

WRITTEN MINISTERIAL STATEMENT

Domestic Homicide Sentencing Review

Tackling violence against women and girls is a top priority for this Government and we are committed to ensuring that the most serious offenders spend longer in prison. Women should feel safe in their own home and our sentencing framework must reflect the seriousness of violence and abuse committed by those closest to them.

The Government commissioned an independent expert, Clare Wade KC, to review sentencing in domestic homicide cases to establish whether current law and sentencing guidelines are fit for purpose and identify options for reform.

Today, I am publishing Ms Wade KC's Domestic Homicide Sentencing Review (the 'Wade Review') and announcing a package of proposed reforms to change the law so that sentencing reflects the seriousness of domestic homicides. The published review can be found here: <https://www.gov.uk/guidance/domestic-homicide-sentencing-review>.

The Wade Review makes a number of other recommendations and the government's position will be outlined in a full response to be published before the summer recess. The measures announced today demonstrate our commitment to delivering tougher sentences for the perpetrators of these horrific crimes and allow for necessary legislation to be introduced as soon as possible. All recommendations in the review and the measures announced today apply to England and Wales.

We will increase sentences for murderers with a history of controlling or coercive behaviour against the victim.

The Serious Crime Act 2015 introduced the criminal offence of controlling or coercive behaviour. Controlling or coercive behaviour can comprise economic, emotional or psychological abuse. It does not relate to a single incident, but a purposeful pattern of behaviour over time. Controlling or coercive behaviour by the perpetrator towards the victim was identified in 51% of the murder cases analysed for this Review.

Despite around a quarter of all homicides being classed as domestic, the legislation which sets out the sentencing framework for murder does not currently specifically account for the abuse that the victims in these cases often experience before death.

The review recommends that a history of coercive or controlling behaviour should be added to the statutory aggravating factors to murder. We will introduce legislation to make this change as soon as possible to ensure abuse experienced before death is properly considered and serious offenders are kept off our streets for longer.

We will consider further reform by consulting on whether the starting point should be 25 years for murders preceded by controlling or coercive behaviour.

While the addition of a history of coercive or controlling behaviour as a statutory aggravating factor to murder will be an immediate step to increase sentences, we do not rule out further reform to ensure perpetrators are kept behind bars for longer.

We will launch a public consultation this summer seeking views on whether there should be a starting point of 25 years for cases of murder where the perpetrator has controlled or coerced the victim before killing them. The current sentencing framework recognises the particular seriousness of the illegal possession and use of knives in public with a 25-year starting point for murders where a weapon used has been taken to the scene with intent. It is important that this starting point is maintained and therefore we will not be accepting the recommendation made in the Wade Review to disapply it from domestic cases. The sentencing framework must recognise the seriousness of anyone who walks onto our streets with a knife, intending to use it to cause harm. However, the changes announced today will ensure that the framework also recognises the particular seriousness of domestic murder, and this consultation will ensure all reform options have been fully explored.

We will make ‘overkill’ a statutory aggravating factor in the sentencing framework for murder.

Overkill is defined in the Wade Review and wider literature as the use of excessive or gratuitous violence, beyond that necessary to kill. It amounts to violation of the body and causes intense distress to the families of victims. Overkill is prevalent in domestic murders and was identified in 60% of the cases analysed for this Review.

The Wade Review recommends that overkill should be added to the statutory aggravating factors to murder. This would mean that a judge *must* consider increasing an offender's minimum custodial term where overkill has occurred. We will introduce legislation to make this change as soon as possible. It will ensure that the horror of overkill is recognised in statute and that the anguish it causes the families of victims is taken into account when sentencing such cases.

Building on our ban of the ‘rough sex defence’ in the Domestic Abuse Act, we want to see longer sentences for perpetrators of so-called rough sex manslaughter. We are requesting that the Sentencing Council update their guidelines and will keep under review the need for legislation.

The government is clear the ‘rough sex defence’ is not recognised in law as a person is legally unable to consent to “serious harm”, including where it results in death. However, there continues to be concern about apparent low sentences given in some cases of manslaughter where consent to so-called rough sex is argued.

The review recommends manslaughter sentencing guidelines should be amended to consider the offender highly culpable where death occurs during violence alleged to be consensual during a sexual encounter, and therefore impose a higher sentence.

The production or revision of sentencing guidelines is a matter for the independent Sentencing Council. However, today I will ask the Council, which has a statutory duty to consider my request, to consider revising sentencing guidelines to reflect the recommendation made in the Wade Review. While this is our preferred approach, we will keep legislative options under review to ensure we can deliver reform.

These measures build on our zero-tolerance approach to violence against women and girls by ensuring that sentencing delivers justice for the victims and families.

I am very grateful to Clare Wade KC for her work on this review. I would also like to pay tribute to Carole Gould and Julie Devey for their tireless campaigning after the tragic murders of their daughters, Ellie Gould and Poppy Devey-Waterhouse.