

The Golden Thread of *Woolmington* – A Domestic Yarn That Should Never Have Been Spun

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Abstract

The case of *Woolmington v The Director of Public Prosecutions* [1935] 1 AC 462 is renowned for Viscount Sankey's 'golden thread' ruling, that the prosecution bears the burden of proof at trial. However, what is frequently overlooked is that this judgment arises from domestic violence. In this commentary, the facts of *Woolmington* will be investigated, and charted using a domestic abuse risk assessment form (DARA) which is used by police to assess the potential risk to victims after an alleged domestic incident. It will be shown that there were numerous 'red flags' in Reginald Woolmington's behaviour towards Violet, his wife, which indicated that she was at risk of serious physical violence from her husband. The commentary then reflects on the fact that such an important ruling is named after a domestic abuser.

Introduction

The 'golden thread' principle in English law, that 'it is the duty of the prosecution to prove the prisoner's guilt', arises from the important judgment of Lord Sankey in *Woolmington v The Director of Public Prosecutions*.¹ There is little question that *Woolmington* falls into a select band of caselaw of 'international importance',² and in respect of criminal law and evidence that it is the 'leading case of the twentieth century'.³ What is less acknowledged in respect of Lord Sankey's ruling is that the basis for the judgment arises from an unremarkable domestic homicide. Whilst the outline case facts of *Woolmington* are generally well known (that Reginald Woolmington shot and killed his wife Violet) there remains substantial background

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¹ *Woolmington v The Director of Public Prosecutions* [1935] 1 AC 462, 481.

² Richard Glover, 'Woolmington in Context: The Excavation of a Case' (2023) 44 *The Journal of Legal History* 60, 89.

³ John E Stannard, 'A Presumption and Four Burdens' (2000) 51 *Northern Ireland Legal Quarterly* 560.

evidence that was not discussed in the House of Lords' ruling and has only recently been explored by authors.⁴

In this commentary, the domestic saga behind *Woolmington* will be investigated and charted using a generic domestic abuse risk assessment form (DARA).⁵ DARAs are used by first responders and investigators working for police forces across England and Wales, to assess the potential risk to domestic abuse victims after an alleged domestic abuse incident. It will be seen that there were considerable 'red flags' in respect of Reginald's behaviour prior to killing Violet, which, if occurring today, should alert police, social services and Violet herself, that the defendant was on course to murder. Further, regardless of the quality of Lord Sankey's ruling, the ultimate lack of justice for the victim (a re-trial was not a legal possibility at the time nor was a substitute verdict given) tarnishes, what for many, has been considered a 'golden' moment in English law, as it appears to indirectly condone violence against women and girls.

This commentary will start by investigating domestic abuse statistics and the general process of completing DARAs, before analysing the facts of *Woolmington* itself.

Domestic Violence v Domestic Abuse

Domestic abuse is defined as a gender-based crime. Although it affects all genders, it affects women disproportionately. In 1992, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) passed the 'historic' General Recommendation No 19, which requires that 'States parties should take all legal and other measures that are necessary to provide effective protection of women against gender-based violence'.⁶ Despite

⁴ Glover (n 2); K. Crosby, "'Well, the Burden Never Shifts, But it Does": Celebrity, Property Offences and Judicial Innovation in *Woolmington v DPP* (2023) 43 *Legal Studies* 104.

⁵ This completed risk assessment can be found in the appendix. DARAs used by local forces will have slight variations but cover the same essential questions. This form has been adapted from the College of Policing, *Domestic Abuse Risk Assessment (DARA): Rationale for Development, Structure and Content* (2022). It has been completed with potential answers recorded on behalf of Violet Woolmington.

⁶ Committee on the Elimination of Discrimination against Women, 'General Regulation 19, Violence Against Women' (1992), specific recommendation (t).

CEDAW's work, violence against women 'remains pervasive in all countries'.⁷ In England and Wales, the Office for National Statistics report that 2.3 million people aged 16 years and over experienced domestic abuse in the year ending March 2024; 1.6 million of these were female.⁸ Analysis of homicides from the year ending March 2021 to the year ending March 2023 shows that women accounted for 65.4 per cent of domestic homicide victims in England and Wales.⁹

First response officers frequently attend domestic abuse incidents during their shifts. In 2009, a 'DASH' (Domestic Abuse, Stalking and Harassment) risk assessment checklist was endorsed by Police Chiefs in England and Wales to guide first responders during their interactions with the victim. Questions on the DASH checklist cover a range of physical, emotional and financial experiences which aim to create a detailed risk assessment. Subsequent investigations into the efficacy of the DASH checklist, particularly in respect of the investigation into, and grading of, a number of domestic abuse indicators, has led the College of Policing to approve amendments to the form's methodology. It is now referred to as Domestic Abuse Risk Assessment (DARA). The new title aligns with the passing of the Domestic Abuse Act 2021, which has changed the traditional term of 'domestic violence' to 'domestic abuse', in that 'abuse' captures aspects of coercive control that are not ostensibly 'violent'.¹⁰

In addition to changing the title of the risk assessment, DARA has changed the nature of the questioning. The revised approach aims to improve the consistency of data collection and, crucially, to ensure that significant and dangerous *patterns* of behaviour are captured. For example, a question on the previous DASH checklist, 'has (...) ever attempted to strangle/choke/suffocate/drown you?' has been altered to 'how often does (...) strangle you or attempt to choke, suffocate, or drown you?' The rationale behind these changes is to record the frequency of 'sub-lethal violence' and ensure that the overall potential risk is captured.¹¹

⁷ Committee on the Elimination of Discrimination against Women, 'General Recommendation No 35 (2017) on Gender-Based Violence Against Women, updating General Recommendation No 19 (1992)' 1.

⁸ Office for National Statistics, *Domestic Abuse in England and Wales Overview: November 2024* (27 November 2024).

⁹ Office for National Statistics, *Domestic Abuse Victim Characteristics, England and Wales: Year Ending March 2024* (27 November 2024).

¹⁰ Charlotte Bishop, 'Prevention and Protection: Will the Domestic Abuse Act Transform the Response to Domestic Abuse in England and Wales?' (2021) 33(2) *Child and Family Law Quarterly* 163.

¹¹ College of Policing (n 5).

This is crucial, not only for first-time reports from victims, but also where incidents of domestic abuse have been recorded previously. In such situations, the attending front-line officers may have been informed that there are risk assessments in place, but unless they have attended the same victim, they are unlikely to know the full contents of the previous reports.

Once the DARA is completed, the victim's overall risk will be assessed as one of three categories, standard, medium or high, where high risk means that at any time there is a risk of an incident occurring that will lead to serious injury or death. Forces adopt differing processes, but all risk assessments will be forwarded to the relevant Multi-Agency Safeguarding Hub (MASH). The grading of 'standard' does not rule out the potential for serious harm, and it is not unknown for officers to attend and identify a 'standard' domestic incident only to re-attend the same address weeks or months later to investigate a domestic homicide.¹² A grading of 'medium' is more likely to provide victims with external support, but only those considered to be at 'high-risk' receive substantial intervention strategies to help promote the victim's safety.¹³

Despite interventions, the National Police Chiefs' Council (NPCC) document that between April 2022 and March 2023 there were 80 intimate partner homicides.¹⁴ Significantly, 49 per cent of suspects of domestic homicides committed from April 2022 to March 2023 had been previously categorised by police as high-risk or serial domestic abuse offenders, which raises questions regarding the efficacy of police and MASH management of such perpetrators and victims. The remaining 51 per cent of offenders were not known or had not been sufficiently flagged up as a serious potential threat to their partners. Regardless of the efficacy of risk assessment or intervention strategies, it is submitted that from a reading of the basic case facts of *Woolmington*, a number of risk factors stand out. Had risk assessments been a standard operating procedure for 1930s policing and a DARA been conducted with Violet,

¹² Sara Thornton, 'Predicting Serious Domestic Assaults and Murder in the Thames Valley' (MSt, University of Cambridge, 2011).

¹³ Andy Myhill, Katrin Hohl and Kelly Johnson, 'The "Officer Effect" in Risk Assessment for Domestic Abuse: Findings from a Mixed Methods Study in England and Wales' (2023) 20 *European Journal of Criminology* 856.

¹⁴ National Police Chiefs' Council, *Scale of Homicide and Suicides by Domestic Abuse Victims Revealed* (13 March 2024).

from the evidence of this case, Violet's initial grading would have been considered at least medium risk if not high risk of serious injury from her husband.

Investigating the Facts of *Woolmington*

Reginald Woolmington, then aged 21, killed his 17-year-old wife, Violet, on 10 December 1934 in her mother's house in Milborne Port, in Somerset. They had been together since Violet was 15, and Reginald 18. There are indications that the two had been in a sexual relationship for two years, and clear evidence that marriage was necessary because Violet was pregnant.¹⁵ In contemporary times, the age of the parties would raise concerns to front-line officers, specifically as statistics indicate a higher percentage of people aged 16 to 19 years are victims of domestic abuse, compared to those in an older age bands.¹⁶

Although the age of majority at the time was 21, and the Woolmingtons were 'children' in the eyes of the law, there is a relevant age differential between the two. Reginald had more life experience, working away from home including time in the Armed Forces and work in Jersey.¹⁷ Further, he was reportedly a foot taller than Violet, worked as a farm labourer and had taken part in boxing exhibitions.¹⁸ No doubt he was physically strong, and it is likely that his physical strength was superior to his wife's. Even if that may not have always been the case, in January 1934, Violet became pregnant with their son which was likely to impact on her physical strength. It is common for women in their first trimester of pregnancy to experience nausea and/or fatigue; likewise, tiredness is common towards the end of pregnancy. Crucially, it is well-established that pregnancy can be the catalyst for domestic abuse.¹⁹

It is not possible to discover if Violet was coerced into a sexual relationship with the defendant, but there are some indications that she was coerced into marrying him – potentially by her mother, Lillian Smith, who was displeased that Violet had become pregnant.

¹⁵ Glover (n 2) 71.

¹⁶ Office for National Statistics (n 8), Table 5: Age. Further, since 27 February 2023, under-18s are no longer allowed to marry or enter a civil partnership in England and Wales: Marriage and Civil Partnership (Minimum Age) Act 2022.

¹⁷ Glover (n 2) 70.

¹⁸ *Ibid* 72.

¹⁹ Jeanne L Alhusen, Ellen Ray, Phyllis Sharps and Linda Bullock, 'Intimate Partner Violence During Pregnancy: Maternal and Neonatal Outcomes' (2015) 24 *Journal of Women's Health* (Larchmt) 100.

Glover reports that at Woolmington's first trial, Smith called the birth of her grandson 'a disgrace'.²⁰

The couple were married on 25 August 1934, and went to live with Reginald's parents, in Osborne, Dorset. Violet gave birth to a son on 14 October. This is when significant conflict between husband and wife is reported to have started. At trial, Violet's mother gave details of domestic abuse that Violet had reported to her. This evidence was backed up by the Sherborne Police Court missionary, Albert Berryman, who had spoken with Violet prior to her death. Violet disclosed to Berryman how her husband had hit and imprisoned her.²¹ In addition to quarrelling, Violet was allegedly frequently hit across her face by her husband; he had attempted to strangle her, and he had locked her in the house so that she could not even take their newborn son out for a walk.²² During a DARA process today, first responders would ask questions that cover this behaviour, such as 'how often does (...) control your daily activities ...?; How often does (...) use physical violence towards you such as pushing, slapping, punching or kicking?; Is the abuse you are experiencing from (...) getting worse?'²³ Choking or attempted strangulation is known to be a sub-lethal assault, and officers should be aware that this is an indicator of greater risk.²⁴ At this stage, a DARA would indicate a grading of at least medium risk of physical harm to Violet. More life-threatening events were to come. In November 1934, less than six weeks after the birth of their child, Violet managed to escape her parents-in-laws' cottage and went to live with her mother.

Leaving a violent partner is potentially the most dangerous time for those experiencing abuse. Statistics vary year on year and across jurisdictions, but international statistics indicate that 77 per cent of domestic homicides happen at separation and further, that there is a '75 per cent increase of violence upon separation for at least two years'.²⁵ The question is often posed as to why victims of abuse do not leave their violent partners. There are many reasons

²⁰ Glover (n 2) 71.

²¹ Ibid 72.

²² Ibid 73.

²³ See Appendix 1.

²⁴ Section 70 of the Domestic Abuse Act 2021 amended the Serious Crime Act 2015 to include s 75A, which makes non-fatal strangulation or suffocation a separate offence.

²⁵ Battered Women's Support Services, *Eighteen Months After Leaving Domestic Violence is Still the Most Dangerous Time* (2020).

why they stay, but fear of violence from the partner is a significant contributing factor. Should a woman leave her abusive relationship, she is statistically at a heightened risk of her former partner pursuing tactics of harassment or stalking.²⁶ This is borne out in the facts of *Woolmington*. Reginald reportedly tried to get Violet to come back with him and when his own efforts were unsuccessful, he enlisted the support of others, including his employer, Albert Cheeseman, who visited Violet to try to convince her to return to her husband.²⁷

It could be argued that Woolmington's persistence in trying to get Violet back amounted to harassment if not stalking (albeit not crimes at the time). This persistent post-separation behaviour causes stress and anxiety for a victim, and for this reason is a key question raised on the DARA form: 'How often does (...) follow or stalk you, or try to contact you when you do not want them to?'²⁸ Today, Violet's response would lead to Woolmington's arrest for domestic abuse-related stalking or harassment, and hopefully Violet would receive support and protection to continue living separately, rather than pressure to return to her husband (and condemnation when she refused).

All indications are that the ultimate betrayal occurred, in Woolmington's mind, when Violet's brother told Reginald that Violet had been seen with another man at the cinema in Sherborne. This was not directly in evidence at trial, but there are reports that Woolmington spoke with the man who confirmed this.²⁹ The defendant told the court that after hearing Violet had walked out with another man, he 'thought he might frighten his wife into obedience by threatening to shoot himself'.³⁰ One of the questions on DARA is, 'How often does (...) threaten or attempt suicide?' It is not known whether the defendant tried this strategy with Violet before, but locking her in the house demonstrates that he sought 'obedience' and control, and had adopted a number of physical actions to assert this. Threatening to commit suicide is seen as controlling behaviour and there is a significant link between such threats

²⁶ Kathryn J Spearman, Jennifer L Hardesty and Jacquelyn Campbell, 'Post-Separation Abuse: A Concept Analysis' (2023) 79 *Journal of Advanced Nursing* 1225.

²⁷ Glover (n 2) 73.

²⁸ College of Policing (n 5).

²⁹ Reported in *The Taunton Courier*, 30 January 1935, as noted in Glover (n 2) 71.

³⁰ *Woolmington* (n 1) at 463.

and domestic homicide,³¹ the undercurrent being, 'I want to die, and I am going to take you with me'.

The next morning, Woolmington took his employer's shotgun, sawed down both its barrels, loaded it with two cartridges, and cycled over to see his wife. At trial, Woolmington said that he had sawed the barrels off so that it would be concealed under his coat.³² This preparation was methodical and there was some evidence produced during his trial – a letter written by Woolmington – which indicated that he was planning to kill Violet and then himself.³³

Murder-suicide incidents, where an individual kills others and then takes their own life, are relatively rare occurrences. In the United States, 96 per cent of murder-suicide victims are female, and more than 50 per cent of these homicides are caused by firearms.³⁴ Further, many other survivors have suffered firearms injuries or have been threatened at gunpoint. Although gun laws in the UK have tightened considerably since the 1930s, there are still concerns regarding the licensing of firearms. In 2021, the Home Secretary asked all police forces to urgently review their licensing rules after an incident in Plymouth when Jake Davison shot his mother and four members of the public before turning the gun on himself.³⁵ In April 2024 Project Titanium was launched. This was an initiative developed by Gwent Police with the aid of domestic abuse survivors. Titanium has added questions on the gun licence application which asks the applicant's partner about the applicant's behaviour such as, 'has your partner ever threatened to use, or has used a weapon on you?' The idea behind these questions is to identify those who may be a potential risk to others, to assess whether granting a firearms licence is appropriate.³⁶ Unfortunately, there were no such restrictions in place to protect Violet Woolmington.

³¹ Emma Rouchy, Emma Germanaud, Mathieu Garcia and Gregory Michel, 'Characteristics of Homicide-Suicide Offenders: A Systematic Review,' (2020) 55 *Aggression and Violent Behavior* 101490.

³² Glover (n 2) 64.

³³ Ibid 65.

³⁴ Elizabeth Tobin-Tyler, 'Intimate Partner Violence, Firearm Injuries and Homicides: A Health Justice Approach to Two Intersecting Public Health Crises' (2023) 51 *Journal of Law and Medical Ethics* 64.

³⁵ HL Deb 22 February 2023, vol 827, cols 1724-1731.

³⁶ BBC News, 'Partners to be quizzed in new gun licence screening' (9 April 2024).

We know from the case report that on the morning of 10 December, Violet and her baby son were alone in her mother's house. Woolmington turned up at the house and an argument ensued. Violet's aunt, who lived next door, recognised the defendant's voice and heard him say something to the effect of 'are you coming back or not, Vi?'³⁷ She heard a door slam, and then heard a gunshot. When she looked out of her front window she saw the defendant cycling away. On entering her sister's house she found Violet dead, with her baby son close by. Later that day, Woolmington was arrested and charged with murder. He confessed, "I want to say nothing, except I done it, and they can do what they like with me. It was jealousy I suppose. Her mother enticed her away from me. I done all I could to get her back. That's all."³⁸

Only the defendant and the victim would ever know precisely what happened. Woolmington gave evidence in Court that on asking Violet if she was going to return to him, she told him emphatically no, and that she had decided to go into domestic service. He then told Violet that he would shoot himself if she did not come back to him. Woolmington further added that 'to explain how he meant to do this, and to show her the gun with which he meant to do it, he unbuttoned his overcoat and brought the gun across his waist. The gun went off.'³⁹ Woolmington specified that, despite only wishing to scare Violet, he had loaded the gun to make the threat more authentic, whether Violet would have known that or not. The fact that the defendant had loaded the gun with two bullets gives rise to the possibility that murder-suicide was his intention.

In considering the facts of the *Woolmington* case, there are a number of 'red flags' according to the DARA questionnaire. Firstly, the physical disparity between husband and wife, although not specifically cause for alarm in itself, gave Woolmington an advantage over his wife, if the arguments became physical, which they allegedly did. More than striking his wife across her face, he allegedly also attempted to strangle her. This history of violence was downplayed by Viscount Sankey. In his judgment he refers to 'some quarrelling between them',⁴⁰ and in doing so, he minimised very serious assaults.

³⁷ *Woolmington* (n 1) at 463.

³⁸ *Ibid* at 464.

³⁹ *Ibid* at 463.

⁴⁰ *Ibid* at 470.

Further, whilst Violet was living at the Woolmington family home, Woolmington committed false imprisonment by locking his wife in their room so that she could not even go for a walk with their baby, nor see her mother. This is coercive control. Victims of domestic abuse continue to be incarcerated today, be that financially or socially. Yet, perhaps most strikingly, it remains the case today that when women such as Violet leave their abusive partner, it is then that they are at most risk of violence.⁴¹

Woolmington's Trials

The purpose of this commentary was to investigate and highlight the domestic abuse to which Reginald Woolmington subjected Violet, and to illustrate how her death might have been prevented had a risk assessment been undertaken and support measures put in place. However, for the sake of completeness a short summary of Woolmington's court appearances will be provided.

Woolmington's first trial took place at the Somerset Assizes in Taunton on 23 January 1935, in front of an all-male jury.⁴² This was the first time that Woolmington raised his 'accident' defence. Nowadays, a defendant is required to give notice of any defence that they will rely on in the Crown Court.⁴³ However, no such rules were in place in 1935, and the trial proceeded. The jury were out for less than one and a half hours but failed to reach a decision. The case was sent for retrial at Bristol Assizes and was heard on 13 and 14 February 1935. At this second trial, Mr Justice Swift, relying on the precedent of *Foster's Crown Law* (1762), p 255, pronounced that:

In every charge of murder, the fact of killing being first proved, all the circumstances of accident, necessity, or infirmity are to be satisfactorily proved by the prisoner, unless they arise out of the evidence produced against him; for the law presumeth the fact to have been founded in malice, unless the contrary appeareth.

Mr Justice Swift then added:

⁴¹ Battered Women's Support Services (n 25).

⁴² The Sex Disqualification (Removal) Act 1919 allowed for women to serve on a jury.

⁴³ Criminal Procedure and Investigations Act 1996, s 6A.

The Crown has got to satisfy you that this woman, Violet Woolmington, died at the prisoner's hands. They must satisfy you of that beyond any reasonable doubt. If they satisfy you of that, then he has to show that there are circumstances to be found in the evidence which has been given from the witness-box in this case, which alleviate the crime so that it is only manslaughter, or which excuse the homicide altogether by showing that it was a pure accident.⁴⁴

It took just over an hour for the jury to reach its verdict. Woolmington was found guilty of murder, but the jury gave a recommendation for mercy in respect of the death penalty. Mr Justice Swift sentenced Woolmington to death, but submitted the recommendation for mercy in respect of the sentence to the Court of Appeal. Appealing against a death sentence was a frequent occurrence during the first half of the twentieth century, and during this time, 40 per cent of male defendants and 90 per cent of female defendants had their death sentence commuted, often to penal servitude for life.⁴⁵ On 18 March, the Court of Appeal dismissed Woolmington's appeal, which was based on misdirection by the judge.⁴⁶ Likewise, the appeal against his sentence also failed. However, Woolmington's counsel, JD Caswell, applied to the Attorney-General and persuaded him to take this case to the House of Lords on an 'urgent and exceptional point of law'.⁴⁷

The House of Lords appeal hearing took place on 5 April 1935. The judges hearing the appeal were Viscount Sankey, the Lord Chancellor, Lord Hewart, the Lord Chief Justice, Lord Atkin, Lord Tomlin and Lord Wright. Woolmington's parents had worked hard to secure his release, and their efforts were given momentum by Violet van der Elst, who had recently started her long-term campaign against the death penalty, and she championed Woolmington's appeal.⁴⁸ After a very short deliberation, their Lordships allowed the appeal. The Criminal Appeal Act 1907 did not allow for a re-trial after a judge's misdirection,⁴⁹ nor did their Lordships replace the verdict of murder with manslaughter, even though they had the

⁴⁴ *Woolmington* (n 1) at 466.

⁴⁵ Shani D'Cruze, 'Intimacy, Professionalism and Domestic Homicide in Interwar Britain: The Case of Buck Ruxton' (2007) 16 *Women's History Review* 701, 706.

⁴⁶ *Woolmington* (n 1) at 462.

⁴⁷ *Ibid.*

⁴⁸ Glover (n 2) 79.

⁴⁹ In order to pass the (then) controversial Criminal Appeal Act 2007, the Government of the time was forced to remove its provision which would have allowed a retrial based on a misdirection.

power to do so by virtue of section 5(2) of the same Act.⁵⁰ As no other sanction was put in place for *Woolmington*, he left the Court a free man.

The written judgment was not delivered until 23 May 1935 when Viscount Sankey announced the famous ‘golden thread’ principle:

Throughout the web of the English Criminal Law one golden thread is always to be seen that it is the duty of the prosecution to prove the prisoner's guilt subject to... the defence of insanity and subject also to any statutory exception.⁵¹

Ironically, shortly after this, Sankey's political career fell into decline,⁵² and he disappeared largely from public life from this point onwards.

Discussion

Whilst the judgment in *Woolmington* is exceptional, the facts behind the judgment are commonplace. *Woolmington* clearly illustrates how domestic abuse can escalate to homicide and highlights how important it is for first responders to take positive action when called to a domestic incident. During this commentary, it has been identified that there were ‘red flags’ in respect of *Woolmington*'s behaviour toward his wife, Violet, which had they been investigated today, should have alerted the police, social services and Violet herself, that *Woolmington* was on the verge of causing Violet a really serious physical injury. Unfortunately, there is still a lack of awareness of this type of behavioural progression, and young people require more education to help prepare for abusive relationships that they might encounter.

It has been documented that the process of conducting a risk assessment is ‘highly variable, depending both on the officer conducting the interview and the nature of the report’.⁵³ Further, victims often refuse to undergo the DARA process, some because they do not believe the incident will re-occur, others because they are too frightened to involve the

⁵⁰ Glover (n 2) 88.

⁵¹ *Woolmington* (n 1).

⁵² On 7 June 1935, Stanley Baldwin was appointed Prime Minister, and in his cabinet reshuffle, Sankey was demoted.

⁵³ Myhill (n 13) 871.

police.⁵⁴ This does not mean that they are not at risk. In such circumstances, some officers attempt to gather evidence from other sources, for example family or friends, whilst other officers will record their interpretation of the situation.⁵⁵ However, more training is required to assist police and health workers in building trust with victims, to conduct risk assessment effectively and/or listen to and gather intelligence.⁵⁶

In respect of the judgment itself, Violet was a double victim of her time. Firstly, she was failed by policing methodology and, crucially, she was failed by the legal system. Legislation prevented a re-trial based on misdirection, nor did the House of Lords see fit to substitute an alternative verdict and sentence. It is more than possible that ‘very old ideas about the place of women in society’⁵⁷ allowed the defendant’s appeal to be successful. Today, the Supreme Court’s focus is on legal issues, and it accepts the facts as previously documented. The Court at first instance heard damning evidence in respect of Woolmington’s maltreatment of Violet before her death. In playing down the details of the violence that Woolmington inflicted on Violet and failing to make use of s5(2) of Criminal Appeal Act 1907 to substitute an alternative verdict, the House of Lords appears to have indirectly condoned violence against women and girls.

The legal landscape has since changed considerably; the death penalty has been abolished and partial defences to murder, including loss of control and diminished responsibility, are available for defendants. However, gendered violence and abuse remain. Therefore, it is more crucial than ever that investigators and judges pursue domestic abuse cases rigorously, without personal bias. It would be hard to deny that in a criminal trial the prosecution should bear the burden of proof. To that extent, the judgment handed down by Viscount Sankey remains welcomed. However, to allow a violent man’s name to be conjoined with a ruling praised for its support of human rights does not feel like justice. *Woolmington* highlights the importance of investigating the facts as well as the legal issues in a significant case and, where appropriate, to acknowledge and rectify any injustice that might remain.

⁵⁴ *Ibid*, 870.

⁵⁵ *Ibid*.

⁵⁶ Spearman (n 26).

⁵⁷ Glover (n 2) 62.

APPENDIX 1

This domestic abuse risk assessment checklist and the rationale for the new questions, has been taken from the College of Policing website, and completed with hypothetical answers provided by Violet Woolmington, to illustrate her potential risk grading.

DARA Question	Violet's Potential Response	Rationale – from the College of Policing website (see further n 5)
How often does (...) make threats to harm you or things you care about such as people, pets or property?	The standard choices are: Never/occasionally/often/all the time Answer unknown	Frequent threats are generally employed in coercive control. ♣ Emphasises the personalised nature of the abuse.
How often does (...) call you names, humiliate or degrade you?	Unknown	Captures the frequency of emotional abuse, which is a key tactic of coercive control.
How often does (...) control your daily activities such as how you dress or how you perform household tasks?	Never/occasionally/ often/all the time Violet would have indicated that this was frequent.	♣ Most important in terms of identifying risk is to establish that the behaviour is present.
How often does (...) deny you access to money or control what you can spend it on?	Unknown, but Violet had earned money making gloves prior to the marriage.	Financial abuse has been identified as a key element of coercive control.
How often does (...) make you account for where you have been, or monitor your phone, email or social media to check up on you?	Not relevant, but indications present that Violet was prevented from visiting her mother.	Captures the frequency of surveillance within the relationship
How often does (...) follow or stalk you, or try to contact you when you do not want them to?	Never/occasionally/ often/all the time	Relates more specifically to post-separation stalking and harassment
How often do you feel isolated or like you have no one to turn to for support?	Bearing in mind that Violet lived with her abusive husband and his parents, this is likely to be at least often .	Captures frequency of feeling isolated and not feeling able to access support
How often does (...) use physical violence towards you such as pushing, slapping, punching or kicking?	Never/once only/ occasionally/ often	Captures the frequency of physical violence, which is important for identifying coercive control and for reducing false positives (for example, one-off incidents or situational fighting between family members being graded medium risk just because there is an actual bodily harm level injury).
How often does (...) call you names, humiliate or degrade you?	Unknown	♣ Captures the frequency of emotional abuse, which is a key tactic of coercive control
How often does (...) strangle you or attempt to choke, suffocate, or drown you?	Never/once only/ occasionally/often	♣ Captures the frequency of sub-lethal violence, which is important for immediate risk assessment. ♣ Officers should be aware that even isolated or infrequent sub-lethal assaults are an indicator of heightened risk.
How often does (...) use or threaten to use weapons such as household items, knives or guns to hurt you?	Unknown, but once was enough.	♣ Captures the frequency of potentially sub-lethal or controlling violence, which is important for immediate risk assessment.

		Officers should be aware that even isolated or infrequent use of weapons might be an indicator of heightened risk.
How often does (...) threaten or attempt suicide?	At least once	♣ Captures the frequency of controlling behaviour that has been linked to domestic homicide.
Have you recently separated from (...) or do you plan to separate from them? [If yes Has this/will this put you in danger?]	YES/NO	Separation in the context of coercive control is associated with domestic homicide. Separation is also highly correlated with domestic abuse, but not all cases are in the context of coercive control. ♣ The DARA question clarifies that the (planned) separation must have increased the threat.
Is the abuse you are experiencing from (...) getting worse?	YES/NO	♣ Escalation of abuse has been identified by research as associated with increased risk.
Has (...) ever threatened to kill you and you believed they were capable of doing it?	Unknown	♣ Captures specific and credible threats to kill the victim. Threats to harm people the victim cares about are covered in an earlier question
Has (...) ever hurt the children?	Unknown	♣ Abuse of children is serious in its own right, as well as indicating greater risk to the victim. There is also provision in the Domestic Abuse Act 2021 for children as victims of domestic abuse if they see, hear or experience the effects of the abuse to a parent.
Does (...) use child contact arrangements to control you or continue to abuse you?	Unknown	♣ There is potential for conflict over child contact between many ex-partners.
Are you pregnant or have you recently had a baby?	Yes/no	♣ Pregnancy and recent birth have been associated in some research studies with the onset of abuse. ♣ Pregnancy and/or caring responsibilities for a young child may increase a victim's vulnerability and allow a perpetrator to exert control more effectively. ♣ Feedback from the testing of DARA suggested that not asking about pregnancy may result in missed opportunities for referrals and safeguarding.
On a scale of 0 to 10, where '0' is not at all likely and '10' is very likely, how likely do you think it is that (...) will seriously injure you in the future?	Unknown but as she had allegedly been assaulted on more than one occasion, it is submitted that this questions would be graded 5+	♣ Research has shown that victims' own perceptions of risk are as accurate as some actuarial risk assessment tools. ♣ Victims are well placed to know the imminent and future threat posed by the perpetrator. ♣ Officers will be given guidance that low scores on this scale may not necessarily reflect the actual threat and should be considered in combination with other information and responses.