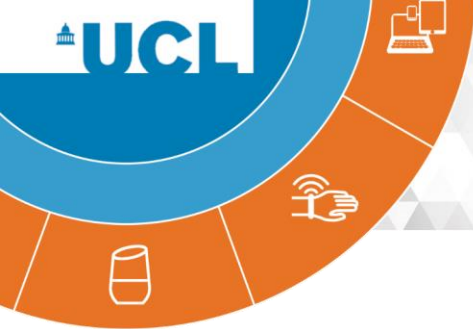
In addition to the methodological extensions, the research team plans several dissemination activities. These are aimed at the academic, policy, and practitioner communities, including the CPS, the College of Policing, the Independent Domestic Abuse Commissioner, legal practitioners such as those working at Finding Legal Options for Women Survivors (FLOWS) as well as statutory/voluntary frontline workers who support victims/survivors and perpetrators.

## Webinar

Statutory/voluntary sector representatives, including law enforcement officials and CPS staff, will benefit from a public webinar that will summarise our findings and give recommendations for practitioners. This event ensures that our research findings are effectively fed back to the domestic abuse community and can lead to changes on the ground.

## Infographic

We intent on summarising our findings in an easily digestible format (e.g., infographic) for the practitioner and policy community. A visually appealing representation of our study and results will ease the barrier for individuals to inform themselves about the CMA and tech abuse and learn more about the conclusion of our research.



# TECH ABUSE

## **Home Office Presentation**

As contractually agreed, we will deliver a presentation to the UK Home Office and other parties whose research has also been supported through the Domestic Abuse Perpetrators Research Fund.

## **Academic Publication**

We are further planning to write up and submit our findings as an academic research article for submission to high-impact, peer-reviewed journals such as Deviant Behaviour. Due to the global readership of academic journals, the publication in such an outlet guarantees effective and international dissemination, especially amongst the academic research community.



## Research Team

### Francesca Stevens

Independent researcher on tech abuse and volunteer with the National Stalking Helpline. She holds an MSc in Criminology and Criminal Justice and recently published a systematic review on the intersection between cyber stalking and the impact upon victims' mental health.

### Dr Leonie Maria Tanczer

Lecturer in International Security and Emerging Technologies at UCL and Honorary Visiting Lecturer at the Violence and Society Centre, City/University of London. She leads the "Gender and IoT" pilot study and is a member of the "Violence, Abuse and Mental Health" network.

### Frances Ridout

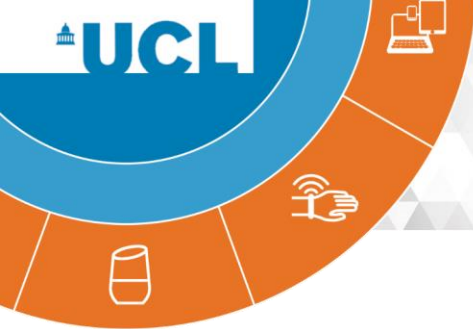
Director of the Legal Advice Centre, a practising barrister, and Senior Lecturer at the School of Law at Queen Mary University of London (she is an associate tenant at 15 New Bridge Street Chambers). She specialises in image-based sexual abuse cases and upskirting. She leads the SPITE project at the Queen Mary Legal Advice Centre, which offers free legal advice for revenge porn victims.

### Professor Shane D. Johnson

Professor of Future Crimes and Director of the Dawes Centre for Future Crime at UCL. He works closely with the voluntary sector, College of Policing and DCMS, is a member of the Home Office Scientific Advisory Council and has published over 140 peer-reviewed publications.

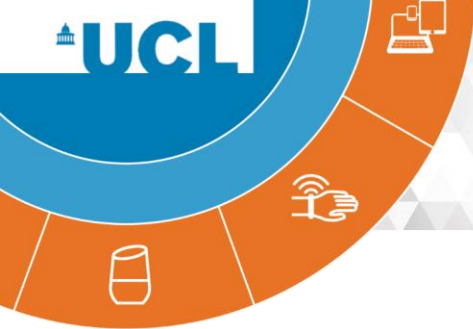
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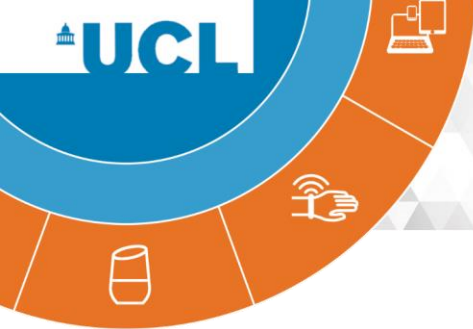
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## Appendix A: List of Identified CMA Court Cases in England/Wales

- **Cases 1 – 82 = Westlaw**
- **Cases 83 – 91 = Lexis Library**
- **Cases 92 – 93 = Bailii**
- **Case 94 = Casemine**

**TD = in Turner's database (21 cases)**

**CM = cases that are also on Casemine (34 cases)**

**Yes = IPV involved (2 cases)**

**No = No IPV involved (84 cases)**

**Maybe = IPV suspected to have been involved (5 cases)**

**Case of Interest = A case of interest that needs to be investigated further (3 cases)**

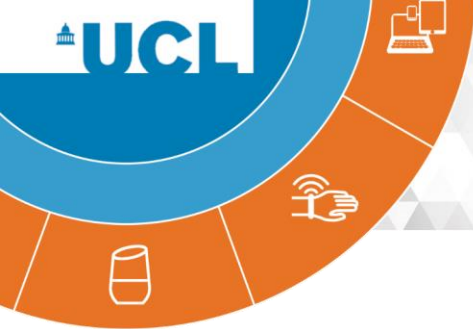
**\*/\*\* = Cases are connected to another**

1. F v M 2021 **Maybe**
2. R. v A 2021 **No**
3. Winder v DPP 2020 **CM No**
4. Ras Al Khaimah Investment Authority v Azima 2021/2020 **CM No**
5. Pharmagona Ltd v Taheri 2020 **CM No**
6. R. v Kaye (Daniel) 2020 **TD No**
7. R. (on the application of Chesterfield Poultry Ltd) v Sheffield Magistrates' Court 2019 **CM No**
8. R. v Needham (Steffan) 2019 **TD No**
9. R. (on the application of Pensions Regulator) v Workchain Ltd 2019 **TD No**
10. Fentiman v Marsh 2019 **No**
11. Love\* v National Crime Agency 2019 **No**
12. R. v Allsopp (Connor Douglas) 2019 **TD No**
13. WM Morrison Supermarkets Plc v Various Claimants 2018 **CM No**
14. CMOC Sales and Marketing Ltd v Persons Unknown 2018 **CM No**
15. R. v Coltman (Benedict) 2018 **No**
16. Love\* v United States 2018 **No**





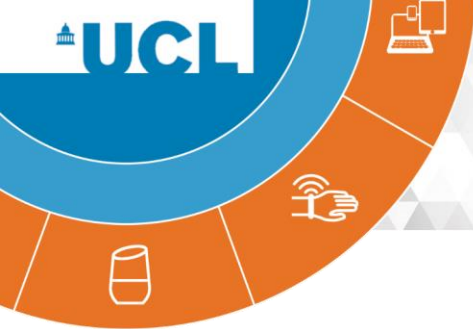
17. R. v Mudd (Adam Lewis) 2017 **TD No**
18. Privacy International v Secretary of State for Foreign and Commonwealth Affairs 2017 **No**
19. R. v Slater (Oliver Anthony) 2016 **No**
20. Tanna v Richmond LBC 2016 **No**
21. R. v Coles-Day (Stephen) 2015 **Case of Interest**
22. Brett v Solicitors Regulation Authority 2014 **No**
23. Environment Agency v Churngold Recycling Ltd 2014 **CM No**
24. Bristol Groundschool Ltd v Intelligent Data Capture Ltd 2014 **CM No**
25. Shepherd v Fox Williams LLP 2014 **No**
26. R. v Rogers (Barry Henry) 2014 **Yes**
27. R. v Brown (Charles) 2014 **No**
28. R. v Martin (Lewys Stephen) 2013 **TD CM No**
29. R. v Coulson (Andrew) 2013 **No**
30. Ahzaz v United States 2013 **CM No**
31. Abbey v Gilligan 2012 **CM No**
32. R. v Nichols (Andrew Alan) 2012 **Case of Interest**
33. R. v Khan (Mahdiya) 2012 **Maybe**
34. R. v Crosskey (Gareth) 2012 **TD No**
35. AW Ltd v Holden 2012 **No**
36. R. v Mangham (Glen Steven) 2012 **TD CM No**
37. Viagogo Ltd v Myles 2012 **CM No**
38. F&C Alternative Investments (Holdings) Ltd v Barthelemy (Costs) 2011 **CM No**
39. Twentieth Century Fox Film Corp v British Telecommunications Plc 2011 **CM No**
40. R. v Baker (Oliver) 2011 **TD No**
41. R. Stubbs (Keziah Samantha) 2011 **No**
42. Tchenguiz v Imerman (Imerman v Imerman) 2010 **CM No**
43. R. (on the application of A) v B 2010 **No**
44. Burwell v DPP 2010 **CM No**
45. Twentieth Century Fox Film Corp v Newzbin Ltd 2010 **No**
46. RSPCA v King 2010 **CM No**
47. White v Withers LLP 2009 **CM Maybe**



48. RSPCA v Johnson 2009 **CM No**
49. Azam v Epping Forest 2009 **CM No**
50. R. (on the application of McKinnon) v Secretary of State for Home Affairs 2009 **CM No**
51. Culkyn v Wirral Independent Appeal Panel 2009 **No**
52. R. (on the application of Rogers) v General Medical Council 2008 **No**
53. Harrison v Harrison 2008 **CM Maybe**
54. L v L 2007 **CM Maybe**
55. Maxwell-King\*\* v United States 2006 **CM No**
56. Bolton School v Evans 2006 **CM No**
57. Ashton Investments Ltd v OJSC Russian Aluminium (Rusal) 2006 **No**
58. DPP v Lennon 2006 **TD No**
59. R. v Stanford (Clifford) 2006 **CM No**
60. R. (on the application of Webb-Johnson) v DPP 2005 **Case of Interest**
61. R. v Debnath (Anita) 2005 **Yes**
62. Holmes v Governor of Brixton Prison 2004 **CM No**
63. R. Vallor (Simon Lee) 2003 **TD No**
64. R. v Delamare (Ian) 2003 **TD No**
65. R. v Parr-Moore (Steven) 2002 **No**
66. Zezev (and Yarimaka) v Governor of Brixton Prison 2002 **TD No**
67. R. v Lindesay (Victor) 2001 **TD No**
68. R. (on the application of Allison) v Secretary of State for the Home Department 2001 **No**
69. Ellis v DPP (No.1) 2001 **No**
70. R. v Maxwell-King (Paul John)\*\* 2000 **TD No**
71. Morgans v DPP 2000 **TD CM No**
72. R. v Bow Street Metropolitan Stipendiary Magistrate Ex p. United States (No.2) 1999 **TD CM No**
73. R. v Manning (John Laurence) 1998 **No**
74. DPP v Bignall 1997 **TD No**
75. Yearly v Crown Prosecution Service 1997 **TD No**
76. R. v Feltis (Jeremy) 1996 **TD CM No**
77. R. v Governor of Brixton Prison Ex p. Levin 1996 **No**



78. R. v Brown (Gregory Michael) 1996 **No**
79. Filmlab Systems International Ltd v Pennington 1993 **No**
80. Attorney General's Reference (No.1 of 1991) 1992 **TD No**
81. R. Whiteley (Nicholas Alan) 1991 **No**
82. R. v Shephard (Hilda) 1991 **No**
83. Government of the United States of America v Assange 2021 **CM No**
84. R v Topliss (Christopher James) 2017 **No**
85. R v Higgins (Matthew Edward) 2014 **TD No**
86. R v Mundle (Richard Daniel) 2014 **No**
87. R v Thorpe (Alan) 2013 **No**
88. British Pregnancy Advisory Service v the person using the alias 'Pablo Escobar' 2012 **CM No**
89. Carlyle Group v BT [2011] 2011 **No**
90. Campaign against Arms Trade v BAE Systems plc 2007 **No**
91. British Telecommunications plc v Rodrigues 1995 **No**
92. King v Department for Work and Pensions 2008 **No**
93. Easy Live Auction Ltd v Lottbridge Systems UK LTD 2012 **No**
94. Mrs P Dhillon v Dr S Subramony T/A Medina Medical Centre and Ms S Pillai **CM No**



## Appendix B: List of Identified Domestic Abuse Court Cases in England/Wales

- **Cases 1 – 30 = Westlaw**
- **Cases 31 – 51 = Lexis Library**
- **Cases 52 – 107 = Bailli**
- **Case 108 = Casemine**

**CM = cases that are also on Casemine (19 cases).**

**Yes = Tech abuse was involved. (20 cases) (19 cases of IPV tech abuse and 1 case of tech abuse perpetrated by a son against his father)**

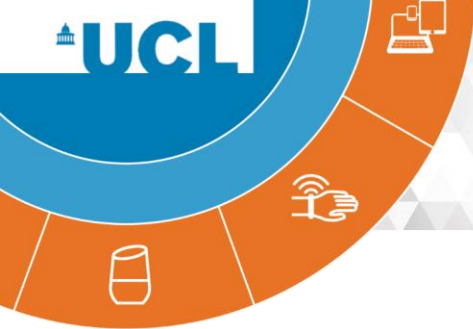
**Unknown = No mention of any specific involvement of tech abuse in the documents (67 cases)**

**Maybe = Tech abuse suspected to be involved (5 cases)**

**N/A = Not involving a specific case of domestic abuse (13 cases)**

**Case of Interest = A case of interest that needs to be investigated further (3 cases)**

1. R. (on the application of GA) v Secretary of State for the Home Department 2021 **Maybe CM**
2. H-N (Children) (Domestic Abuse: Finding of Fact Hearings), Re 2021 **Yes (for B-B) CM**
3. Re J, G and H (Children: Supervision Orders) 2021 **Unknown**
4. R. v Baldwin (Kara) 2021 **Unknown**
5. R. v St Clair (Nicholas James) 2021 **Unknown**
6. Local Authority v RR 2021 **Unknown**
7. A (Child Abduction: Article 13b), Re 2021 **Unknown**
8. H (Children: Findings of Fact), Re 2021 **Unknown**
9. R. v Marshall (Peter Thomas) 2021 **Yes (repeat offender)**
10. A Local Authority v Mother, Father, The Child 'S' through his Children's Guardian, Paternal Grandmother 2021 **Unknown**
11. AB v CD 2021 **Unknown CM**
12. A Local Authority v Mother, Father, The Child 'S' through his Children's Guardian, Paternal Grandmother **Yes CM**

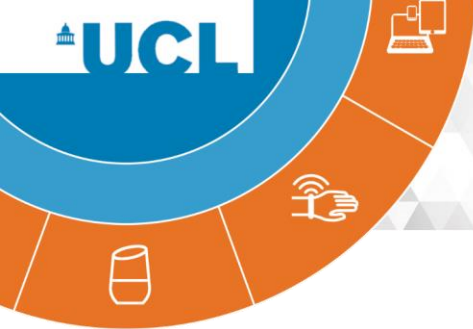


13. R. v T 2021 **Yes**
14. EM (A Child), Re 2021 **Maybe**
15. J (Children) (Transnational Abandonment), Re 2021 **Yes CM**
16. DD (Removal Under Interim Care Order), Re 2021 **Unknown**
17. F v M 2021 **Yes CM**
18. W (Children: Reopening/Recusal), Re 2020 **Unknown**
19. R. v Vacciana (Ian David) 2020 **Unknown**
20. R. v Hoban (Bradley) 2020 **Yes**
21. L (Children) (Domestic Abuse: Stranding/Abandonment: Continuing Risk of Emotional Harm) 2020 **Yes**
22. R. v Wright (Marc William Patrick) 2020 **Unknown**
23. C v D 2020 **Yes CM**
24. R. (on the application of GR) v Director of Legal Aid Casework 2020 **Unknown**
25. R. v Strong (Luke John) 2020 **Unknown**
26. A Local Authority v W 2020 **Unknown**
27. R. v M 2020 **Maybe**
28. Depp v News Group Newspapers Ltd 2020 **Unknown CM**
29. A (A Child) (Relocation), Re 2020 **Yes CM**
30. R. v Wagster (Daniel Eric) 2020 **Yes**
31. G v G (Secretary of State for the Home Department and others intervening) 2021 **Unknown**
32. Re EB and another (children) (return order) AB v CD 2021 **Yes**
33. R (on the application of End Violence Against Women Coalition) v Director of Public Prosecutions 2021 **N/A**
34. M v F and others 2021 **Yes**
35. R (on the application of AK (a child by her mother and litigation friend)) v Islington London Borough Council and another 2021 **N/A**
36. Re Keeping Kids Co Official Receiver v Atkinson and others 2021 **N/A**
37. A local authority v M and others 2021 **Unknown**
38. A borough council v E (a minor by her children's guardian) and others 2021 **Unknown**
39. Regina (FA (Sudan)) v Secretary of State for the Home Department 2021 **Unknown**



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40. Re JB (a child) (sexual abuse allegations) KB v A local authority and others 2021 **Unknown**
41. Professional Standards Authority for Health and Social Care v Health and Care Professions Council and another 2021 **N/A**
42. R (on the application of Grice) v HM Senior Coroner for Brighton and Hove 2020 **Yes**
43. R v Damji 2020 **Case of Interest**
44. R (on the application of Pearce) v Parole Board of England and Wales and another 2020 **N/A**
45. Re M (a child) (return order: Hague Convention) 2020 **Unknown**
46. K v K 2020 **Unknown CM**
47. In re C (Children) (Placement Order: Revocation) (JA intervening) 2020 **Unknown**
48. A local authority v TN and another 2020 **Unknown CM**
49. Makowska v Regional Court in Torun, Poland 2020 **Unknown**
50. Bromley London Borough Council v Broderick 2020 **Unknown**
51. Re Frank A local authority v AB and others 2020 **Maybe**
52. M (care proceedings - neglect - placement with father) 2021 **Unknown**
53. Bournemouth, Christchurch and Poole Council v A & Ors 2021 **N/A**
54. X and Y (private law - change of name - termination of parental responsibility) 2021 **Yes**
55. J (A Child: Residential assessment) 2021 **Unknown**
56. AB v CD & Anor 2021 **Yes CM**
57. CD v EF (Temporary Relocation) 2021 **Unknown**
58. BHX v GRX & Anor 2021 **Yes\* (but not IPV)**
59. Ms S Ready v Nottinghamshire Independent Domestic Abuse Service (England and Wales : Unfair Dismissal) 2021 **N/A**
60. EA000462018 [2021] UKAITUR EA000462018 2021 **Unknown**
61. PA104082019 [2021] UKAITUR PA104082019 2021 **Unknown**
62. AB v CD (Abduction; Undertakings) 2021 **Unknown**
63. JB v SW 2021 **Unknown**
64. DD, Re (Inward Return Order) 2021 **N/A**
65. A (A Child) (Abduction: Jurisdiction: 1996 Hague Convention) 2021 **Unknown**
66. PA009892020 [2021] UKAITUR PA009892020 2021 **Unknown**



67. PA011522020 [2021] UKAITUR PA011522020 2021 **N/A**
68. CLB v SLB 2021 **Unknown**
69. HU187192019 [2021] UKAITUR HU187192019 2021 **Case of Interest CM**
70. X, Y and Z (Children : Agreed Transfer of Residence) 2021 **Case of Interest**
71. B (Supervision Order), Re (Rev 1) 2021 **Unknown**
72. J (A child : care order and a placement order) 2021 **Unknown**
73. PQ v RS & Anor 2021 **Unknown**
74. A Local Authority v XX and XY (threshold; overlaying) 2021 **Unknown**
75. HU170372019 [2021] UKAITUR HU170372019 2021 **Unknown CM**
76. Tarbox, R. v (Rev 1) 2021 **Unknown**
77. O (A Child : Judgment: Adequacy Of Reasons) 2021 **Unknown**
78. G & B, Re (Discharge of Special Guardianship Order) 2021 **Unknown**
79. RD v TJ (Relocation - BIIA - Transitional Provisions) 2021 **Unknown**
80. Trinity House of Deptford Strond v Prescott & Anor 2021 **N/A**
81. P, Re 2021 **Unknown CM**
82. PA061602019 [2021] UKAITUR PA061602019 2021 **Unknown**
83. E, S and Y (Children: Care and Placement Orders), Re 2021 **Yes CM**
84. The Prospective Adopters v The Mother & Anor (Rev 1) 2021 **Unknown**
85. J, Re (In the Matter of the Children Act 1989) (Rev 1) 2021 **Unknown**
86. HU049642018 [2021] UKAITUR HU049642018 2021 **Unknown**
87. PA050872019 [2020] UKAITUR PA050872019 2020 **Unknown**
88. J (A Child) 2020 **Yes**
89. G, Re 2020 **Unknown**
90. Y And Z (Children) (Adoption From Scotland) 2020 **Unknown**
91. M v H (Private Law Vaccination) 2020 **Unknown**
92. The London Borough of Hounslow v El & Ors (Rev 1) 2020 **N/A**
93. DA002922019 [2020] UKAITUR DA002922019 2020 **Unknown**
94. HU166142019 [2020] UKAITUR HU166142019 2020 **Unknown CM**
95. R (no order for contact after findings of domestic abuse) 2020 **Unknown**
96. HU172802019 & Ors. [2020] UKAITUR HU172802019 2020 **Unknown CM**
97. HU134722019 [2020] UKAITUR HU134722019 2020 **Unknown**



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- 98. D (rehabilitation to mother after failure to protect from inflicted injuries) 2020 **Yes**
- 99. HU067302019 [2020] UKAITUR HU067302019 2020 **N/A**
- 100. PA110302019 [2020] UKAITUR PA110302019 2020 **Unknown**
- 101. R (Leave to Oppose The Making of an Adoption Order), Re 2020 **Unknown**
- 102. K (Children: Placement Orders), Re 2020 **Maybe**
- 103. AB Volvo (Publ) & Ors v Ryder Ltd & Ors 2020 **N/A**
- 104. HU038742019 [2020] UKAITUR HU038742019 2020 **Unknown CM**
- 105. 106. SS v MCP 2020 **Unknown**
- 106. P (Discharge of Passport Order) (Rev 2) 2020 **Unknown**
- 107. MGB v GT 2020 **Unknown**
- 108. HU220422018 **Unknown**