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Abstract

Lawyers' Perspective: The Criminal Justice System's Support of Domestic Abuse

Victims in Jamaica.

by

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MBA, Western Governors University, 2017

Certificate in Legal Education, Norman Manley Law School, 2003

Bachelor of Laws (LLB), University of London, 1999

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Public Policy and Administration

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Abstract

Domestic violence in Jamaica can be contextually understood through radical feminism and social learning theory used in this study to explain the patriarchal social structures, intergenerational transmission of intimate partner violence, and normalization of this behavior. This phenomenological study examined the criminal justice system's support of victims of intimate partner violence and results indicated reforms to improve initiatives to eradicate this violent conduct. The data collection method was semi-structured interviews of 12 lawyers in Jamaica, functioning in a legal capacity as prosecutors and family law practitioners, and analyzed using thematic analysis. The results demonstrated that the criminal justice system reduces the incidences of domestic violence through punitive measures and support via counseling, mediation, and protective orders. Additionally, prosecutors were quick to dismiss domestic violence cases, victims were reported to be disillusioned with unreasonably long court delays, and violations of protection orders were leniently penalized. Law enforcement often did not consider intimate partner violence a criminal act, victims lack privacy when reporting cases, and security checks were not undertaken before allowing victims to return to their attackers. The recommendation is for mandatory and ongoing gender-based violence training for law enforcement, the judiciary, and prosecutors. This study will provide the criminal justice system stakeholders with evidence-based findings to transform responses to domestic abuse resulting in positive social change.

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Chapter 1: Introduction to the Study

This study involved examining the criminal justice response to domestic violence (DV) victims on the island of Jamaica. The island is in the Caribbean Sea, with a population of 2,728,907 in 2015, of which 49.5% were males (Pan American Health Organization, 2017). Although it is not uncommon for females to perpetuate gender-based violence, a disproportionate number of males are perpetrators and intimate partner violence (IPV) occupy a place of prominence in Jamaican society. DV is an international dilemma that is pervasive and complex in terms of its presentation, with variations in its definition. Comprehending gender-based violence (GBV) has significantly benefited from collaborative scholarships, activists, and DV advocates that sought to define the behavior, its detrimental effects, and cultural and structural factors that precipitate the act. DV is defined as any conduct in an intimate relationship that results in sexual and physical assaults, psychological abuse, or controlling acts (Patra et al., 2018, p.494–498). This violent phenomenon is also described as a misguided use of power to control another through fear and violence, including physical and sexual assaults and financial, social, and psychological abuse (Kaur & Garg, 2008, p.3-76). IPV is defined as:

A pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner. Abuse is physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. The aforementioned includes any behaviors that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure, or wound someone (UN, 2020).

Although diverse definitions of such violence exist, the common thread is malfeasance present in intimate relationships that are destructive to the family unit, the offender, the victim, and society. DV perpetrators can be both males and females, but research highlights a higher incidence of such violence being inflicted by males. The ubiquity of IPV worldwide shows that 30% of women have been victims of violent, nonviolent physical, or sexual assaults throughout their lives (WHO,2017). Males in intimate partner relationships perpetrate 38% of homicides in female populations worldwide (WHO,2017). Jamaica lacks separate data on IPV, and scant attention was given to the phenomenon in literature. The first national survey of IPV was undertaken in 2016 found that 27.8% of women were impacted by either physical or sexual violence, while 25.2% have standalone experiences of physical assaults (Watson-Williams, 2016). This demonstrates the pervasiveness of such violence in Jamaican society.

Jamaica's criminal justice system's (CJS) mandate is to hold offenders accountable for unlawful conduct, ensure victims' safety, and promote equality in terms of processes when confronting challenges posed by gender-based violence (Cubells & Calsamiglia,2018, p.107-127). An effective CJS involves creating a victim-friendly space and promoting best practices through training for all justice administrators. I examined the CJS in Jamaica for victims of gender-based violence and recommendations for improved administration of justice regarding IPV.

Background

Jamaica's CJS is based on English common law since the British captured the island in 1655 (Black & Ferguson,2020). A central aspect of the move toward gender

justice is critiquing society's institutional structures that create and reinforce male superiority. The subjugation of women was historically and definitively articulated in the common law, which gave the husband proprietary rights over his wife, and such rights extended to dominance over her property and daily life (Smith, 1990). A husband was empowered to discipline his wife physically and could severely chastise with whips and clubs for certain infractions irrespective of socioeconomic standing (Smith, 1990). Society and law accepted physical violence against the female adult, which suspended her right to co-exist within an intimate relationship as an independent person with decision-making capacity. As a colony, Jamaica would be bound to follow the substantive and procedural criminal laws that governed England.

It is questionable whether policymakers and legislators in Jamaica comprehend the impact of DV on the victim, given the patriarchal social structure and CJS's inability to reduce violence in intimate relationships. Jamaican women offer family units social, emotional, and financial support, and IPV removes their ability to act as independent agents. The presence of violence in the family unit inhibits women's ability to acquire wealth, instills fear, and thwarts female contributions (Kuruku & Emmanuel, 2018). Notably, DV can restrict wealth creation within the unit and reduce women's ability to provide a nurturing and safe environment for unit members.

Domestic abuse is a multiple-time-unlimited event with monetary and non-monetary cost implications due to physical and emotional abuse. DV associated cost relates to health services, decreased productivity resulting from physical and emotional injuries, law enforcement investigations, and prosecution costs. The repetitious nature of

IPV makes accurately measuring cost difficult and imprecise (Oliver et al.,2019), but in the UK, for the year ending 31 March 2017, the estimated cost of physical and emotional harm to the victim amounted to £47 billion (Oliver et al.,2019). To ensure cost-effectiveness is fundamental that victims' perception of justice is one of support and reassurance of safety and appropriate engagement.

In the Jamaican context, research regarding the support offered to DV victims is minimal, as such conduct has not been given the same attention in the literature compared to other forms of offending. This study is significant in addressing IPV and whether the CJS in Jamaica takes a supportive stance when dealing with victims. It will also provide policymakers and stakeholders with evidence-based findings to guide the formulation of policies, legislation, and procedures to address the crisis of IPV on the island.

Problem Statement

Domestic violence has been a longstanding silent epidemic in Jamaica. 25.2% of women are physically assaulted, 7.7% are sexually assaulted in their relationships, and 27.8% experienced a lifetime of IPV (Watson -Williams,2016). Despite the high incidence of lethal and nonlethal domestic violence in Jamaica, CJS encompassing courts and law enforcement has failed to meet victims' needs (Harriott & Jones,2016). The current Domestic Violence Act 2004 permits DV victims to seek the courts' protection by granting protection orders. Law enforcement officers can apply for these orders to protect victims of their own volition. A penal note is attached to orders such that violations are punishable by a fine, imprisonment, or both.

However, the legislation narrowly defines domestic violence to the extent that certain abusive acts are excluded from statutory oversight. This creates uncertainty concerning interpreting statistical data of intimate partner crimes which is invaluable to understanding DV's scale as a social problem. Legal definitions influence how the legislative texts are interpreted to regulate citizens' conduct and protect them from an arbitrary explanation of state power. Definitions ensure legal certainty such that the behavior of officials is predictable and the populace can organize their lives in a manner so as not to break the law. Having clear legal definitions provides a framework for social engagement, the scope of which is specifically defined, highlighting limits to freedoms, rights, and responsibilities (McGarry,2011; Cotter,2022). Importantly, having an explicit legal definition of IPV is fundamental to enable researchers, policymakers, criminal justice administrators, community support groups, and other advocates to have a single legal perception of illicit conduct. Also, specifics are lacking regarding victim assistance, and support offered to victims. These legislative deficiencies disproportionately affect children and adult females and engender distrust in justice.

In Jamaica, supportive initiatives must be viewed through historical, sociocultural, and religious lenses and an understanding of DV victimology. Comprehending the concept of victimology is necessary to ensure appropriate supportive initiatives within the system that consider victims' views of physical injury or loss. By gaining a deepened understanding of the IPV victimology, the justice system in Jamaica may need to consider codifying the concept of battered women syndrome in its laws and recognizing certain factors such as emotional, economic, and social isolation as forms of DV.

Also, in Jamaica, it is questionable whether victims can rely on courts to impose penalties for offenses triggered by DV that are rehabilitative and protective instead of giving fines and custodial sentences. As such, legislative reforms need to ensure protective support for victims while in court, the imposition of punitive sentences that are preventative and rehabilitative, and expeditious conclusion of cases. Also, sentencing guidelines should recognize DV as an aggravating component of an offense that increases punishment severity and considers perpetrators' recidivism rate. Victims' views are pivotal to the efficient functioning of the CJS, and their perception of sentencing should be considered. In the UK, a survey done by the Probation Board in 2010 found that 94% of crime victims indicated the most important aspect of sentencing was that the offender did not re-offend against them, and 81% wanted an effective sentence than a harsh one (Rossetti et al.,2010). Victims want offenders to be punished long enough to give sufficient time for rehabilitation (Maculan & Gil,2020).

A substantial body of research on domestic violence has been developed. These studies ensured expansive knowledge related to the impact of this phenomenon on society. However, scant attention has been given to the implications of IPV within the Jamaican context. A path to resolving DV endemic on the island requires a coordinated and tripartite approach of combining legislative measures with public and private initiatives.

The Jamaica Women's Health Survey 2016, the first of its kind to exhaustively investigate the preponderance of evidence relating to IPV in Jamaica, has identified various gaps in CJS. The survey noted a lack of data relating to the arrest and prosecution

of DV offenses and advocated for the data collection on IPV crimes and research into the CJS response to DV victims. Scholarships that address the criminal justice response to victims of gender-based violence on the island could not be located. The gap, therefore, involves the lack of evidence-based knowledge of Jamaica's CJS in terms of the interplay between victims of intimate violence and the administration of justice.

Purpose Statement

This phenomenological study aimed to explore the perspectives of prosecutors and family law practitioners regarding approaches to IPV by the CJS in Jamaica. Prosecutors and family lawyers were selected as participants as they understand the CJS's support of victims from their engagement in civil litigation and criminal cases. Given the unique position of lawyers' interaction with victims, courts, and law enforcement in the justice system, they are well-placed to provide invaluable insight as insiders, advocates, and criminal justice reformers. The sample population of family law practitioners was drawn from the General Legal Counsel database using purposive sampling, and the snowballing technique was used to recruit prosecutors. The data collection method was semi-structured interviews to explore perspectives on the phenomenon and propose recommendations to improve or repair the current system.

The interpretivist epistemology perspective was the research paradigm determining how the phenomenon was studied and shaped how answers to the research questions were sought. Interpretivism maintains that the construction of knowledge is based on how individuals interpret their experiences of the world and in the world (Levers,2013). The interpretive position is that knowledge grounded in our experiences is

subjective and linked to the context in which our lives are lived and exudes our values and norms. (Mason,2002). Based on the interpretivist design, a flexible research approach was adopted such that semi-structured interviews were used so that meaning of participants' interaction with CJS and victims could be understood as part of their reality. The respondents and I shared an independent and mutually beneficial relationship during the data gathering process, and the information gathered was understood and interpreted from the subjective viewpoint of the participants. It was, therefore, crucial for me to understand the participants' experiences, motives, and reasons for actions during the interaction between the CJS and victims.

Research Questions

This qualitative study involved examining the Jamaican criminal justice system's support for victims of domestic violence from the perspectives of family law practitioners and prosecutors.

RQ1: What are the perceptions of family lawyers and prosecutors regarding the role the criminal justice system in Jamaica plays in terms of supporting victims of domestic violence?

RQ2: What kind of support do family lawyers and prosecutors believe that Jamaica's offers to victims of domestic violence that would reduce the impact of victimization?

RQ3: What are the perceptions of family lawyers and prosecutors regarding legal reforms that would impact how the criminal justice system Jamaica responds to domestic violence victims?

Theoretical Framework

Radical Feminist Theory

Feminism, at its most rudimentary level, denounces patriarchy. In the 1960s and 70s, frameworks for social justice with varying theoretical and political strands of opinion emerged. In the United States, from the social ferment of that period, what was typically called "second wave" feminism developed (Jensen,2021). The second-wave feminist view was identified in multiple ideologies, including radical feminism (RF), a social movement, at its core, was furthering the cause of women socially, politically, and legally (Encyclopedia,2017). As a political mobilizer, RF aimed to end male dominance in social and economic areas of life and repudiated the notion of opposite natures of females and males as being sexist (Willis,1984, p,91-118).

Patriarchy promotes gender differences that systemize male superiority in society (Jensen, 2021). Patriarchal societies develop justifications theologically and secularly to perpetuate gender inequality describing it as common sense. Although patriarchal systems have tenuously accepted the challenges faced by women, there continue to be hindrances to females' independence and equal status to men. Historian Gerda Lerner explained that patriarchy came about when "men discovered how to turn 'difference' into dominance" and "laid the ideological foundation for all systems of hierarchy, inequality, and exploitation" (Lerner,1997).

RF emphasizes men's violence and control in cases of DV, which encompasses sexual assaults as routine and predominantly impacts women and children. In patriarchal

societies, men assert the right to control female sexuality and individuality in the knowledge that violence, intimidation, and coercion can be used (Stainton- Rogers,2018). RF's objective is to see the demise of patriarchy's system and is disinterested in increasing females' choices within the system. Radical feminists are cognizant of the broader problem of hierarchy structures breeding domination and subordination in many areas of life but view ending patriarchal systems as necessary for female liberation (Frye,1992, p.130).

Jamaica is a patriarchal society with a similar family structure that normalizes IPV, infantilizing females to enforce domination and subordination. The CJS that embraces RF will construe DV as a social dilemma worthy of consideration by policymakers, law enforcement, and the courts. RF constructions of DV as impactful on the society and the importance of reducing male domination and familial conflict are imperatives to ensure adequate support for IPV victims, appropriate sentencing measures, and the development of social mechanisms to sensitize the society to the detrimental effect of DV.

Social Learning Theory

Albert Bandura developed the social learning theory in 1977 and linked domestic abuse with early exposure to violence. The focus was on external stimulus to understand, predict, and control aggressive conduct (Andreson & Kras,2005; Bandura,1977) said individuals learn from each other by observing, modeling, and imitating interactions within their environment. The greater the modeler's status, the greater the probability of imitating the observed behavior. Children are more susceptible to emulating parents or

other caregiver behavior and will imitate violence, and learned aggression in childhood can be transported into adult intimate relationships (Powers et al.,2017).

The propensity to engage in intimate violence is heightened by exposure to aggressive responses to life stressors in domestic settings and witnessing rationalization of abusive behaviors towards women in society (Powers et al.,2017). Continuous exposure to this conduct is likely to trivialize and normalize the behavior.

Nature of the Study

A qualitative study was conducted to explore the support offered to DV victims by Jamaica's CJS. The study aimed to describe the viewpoints and perspectives of family law practitioners and prosecutors regarding interactions between IPV victims, courts, and law enforcement using a phenomenological approach and thematic analysis of data. This data analysis method comprised a series of steps taken to code and theme responses and provided commonalities for analyzing respondents' perceptions. The study included 6 family law practitioners and 6 prosecutors with post-qualification experiences from at least 2 years for prosecutors and 5 and more years for family law practitioners. Semi-structured interviews were conducted using open-ended questions allowing respondents to describe their interactions with victims, law enforcement, and the courts.

This study exemplified an epistemological perspective that is interpretive, as the principal objective was to gather data based on the interviewee's worldview (Levers,2013). The open-ended questions required no right or wrong answers but provided a framework to describe the participants' interactions with the CJS. The

interviews were audio-recorded to understand and interpret the responses and provide greater understanding and insight into the participants' responses. The epistemological perspective provided a blueprint to describe and predict the respondents' specific worldviews increased knowledge to lead to a deeper understanding of the research problem.

The hermeneutic phenomenology approach was used in this study. The objective was to understand the complex life experiences of IPV victims' interaction with CJS via lawyers' perspectives. This understanding is intended to raise awareness and understand meanings surrounding DV through participants' insights into CJS. Knowing the victims' experiences is fundamental because it allows for an understanding of the nature and context of the problem and how to effect transformation (Guillen,2019). Hermeneutic phenomenology focused the research on the subjective experiences of the informants to unveil the legal world concerning victims' engagement with legal processes. Hermeneutic phenomenology ensured a deeper understanding of the participants' insight into CJS attitude to DV, which may have otherwise gone unexplored and remained obscure beneath the surface (Kafle,2013; Neubauer et al.,2019).

Definitions

Criminal justice system: The CJS is involved in executing public policies related to crime. In the context of this study, primary constituents of the system are the police, which ensures the apprehension of the criminal and makes certain that law and order are

enforced as well as the courts, whose responsibility extends to undertaking prosecutorial work, determining guilt or innocence, and deciding punitive measures.

Domestic violence: In this study, domestic violence is used interchangeably with IPV domestic abuse and gender-based violence. The conduct that amounts to domestic violence includes physical and sexual assaults and psychological harm perpetrated against the victim in an intimate relationship with a person (Adhia et al.,2020).

Lifeworld: In this study, lifeworld means the victim's perception of the world based on experiences, memory, and knowledge acquired through the senses.

Assumptions

In order to address DV, there must be coercive control over the perpetrator via arrest, prosecution, incarceration, or restraining orders. These separation-based sanctions are used to hold offenders accountable for their actions and prevent further abuse by ensuring victims' safety and empowerment. Criminal justice authorities can only be involved in DV incidents with the victim's engagement and co-operation with the police and prosecutors.

The CJS also assumes a definition of DV based on physical assault only. The public's view of IPV mirrors legal interpretation of the conduct, including property damage, threats to kill, sexual assaults, and harassment. Conduct those results in psychological and emotional abuse harm escapes criminal sanctions.

Participants used in this study were prosecutors and family law practitioners. As agents of criminal justice administration on the island, prosecutors use legislation, such as the Domestic Violence Act, that defines conduct that amounts to IPV and often suggests

to the judiciary separation-based penalties for offenders. Although family law is distinct from criminal law, the high rate of DV on the island often results in family law practitioners dealing with matters that raise issues relevant to criminal law. Also, family law cases can be complicated when DV is a significant feature in an intimate relationship giving rise to criminal law intervention. This gives family law practitioners a unique insight into the criminal justice system's workings and its support of victims.

Scope of the Study

I explored support given to victims of domestic violence in Jamaica from the perspectives of prosecutors and family law practitioners. A supportive administration is paramount due to DV's pervasiveness in Jamaican society and its harmful effects on victims. Family violence is not significantly featured in court lists, and cases can languish for years before a trial occurs, during which victims are frequently not supported or protected. My findings will assist agents in the CJS to appreciate the importance of supporting DV victims on the island. The study's evidence-based results will enable policymakers, law enforcement, and grassroots organizations to devise proper supportive, preventative, protective, and rehabilitative programs for offenders and victims alike. Also, legal professionals and the judiciary will have a solid foundation to base arguments for legal reform, which could eradicate or at least reduce domestic violence in Jamaican society. Participants were 12 legal professionals on the island with 5 or more years of experience as family lawyers or prosecutors.

A limitation of the phenomenological approach is that generalizability to a large population may not be possible, as a small sample size is more appropriate for this

research (Rahman,2017). Participants have significant control over data, which is subjective. Since the findings were based on perceptions, it was challenging to find objective information to corroborate events narrated by participants. The subjectivity of the phenomenological design places reliance on the data gleaned from participants, and the richness of the information hinges on participants' ability to articulate the information comprehensively, coherently, and accurately (Amla & Buitendach,2019). In using the phenomenological approach, I could miss cues from the interviewee, which would increase understanding of the phenomenon studied, especially in cases where the response given by the participant was circuitous.

Limitations

The study was limited regarding the category of participants selected to provide their perspective of the CJS support of DV victims. Police officers were not selected as participants because, as a researcher, I believed lawyers engaged with victims in court and law enforcement and could provide rich data on the existing supportive initiatives. The sample pool of respondents may have impacted the responses regarding police culture and shared attitudes and beliefs associated with IPV. Also, the pool may have shaped responses to victims' support in terms of police officers using their statutory discretionary powers to seek protection orders. To mitigate these deficiencies, participants were asked open-ended questions to elicit detailed information to examine the support offered to DV victims comprehensively.

As the researcher, I was familiar with CJS in Jamaica and the UK in respect to support mechanisms for victims, having worked in both jurisdictions as Attorney-at-Law

and Senior Crown Prosecutor. In the introductory stages of each interview, I explained my legal background and the jurisdictions from which experiences were obtained. Due to my insight and views of Jamaica's CJS, I tried to prevent interviewer bias by not paraphrasing responses to cause distortion or voicing any expectations or opinions to interfere with the respondents' objectivity. The interviews were audio-taped, transcribed, and given to the participants directing them to make necessary changes.

IPV in Jamaica has an element of uniqueness as music contributes to society's perception of female inferiority, sees men as dominant in intimate partner relationships, and encourages violence as an appropriate response to life stressors. However, limited research exists on IPV in Jamaica, so reliance was placed on research extraneous to the island that did not address this uniqueness. The reader should interpret the findings with this limitation in mind but that the scholarly writings offer cogent evidence of the impact of IPV on any CJS.

Significance of the Study

Domestic violence issues are contentious in Jamaica, and their impact on victims is not recognized by the CJS as it should. This study was used to address courts and law enforcement support initiatives involving assisting victims from the perspective of prosecutors and family lawyers. The study's findings will assist lawyers, policymakers, and legislators in understanding the support offered and best practices to ensure improvements.

Jamaica has created the National Strategic Action Plan for 2016-2026 to eliminate gender-based violence. The government seeks to enact laws that offer more protection to

women against DV. The plan also involves protective measures, support services for victims, and steps to provide public education to overcome ingrained attitudes and practices. This study will help refocus objectives to undertake an inclusive and holistic approach involving supportive initiatives for victims of all forms of IPV.

Summary

This study examined CJS's responses to IPV victims in Jamaica from the perspectives of family law practitioners and prosecutors. Approximately 27.5% of females experience physical or sexual violence in intimate partner relationships (Watson-Williams, 2016). The CJS mandate is to eradicate or at least reduce the rate of DV on the island, and law enforcement, the judiciary, and the prosecutorial body are significant agents to protect IPV victims. These agents must be trained to have an in-depth understanding of the complex nature of DV.

My purpose was to highlight the need for changes in the system regarding attitudes toward victims to reduce IPV incidence. The study was guided by radical feminist and social learning theories using the qualitative phenomenological research design. In Chapter 2, criminal justice's role in perpetuating domestic violence, system challenges, and the evolution of policies that can offer victims support are explored. Reference is made to the UK and Australian common law jurisdictions for comparison and best procedural practice and support of victims. Legal professionals on the island often use these jurisdictions as persuasive and instructive legal authorities in determining law matters.

Chapter 2: Literature Review

IPV involves conduct that is abusive, intimidatory, or violent that is perpetrated by a partner or ex-partner for the purpose of exerting power and control over the other party (Spangaro,2017). Domestic violence is purported to be:

A pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner which is physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person. This includes any behaviors that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure, or wound someone (UN,2020)

Although domestic violence is not gender-specific, a disproportionate number of women are victims compared to males. In Jamaica, 27.8% of females experience a lifetime of physical and sexual violence in their relationships, male partners sexually assault 7.7%, and 28.8% are emotionally abused (UN Women,2018). Domestic violence is rooted in power and control, which creates an environment where women are vulnerable as victims.

Notwithstanding the mandate of Jamaica's CJS to safeguard domestic violence victims, there is a lack of robust supportive initiatives, and the incidence of IPV remains high. Fundamentally, the CJS is meant to hold offenders accountable for illicit conduct, but only 32.1% of domestic violence victims attempt to seek assistance from law enforcement, and only 5.3% seek the intervention of courts (UN Women,2018). This lack of support is exacerbated by delays in investigation and bringing offenders to trial.

The legislation underpinning investigation and prosecution of domestic-related violence on the island is the Domestic Violence Act of 2004. However, the Act refrained from defining domestic violence. Moreover, section 4(2), which sets out circumstances under which a protection order should be sought, is vague and lacks specifics. There is a lack of information about supportive measures available for victims who exist in controlling or coercive relationships. Therefore, some administrators of criminal justice may not view conduct as IPV.

The justice system's structural failings to support DV victims can negatively impact the abused, predominantly women and children. Victims rely on the CJS to provide credible and authentic support, but legislative measures in Jamaica have not decreased IPV. The current justice system has deficiencies that limit access to justice to IPV victims. The CJS requires evidence-based findings from robust studies to design a proactive support system for IPV victims. At present, there is a lack of research in Jamaica examining the impact of DV on victims and the CJS response regarding integrated approaches that can be adopted to support victims. Scholarly literature addressing therapeutic skills development of justice administrators to improve interactions with IPV victims is missing. Also, there is a lack of scholarships that address the multifaceted and multi-sectoral approaches the CJS can take in Jamaica to prevent or reduce gender-based violence. The CJS's partnership with other agencies is paramount to serve persons experiencing violence in their relationships.

I examined the CJS support of victims in Jamaica through the lens of legal professionals and addressed approaches to support DV victims to engage effectively with

the CJS. A qualitative phenomenological approach was taken to emphasize lived experiences of lawyers who provided rich information about CJS attitude to victims of gender-based violence on the island. This study can be used by policymakers, legislators, and community groups to improve processes, create legal reforms, and bring public awareness to the plight of DV victims.

Based on violence in the dyadic control context of interpartner relationships four types DV exists being intimate terrorism, violent resistance, situational couple violence, and mutual violent control (Johnson,2006). Intimate terrorism is defined as an attempt to dominate a partner by exerting power and control over the relationship using violence as a power strategy (Tiwari et al.,2015). This type of DV is akin to Jamaica structure of violence. The need to exercise control is grounded on patriarchal traditions and the philosophy of female inferiority in intimate relationships (leis et al.,2004). Victims of intimate terrorism report more DV-related injuries, are more susceptible to posttraumatic stress disorder (PTSD) and depression, reduced productivity at work due to loss of working time, and a high rate of substances misuse (Anderson,2008).

The likelihood of intimate terrorism to escalate in severity with serious injuries over time is high, and the ferocity of the violence increase with multiple incidents with a chronic long-term effect on the victims (Garcia-Moreno,2012). Because this violence is often extreme, victims are highly likely to require the courts and law enforcement's preventive and protective intervention. Intimate terrorism victims and perpetrators are more likely to have witnessed violence in the home during childhood than any other form of domestic violence (Fernandez,2010).

Situational couple violence is defined as IPV that is not rooted in patterns of control but in life stressors within the family which may cause conflict situations to escalate into violent incidences (Tiwari et al.,2015). This type of DV may see one or both partners resorting to violence as a control method during a dispute, but there is no continuous effort to exert power and control in their daily lives (Johnson,2017). This violence may be mutual and often occurs due to poor communication and lack of proper arguing techniques without resorting to verbal and physical aggressiveness. Victims in this non-controlling IPV relationship is at reduced risk of injury, but the violence is not less harmful or grave, so courts and law enforcement should ensure appropriate support is offered based on the reasons for the situationally provoked incident (Frye,2006).

Understanding the difference between intimate terroristic acts and situational couple violence is paramount for CJS to provide intervention strategies based on the differential effects of such conduct. Significantly, a distinction should be made regarding whether a matter is intimate terrorism or situational couple violence before implementing any support. Hence, the justice administrators will seek mediation for partners involved in situational violence, but this approach may be dangerous for victims of intimate terrorism.

Violent resistance is described as victims' response to intimate terrorism, where DV victims, typically females, used violence as a strategy to combat coercive control of the violent partner as a form of self-defense (Johnson,2006). Violent resistance is possible in relationships that feature intimate terrorism, and 96% of the violent resisters are women (Howe,2011). Violent resistance is often unplanned, spontaneous, and an

instinctive reaction to being attacked after prolonged violence and fatality can occur if the victim feels the only way to defend themselves is to kill their partner (Johnson,2011; Johnson,2017).

Mutual violent control is rare in intimate partnerships, and when occurring, both parties are violent in the battle for control (Nicolson,2010). There is mutual combat, and in 31% of couples, the male is more violent in contrast to 8% where the female has initiated violence, and in incidences where the initiation of violence is equally shared, women are highly likely to suffer more severe harm (Hines & Douglas,2018).

Jamaica, per capita, had the highest percentage of violent offenses in the world (Amnesty International,2008). The level of violence remained unabated, and the trend continued, and in 2016, violence offenses were the highest per capita in the world (Amnesty International,2016). Not only has there been a high incidence of IPV, but femicide was also high (Amnesty International, 2016). Femicide is defined as females being killed by males solely based on their gender (Kouta et al.,2018; Vives-Cases et al.,2016). Globally, 87,000 women were intentionally killed in 2017; 30,000 females were killed by current or former intimate partners (UN,2019). Although men are the primary victims of homicide, a disproportionate number of females are killed in Jamaica.

In 2016 in Jamaica, the intimate partner homicide rate for females was 0.9 per 100000 people and 0.1 per 100000 people for males (UN,2019). Intimate partner homicide-suicide on the island is high, and male abusers have a higher propensity to commit such acts compared to nonviolent partners (Pottinger et al.,2017). Women are burdened not only with victimhood due to domestic abuse, but they are also at greater

risk of being killed when violence is present in the relationship. These killings are not sudden events but evolve from continuous abuse in situations where the woman faces inequality and discrimination, often escalating to extreme violence and death.

In Jamaica, femicide and other physical acts of violence are punishable by the CJS as forms of gender-based abuse. The scope of IPV extends to behavior such as strangulation, beatings, threats, or use of a weapon. Control and coercive behavior are psychologically and emotionally harmful, undermine a woman's well-being, and escape statutory oversight. Emotional abuse of the victim encapsulates harassing and threatening conduct, derogatory labeling of the victim (Madhavi,2017, p 140-147), forced isolation (Rahnavardi et al.,2017), and coercive degrading acts (Yasir,2017, p.3655-3559).

The gap existing in statutes needs to be closed by legislatively acknowledging that a pattern of coercive control may exist within intimate partner relationships. The severity of any punitive measures should demonstrate the gravity of the offending behavior to better protect victims.

Institutionalized patriarchal socio-cultural norms influence the trauma experienced by victims of gender-based violence on the island. Studies indicated that cultural construction significantly impacts attitudes and perceptions surrounding IPV, which enjoys greater acceptance when the family unit is structured in patriarchy (Sikweyiya et al.,2020, p.82; Mshweshwe,2020).). This ideology perceives males as dominant, heads the household, whose needs are prioritized, and wishes and rules obeyed. The acceptance of male domination in Jamaican society is evidenced in the 2016 survey. In this survey, 77.4% of females concurred that a man should head the household,

and 32.2% believed that the woman should obey her partner absolutely despite her wishes and feelings. Also, 31.4% believed there is an obligation to engage in sex except for periods of illness or menstruations, and a significant number believed that domestic violence is a private matter between partners (Watson- Williams, 2016). The social roles of men and women are entrenched, and the males' superior position is often supported and maintained by women who are willingly complicit.

Although the effect of cultural expressions and norms in the etiology of IPV in society cannot be overstated, variables operate personally, such as observation of DV in the home, potentially creating perpetrators of domestic violence. Children form part of the family structure in Jamaica and are witnesses to the violence perpetrated against the family's matriarch. Exposure to these influencers impedes appropriate response to violence as children have a heightened propensity towards aggression in adulthood (Ghani, 2018; Rode et al.,2019). Also, a young male's exposure to IPV often results in greater leaning towards violence than girls, increasing the probability of maltreating a partner as an adult threefold (Ehrensaft et al.,2003; Kimball,2016). Although females are direct victims of IPV on the island, children are secondary victims who learn conflict resolution skills from the patriarch and ruler in the family unit. In the patriarchal construction of the unit where males exert power exercised through aggression, the child observing will accept the power-based normalization of IPV. The power-engendering conduct of the patriarch is complicit in how the child responds to disagreements in intimate partner relationships in adulthood.

In Jamaican society, with defined gender roles and a high rate of IPV, few protective measures exist within CJS to support the victim. The onus is on the administrators of justice to positively interface with IPV victims and enforce provisions in the Domestic Violence (Amendment) Act 2004 to support victims, particularly Section 3(2) that grants unfettered discretionary powers to the police officers to apply for protection orders. Law enforcement is empowered to arrest without a warrant for breaches of a protection order if the officer believes the victim needs protection. A victim whose veracity is doubted may be unsupported even if the need for protection exists.

The Domestic Violence (Amendment) Act 2004 makes no provision for a law enforcement officer to arrest an individual without a warrant once probable cause exists to inform the officer to believe that an intrafamily offense is committed. Research suggests a mandate of police operation would require more decisive actions and that compulsory arrest in IPV situations would extend the reach of police power in DV (Cuomo,2020). The argument that supports and justifies mandatory arrest powers of the police posits that it establishes police liability to act in DV cases and monitors and regulates police behavior to DV incidences (Iyengar,2019).

Police statutory obligation to arrest offenders' results in a substantial reduction in future violence than advising or counseling and eradicating passivity in responding to IPV incidences (Iyengar,2019). Forming a linkage between CJS supportive initiatives and intervention and treatment programs increases the likelihood of success for the obligatory arrest of offenders (Eitle,2005). Caution in using mandatory arrest is advised. Research suggests that mandatory arrest represents DV as a criminal justice dilemma and not a

community or family issue which may have a disparate impact on individuals with greater distrust for the CJS (Iyengar,2019). The call for caution is not a barrier to Jamaica's CJS adoption of a mandatory arrest strategy to ensure police accountability and alacrity to respond to DV incidences.

The mandate of Jamaica's CJS places the judiciary, prosecutors, and the police as seminal agents to administer justice in this patriarchal society. A societal structure founded on a masculinist ideology may not concentrate on DV as gender-based domination, as the philosophy shaping perception of IPV is entrenched (Spies,2019; Weissman,2007). The police may not expeditiously respond to DV reports and may require traumatized victims to delay making a complaint while not documenting their efforts to make a contemporaneous report (Spies,2019). The passive response to intrafamily violence may cause law enforcement to be perceived as tacitly condoning the illicit conduct and build distrust.

Jamaica not only grapples with a high incidence of IPV, but the island also has the highest rate of violent crimes in the Americas, and a significant number of homicides are females murdered by their partners (Amnesty International,2008,2016; UN,2018). In 2021 Jamaica topped 22 Latin American and Caribbean countries for the highest homicide with approximately 49.4 murders committed per 100,000 population (Statista Research Department,2022). Compounding the problem are inadequate legal protection for victims of intimate violence and inordinate delays in the courts, which hinders justice (Amnesty International,2017). The Sexual Offences Act evidences the statutory defect in supporting victims of gender-based. This statute narrowly defines marital rape such that

cohabitation negates rape. A man who physically forces his wife to have sex lacks culpability for rape if they live together as husband and wife, and a violent partner cannot legally be accountable for what would be rape under different circumstances. To address the insufficiencies in the CJS response to DV, a reformation of the administration of justice is mandatory.

Literature Search Strategy

In this study, the literature review commenced with examining research approaches utilized to locate scholarly articles used. The literature review focused on studies that examined the causal link between patriarchy and domestic violence, the intergenerational nature of domestic violence, therapeutic jurisprudence, Jamaica's response to domestic violence victims, and the response of the United Kingdom criminal justice system. Scholarly articles from jurisdictions such as Canada and the United States were used. This review overall relevant factors that were prerequisites to understand the status of the administration of justice on the island toward improving processes and procedures for particularly victims of intimate partner violence. Also outlined were evidence-based strategies tailored to suit implementation within the unique Jamaican experience. Reliance was placed on the United Kingdom and Australian jurisdictions to demonstrate best practices and procedures in supporting victims of IPV. These jurisdictions were used as legal professionals in Jamaica often refer to judicial precedents as persuasive and instructive jurisdictions in legal writings.

Literature research was conducted utilizing several sources of information, but primarily the Walden online library system. Also, other indexes and databases used were

Psych Info, EBSCO, JSTOR, Internet searches of IPV and Jamaica, Google Scholar, Jamaica Information Services, United Nations, World Health Organization, Jamaica Gleaner, Amnesty International, Jamaica Observer, Statistical Institute of Jamaica, Bureau of Women's Affairs Jamaica, laws of Jamaica and ScienceDirect as well as others. Further, dissertations globally were perused, and peer-reviewed sources were accessed as part of the literature review. Search terms used in this study were domestic abuse, domestic violence, feminism, radical feminist, social learning theory, marital rape, patriarchy, femicide, law enforcement, and criminal justice.

Theoretical Foundation

Radical Feminist Theory

Feminism is an ideology that examines gender equality and gender roles in multiple fields such as politics and sociology and is committed to social, political, and legal equilibrium between the sexes (Brunel & Burkett, 2019). The concept of feminism is broad as it is complex, and contrary views are communicated in the search to comprehend and disassemble the perceived disparity between the sexes (Pollard, 2020, pp 21-28). Despite the contradictions in how the philosophy is perceived, the common objective is to portray, develop and realize gender equity in the social, economic, political, and individual spheres (Srivastava et al., 2017, p.111-113). This philosophy has existed since time immemorial. The ideation was amply demonstrated in the 3rd century BCE when the women in Rome overran Capitoline Hill and obstructed access to the Forum after consul Marcus Porcius Cato refused to nullify laws that restricted women's ability to use high-priced products. At the time, Cato stated, "if they are victorious now,

what will they not attempt? He declared that "as soon as they begin to be your equals, they will have become your superiors" (Brunell & Burkett,2019).

The foundation of feminism is grounded in ancient Greece and historically is commonly perceived as existing in three waves. The first wave was from the 1840s to the 1920s, encapsulating women's unification to challenge prevailing practices and norms that intimately affected females and children (Leck,2012, p.33-60). Issues such as equitable property rights, exercising franchise at elections, equality in contractual arrangements, legislative protection for women, particularly freedom from being sold into prostitution was amplified (Caughie,2010). Hence, the concentration was on marital laws, education and employment, and women such as Susan B. Anthony, Elizabeth Cady Stanton, Lucy Stone, Sojourner Truth became advocates and are described as the first wave feminist thinkers (Bressey,2010, p.279-291). During this period, the preservation of patriarchal societies was explicit; human rights were synonymous with male rights and were deemed desirable in society (Zembar,2017, p.3-14). However, the feminist theory awakened societal consciousness to gender equality and was a pivotal breakthrough in the ideology (Srivastava et al.,2017, p.111-113). The principal accomplishments of the first wave feminists were that it opened the door for female education, allowed married women to obtain a proprietary interest in lands, advanced the right to petition for divorce and child custody, and demanded reproductive rights (Kotef,2009, pp495-522). It was radically mind-boggling for society to conceive females as having fully deserving equality, but women sought to assert their right to individualism and highlighted the structural deficiencies in their treatment.

The second wave of feminism occurred between the early 1960s and the late 1980s and marked a drastic departure from categorizing women homogeneously. Moreover, the second wave sought to formulate theoretical frameworks that examined the confluence and divergence of the lived experiences of individuals (Neher,2016). These theorists believed that the world was viewed through masculine lenses, where females were part of a subgroup comprising mothers, daughters, sisters, and wet-nurses, whose primary function was to provide lactation services (Code,2003; Moses,2012). During the second wave era, radical feminism (RF) was born, the objective of which was to transform society and reshape the societal agencies that were quintessentially patriarchal (Kavka,2002, p.29-44). Radicals claimed that the subjugation of the female was embedded in the social norms and culture and that restructuring was only possible by employing revolutionary measures (Thompson, 2002, p.337-360). These feminists fought to displace hierarchic and traditionalist power-play by seeking to create approaches that were nonhierarchic and democratic in their political and organizational presentation (Kavka,2002).

RF perceived women as oppressed by a capitalist system steeped in patriarchy, which promoted male supremacy and advanced the school of thought that biologically men were of incomparable strength and relegated women to the sole function of reproduction (Zemba,2017, p. 3-14; Hewitt 2012, p.658-680). The radical feminists' campaign fought to legalize abortion, argued for women's reproductive rights, and brought to the mainstream audience the inequitable treatment both legally and socially in areas such as DV, marital rape, and proprietary rights (Srivastava et al.,2017, p 111-113).

The radical view suggested that to remove the rigid social confines in which womanhood was placed required waging war against a gender-prejudiced system condoned by a patriarchal ideology.

The third wave of feminism arguably began between the latter part of the 1980s and 2013, and the generation referred to as the "Generation Xers," comprising persons born in the 1960s and 1970s, led the way (McAfee,2018). Although these contemporaries appreciated and applauded legal and social milestones achieved in the first and second waves, the perception was that more needed to be accomplished (McAfee,2018). This wave measured female issues in three ways: empowering individualism, resolving consistent economic inequality, and portraying the political agenda in a burlesque fashion (Neher,2016). These feminists advocated for analyzing the female condition and not only pandering to the white race. Also, they subscribed to the idea of addressing issues such as race, ethnicity, and politics as different from feminist issues (Coleman,2009, p.177-207; Gillis & Munford,2004, p.165-182; Srivastava et al.,2017, p.111-113). The third-wave feminist concentrated more on social change than on challenging legal concerns pertaining to the oppression of the female and gender roles on platforms, including the media.

Radical feminist theory is based on theoretical propositions underscoring the ideology. It is assumed that social constructs place expectations on gender roles referred to as femininity and masculinity (Gelsthorpe,2003, p.8-9; Renzetti,2009). This perception impacts interpersonal relationships, criminal offending, and the administration of justice. Further supposition values masculinity over femininity in a patriarchal system as gender

is not viewed homogeneously but hierarchically (Lewis et al.,2016; Ponterotto,2016, p.133-151). Also, analysis of malfeasance, victimology, and criminal justice practices and procedures was conducted through the lens of hierarchy to meet gender-specific objectives (Gangoli et al.,2020, p.35-49; Kim,2018, p.229-233). Lastly, the theory seeks to combine criminalized behavior, victimhood, and criminal practices and procedures with policies to resolve criminality in an equitable and just manner (Bérard,2016; Renzetti,2009).

RF rests on a theoretical framework that supports reforms in the CJS to address female subjugation. The projection of male domination is analyzed because the natural demonstration of masculinity promotes repression of the female who must submit to patriarchal social structures (Lay & Daley, 2007, p.49-61; Willis, 1984). Patriarchy is aligned with the radical view ubiquitous to male supremacy over the family, society, policies, and politics. Radicals consider that a patriarchal society maintains control mechanisms without which inequitable institutions cease to exist (Vukoičić,2017). RF views patriarchal jurisdictions as subdividing inherent rights in the society and family along gender lines. This hierarchical structure is socially designed to impact institutions such as criminal justice to disproportionately impact females.

This study is grounded on RF, which explains the impact of patriarchal institutions in Jamaica, the high incidence of IPV, and the CJS's attitude to gender-based violence. A patriarchal system impacts the sociocultural environment and is propagated by doctrinal dogmas that systematically make gender equality almost akin to utopian aspiration (Cusack, 2013, p.24-32; Sudarso et al.,2019, p.2-12). Scholars argued that the rigid

hierarchical structure in terms of gender identity normalized gender roles and enforced the masculinized authoritative view of families (Mshweshwe,2020; Pun et al.,2020). Qualitative data revealed that sociocultural norms and religious doctrines embedded in a patriarchal system instruct the traditional view of masculinity, elevating the male privilege to sole decision-maker in the family (Sikweyiya et al., 2020). Findings also indicated that performing magnified roles or aspiring to achieve dominance can perpetuate violence against females (Sikweyiya et al.,2020).

During the second wave RF challenged social institutions to rethink victimization while confronting the maltreatment of women in male-dominated structures such as CJS. Radicals questioned proportioning blame to victims of violence, highlighted the dangers of normalizing interparental violence, and robustly interrogated machismo perception of crime and penalty (Musto,2019, p.37-52). To a radical feminist, the objective of CJS should be the eradication of gender bias, promotion of parity, and ensuring the protection of women (Kill,2020). In a patriarchal system where the administration of justice is masculinized, the mandate to safeguard the interest of the IPV victims becomes urgent.

Patriarchy affects the structure of criminal justice and influences the approaches to domestic-related criminality. The inequity created and reproduced by the CJS impacts victims' support which is secondary in processes and procedural practices in administering justice. A victim may superficially engage with the system and have feelings of revictimization when the expected outcome is not realized. The expectation of unrealized outcomes may push a victim to retract a complaint and harbor feeling of injustice when the request to withdraw from legal processed is met with a negative

response by criminal justice administrators (Cubells & Calsamiglia,2018, p.107-127).

CJS harsh reaction may cement perceptions of indifference and being dismissive of the impact of IPV on victims.

CJS's protective mechanisms hinge on victim participation and are hampered when victims are psychologically unprepared to quit the abusive relationship (Barata,2007, p.202-215; Hadjimatheou & Grace,2020, p.1-14). Understanding the practical and psychological roadblocks in terminating a controlled and abusive relationship and the probability of exposure to escalated violence may cause CJS to be sympathetic and strive to protect the abused. Enforcement of the law should be done empathetically, impartially, and free of gender bias. The law is presumed to be impervious to victims of gender violence, and its interpretation lacks fair-mindedness and neutrality, pandering to patriarchal views (MacKinnon,1988). CJS is considered as disregarding the female's pleas and desires and limits their autonomy to make decisions to engage with the criminal process (Birdsall et al.,2020; Erez,2002). In a patriarchal society, IPV victims may perceive legal interpretations to be tainted in a manner that is a disservice to the females and negatively impact their lives.

The preponderance of research-based evidence suggests that the lived experiences of IPV victims and the consequences of DV disproportionately affect women more than men, often with severe outcomes (Campbell et al.,2007; Sheehan et al.,2014, p.269-288; Yohannes et al.,2019). RF supports the view of disproportionality and is an appropriate theory to examine the CJS' responses to DV in Jamaica. The island's patriarchal society based on a complex interchange between politics, socio-cultural practices, and economic

standing subverts the female's position in the community and family. Notably, the Women's Health Survey 2016 Jamaica found that 77.4% of females believed a male should lead the household, 70.2% believed in gender-specific roles, 32.2% subscribed to the view that they owe obedience to the husband, despite their views, and 31.4% ascribed to the notion that sexual encounters ought not to be denied to the man except for illness or menstruation (Watson-Williams,2016). The society's patriarchal predilection, pivotal for male dominance, is expressly displayed when an overburdened woman is redefined by men as having a virtuous quality (LaFont,2000; Thame & Thakur,2014). Radical feminist theory probes the mythological viewpoint of male superiority propped by Jamaican women and seeks to realign the female view to one of self-assertiveness and self-importance.

A rationale for grounding this study on RF is challenging the patriarchal status quo. Feminists advocate for a reformed society and the demise of governmental structures that promote male domination. This ideology confronts a gender-prejudice system that supports hierarchical structures to the detriment of females in law and policy decision-making. It also provides a deepened understanding of criminal justice's detrimental effects framed by a patriarchal reference point. Another rationale for earthing this study in the RF is that feminism provides a supportive arm to those negatively impacted by DV. This theory is helpful to assess patriarchal theology lived through socio-cultural practices and norms, resulting in elevated levels of IPV.

Examining patriarchal social structures in Jamaica and the response of CJS to victims are central to this study. Radical feminist theory was selected because it

highlighted the male control and abuse of power and labeled domination as a social problem that the CJS can address.

The research questions of this study are based on CJS's mandate to support IPV victims and the reforms necessary to improve the perceptions of DV victims by the administrators of justice in Jamaica. The questions are aligned with RF theoretical framework, which is pivotal in understanding the CJS's response, and advocates for social change to address institutionalized and, at times, non-intentional discrimination of IPV victims who interface with CJS. The questions highlighted gender-based legal practices that contributed to women's inequitable treatment and sought to start a discussion on strategies needed to reject gender-specific power structures.

Social Learning Theory

The social learning theory (SLT) significantly shapes research on domestic violence and explains the transgenerational nature of such violence in interpersonal relationships (WHO,2005). The origin of SLT is attributable to Robert L. Burgess and Ronald L. Akers. They amalgamated the differential association and reinforcement theories to formulate the social learning theory, which proffered an understanding of criminal and non-criminal conduct (Akers & Jensen,2003). This philosophy has debatably been tested and critiqued several times through the years (Akers & Jensen,2002). SLT proposes that an individual learns and develops aberrant conduct and conforms to behavior that guides and impacts how the individual responds to life experiences (Muro & Jeffrey,2008, p. 325-344). SLT posits that within the social framework, our interplay with others is a formidable learning tool, and observation of

another's conduct will result in the imitation of such behavior (Bandura,1977). The assimilation and imitation of conduct are enhanced if the observational encounter results in a favorable or rewarding experience relative to the perceived behavior. (Bandura, 977; Anderson & Kras,2005, p.99-124).

Akers' (SLT) is a principal theory that explains criminal behavior and has been effectively applied to a diverse range of malfeasance, including IPV. SLT proposes rewards and punishments determine one's perspective and distinctive conduct over time and determines whether an individual participates or abstain from specific actions at a particular time or place (Akers,1996, p.229-247). A positive response to a criminal act intrinsically and extrinsically motivates the actor to perpetuate the conduct and expects either an award or condemnation through the perceived adverse outcomes (Akers,1996). The SLT postulated that criminal conduct is constructed from four learning approaches, which are singular yet inextricably linked: differential association, differential reinforcement, imitation, and definitions. (Cooper, & Klein,2018, p.620-622; Cochran et.al.,2016, p.39-60; Akers,2009).

Differential Association

Differential association relates to the exposure to conduct that promotes or dissuades illegality. This philosophy depones that criminal conduct is cultivated and impacted by the degree of interaction with someone who practices criminality, increasing the probability of encouraging another to exercise maladjusted conduct (Maloku,2020; Unnever et al.,2006, p.3-33). The most treasured relationship has a maximal impact on behavior. Reliance on blood relationships marked by deviant actions develops in the

young a proclivity for deviancy and illicit conduct by imitating the conduct of role models (Akers & Sellers,2009; Kim et al.,2019, p.219-233). Differentially associating with aberrant persons is a prime predictor of imminent criminal behavior as criminality is learned through observing maladjusted behavior and close association with other delinquents (Abdullahi et al.,2016, p.40-60; Akers & Jensen,2017; Siddiqua & Eti, 2019, p.392-427). A person's value system and moral reasoning can be molded through the family unit and societal structures, causing an individual to conform to unlawful behavior such as IPV in compliance with cultural and societal norms.

Differential Reinforcement

Differential reinforcement is reinforcing specific responses in distinct contexts and extinguishing others. Amplifying responses involves presenting positive or negative support for a targeted response or a specified person and withdrawing approval from other responses (Shadmanfaat et al.,2018, p.362-375). Differential reinforcement is a two-pronged process- supporting desirable responses and extinguishing undesirable responses leading to extinction. Reinforcement encompasses a system of rewards and punishment for legal or illegal acts. Rewarding malefaction increases the likelihood that illicit behavior is repeated as reinforcement exists. Association with offenders increases exposure to injurious conduct, and the proclivity to offend or re-offend is heightened in anticipation of a rewarding outcome (Akers,1973; Danielle & Klein,2018, p.551-569).

Asocial behavior is unlikely to persist if a positive reinforcing stimulus is replaced with a negative reinforcing stimulus increasing the likelihood of punishment. Action weakened by anticipated punishment is unlikely to be repeated, but rewarding

conduct is an incentive to heighten the recurrence of such behavior (Shadmanfaat et al.,2019, p.278-293). The improbability that IPV will be investigated and prosecuted or the potential for probation or suspended sentences multiply the chance of the perpetrator recidivating (Klein et al.,2014).

Differential reinforcement has four primary modalities: positive reinforcement, negative reinforcement, positive punishment, and negative punishment. Positive reinforcement infers an incentive that heightens the response rate; negative reinforcement appertains to eradicating the incentive to enhance the response rate. Similarly, positive punishment operates inducement to ensure diminution in the response rate, and negative punishment removes the inducement to reduce the rate of response (Jeffery,1965). Table 1 depicts the four modalities of differential reinforcement.

Table 1

Differential reinforcement

Table 1

Differential reinforcement

	Response up	Response down
Stimulus presented	S^r Positive reinforcement	S^a Positive punishment
Stimulus eliminated	S^{-a} Negative reinforcement	S^{-r} Negative punishment

Note: Reprinted from “Criminal Behavior and Learning Theory” by C. R. Jeffery 1965, *The Journal of Criminal Law, Criminology, and Police Science*, 56(3), 294.

Differential reinforcement ideology suggests that the IPV perpetrator learns acceptable behavior through interpersonal relationships. The transmission of such behavior is reinforced by rewards explicit in societal norms and in the CJS where IPV is not robustly investigated and prosecuted with appropriate sentencing measures representing the conduct’s gravity.

Definitions

Definitions in SLT are formed beliefs and perspectives through differential association and differential reinforcement, and a predisposition to criminal behavior heightens the propensity to engagement in illegal conduct (Shadmanfaat et al.,2018, p.362-375). The family conveys impactful definitions and standards of socially acceptable behaviors to the young. (Steele et al.,2011, p.561-585). The youth whose acculturation includes unsociable interpretations of acceptable behavior are likely to engage in criminality. SLT makes assumptions firstly, that operant conditioning, or a system of rewards and punishment and linking behavior to consequences, teaches criminality. Secondly, illicit conduct is learned from antisocial experiences where interactions with an offender buttress or oppose a behavior. Thirdly, criminality is susceptible to social norms and values that embrace or discriminate against illicit contact, and learning occurs when one kind of conduct is elevated above another. Fourthly, the propensity for criminal behavior is inextricably linked to the prevalence of the conduct. The recurrent potential of criminal conduct is directly related to its amount, frequency,

and the likelihood of reinforcing the action (Bradshaw,2011; Burgess & Akers,1966, p.128-147). Having experiences in an environment where IPV is present positively or negatively reinforce the maltreatment of victims and acceptance and normalization of the act by the observer. Many studies used SLT to comprehensively examine the complexities of IPV. SLT was employed to investigate the intergenerational transmission of domestic abuse tested against the background of observing parental conflicts and physical assaults by males as authoritative figures in families (Hayes et. al.,2020). Findings indicated that differential association in families creates a high probability of members engaging in IPV (Hayes et al.,2020). SLT explained the cycle of violence as exposing the young to familial aggression which adversely impacts and heightens the risk of the adolescent becoming a perpetrator in adulthood (Choi & Temple,2016, p.367-376; Manzoni & Schwarzenegger,2019, p.225-239; Set, 2020, p.444-454). SLT grounded studies examined femicide within intimate relationships and respondents conceded that DV was witnessed in childhood prior to the death and DV was prolific in the relationship (Aborisade & Shontan,2017, p.350-365; Dutton & White,2012, p.475-481; Jackson et al., 1999, p.15-29).

SLT provided a theoretical frame for examining how family structures impact crime deterrent initiatives. Data gleaned from offenders, law enforcement, and lawyers indicated that criminality has social implications and is inappropriately modeled in the family as acceptable conduct (Bilal et.al.,2020, p.1-12) Using SLT, a comparative analysis was undertaken between young and older males whose life-world involved DV (Moruri & Obioha,2020). The findings revealed that younger males reared by non-

biological parents were more liable to commit gender-based violence (Moruri & Obioha,2020). Aggression learned will reoccur in IPV cases unless offenders are re-education or are awakened as to the harmfulness of the conduct.

This study examined CJS support of IPV victims in Jamaica from lawyers' perspectives. Despite laws and Jamaica being bound as a signatory to UN treaties and conventions discriminative to IPV, the rate of familial violence continues to increase. Against local and international efforts, the proliferation of DV in Jamaica is unabated and SLT explained intergenerational transmission as a hindrance to combatting this phenomenon (Coker et al., 2017). SLT is instructive for administrators of justice, policymakers, and legislative bodies regarding factors to consider when formulating rehabilitative initiatives to prevent recidivism of IPV offenders.

SLT highlighted the detrimental impact of traditional and masculinized roles in intimate relationships in patriarchal societies. It explained the significance of imitating behaviors of a malfeisor by children as predictors of later deviant conduct in intimate relationships (Burelomova et al.,2018, p.128-144; Wagner et al.,2019, p.39-51). SLT elucidates IPV prevalence in Jamaica and its generational perpetuation and is probative in clarifying the impact of IPV on child witnesses increasing the probability of becoming perpetrators in adulthood (Gass et al.,2011).

The interconnectedness between violence witnessed by children and transgenerational transmission of DV in Jamaica is borne out in research. Studies revealed that approximately 32% of Jamaica children witnessed parental violence in the home by the age of 15 years, 40.4% of the boys believed that a man should occupy a

place of dominance in the household, and 55% of the boys associated a good partner to a woman who obeys her partner even if divergent views are held (Serbanescu et al., 2010). Also, 18% of Jamaican women witnessed interparental violence, and 61.2% described being physically assaulted by a partner or step-parent by 15 years old (Serbanescu et al., 2010). In 2018 approximately 79% of Jamaican children witnessed violent incidences in the community or at home (Caribbean Policy Research Institute, 2018). Although indirect harm is caused to a child who witnesses IPV, the effect is long-lasting well into maturity. SLT, in its expository role, addresses the intergenerational inheritance of IPV and offers a purpose for policymakers to invest in deterrent policies to combat DV society.

Review of Related Literature

Jamaica's socio-cultural framework is influenced and directed by patriarchy, and the global acceptance is that IPV is pervasive on the island. The literature review demonstrated the linkage between patriarchy and DV perpetration supported by society and the criminal justice machinery. The review explained the generational transfer of such violence SLT ideology. Recognizing the patriarchal entrenchment in CJS and the inherited adversarial legal structure, the review highlighted the significance of considering the impact of trauma on victims through a therapeutic approach to Jamaica's jurisprudence. The research critically examined the support offered to victims of IPV by the CJS and offered the UK's approach to IPV as a practice worthy of emulation in Jamaica's criminal practices and procedures.

Causal Link between Patriarchy and Domestic Violence

In patriarchal societies grounded on males' supremacy, perpetrators of female maltreatment are men, and 35 countries with patriarchal social structures found to have high rates of IPV (WHO,2017). During the era of modern feminism, a perspective regarding patriarchy was formulated such that maltreatment of females was a significant feature of patriarchism and socially acceptable (Tracy,2007, p.573-594). Feminist ideology on IPV has current relevance as a protagonist of patriarchy and the systemic acceptance of male domination. RF founding doctrine is that IPV is a consequential outcome of male supremacy and female subservience within a patriarchal system, where the principal offender of DV is the alpha male (Dobash & Dobash, 1981, p.563-581). Gender-based violence has a historical base and power disparity that ensures subordination of the female through physical, sexual, and psychological abuse within an intimate relationship (California Evidence-Based Clearinghouse (CEBC), n.d.; McPhail et al.,2007, p.817-841).

Like other Caribbean islands, Jamaica's patriarchal system is arguable, a relic of its colonial past, and catastrophic to the family unit and the society in its practice. Jamaica's gender norms and values are reflected in the second wave of feminism, illustrating male supremacy philosophy and subjugation of the female (Lacey et al.,2019, p.1-20). Examining the correlation between patriarchism and IPV is significant to understand and combat this phenomenon through progressive policies and legal reforms

There is continuous debate within feminism regarding the definition of patriarchy, and scholars have proffered varying descriptions. The common thread is that patriarchy is

a unitary principle that defends and preserves men as head of a hierarchal structure of authority and privilege usurping control over women (Dobash & Dobash,1981, p.563-581; Kizito,2017, p.561-572; Moore,2019, p.675-696; Pham et al.,2018, p.907-920). The gender-based nature of patriarchy devalues women who, by tacit or subliminal consensus, accept the conduct as a part of their life experiences. The patriarchist justifies the philosophy's existence by promoting subjugation as acceptable and beneficial for both the power holder and the subordinate. A mainstream belief embraced by Jamaican women is that by nature, the male should head the home, that the female must never dissent from their partners even if they disagree, and sexual advances should not be refused except if ill or menstruating, and 30.9% concur that IPV is private (Watson -Williams,2016).

Patriarchal ideology confers on males' authority to maintain control and promote and demonstrate inequitable power in intimate relationships supported by social norms and values. Intrinsic in patriarchal societies is the notion that interpersonal violence is conventional (DeKeseredy,2020; Tonsing & Tonsing,2017, p.161-171). This ideation consequentially supports females' subservient positions and duties in the family and society and potentially promotes violence to maintain the imbalance through domination and subjugation (Dobash & Dobash,2003, p.737-752; Tonsing & Tonsing,2017). IPV can be reframed as a patriarchist crime to identify and explain the sexist reasoning that underlines the conduct. Patriarchy is predicated on power and control over the female. A man's accomplishments are frequently perceived through the lens of the capacity to dominate the female through violence to gain compliance, and threats are strategically used to maintain the status quo (Sikweyiya et al.,2020). Understanding the social

construction of norms and sociocultural perceptions of manliness and womanliness assist in comprehending interparental violence and the historical underpinnings of IPV.

From time immemorial, IPV was interpreted as physical abuse, and ecclesiastical bodies approved male dominance and expected devout and submissive wives to prevent physical chastisement. In the ecclesiastical court in 1395 England, Margaret Neffeld of York had corroborated witnesses of assault by her husband, who used a dagger to fracture her arm. The evidence was ignored, and a corresponding present-day judicial separation was refused; Margaret was coerced to resume the relationship with her abuser (Freeman,1980, p.215-241; Helmholtz,2007). A female's systematic subjugation and control was perceived as the husband's birthright (Dobash,198, p.439-470) and was enunciated in English common law, giving absolute control over proprietary rights and daily life (Hecker,1910). The law conferred the right to discipline the wife physically, and for certain perceived infractions, the husband could use whips and clubs (Hecker,1910). Irrespective of class, reciprocal rights were not afforded the wife under the doctrine of oneness in marriage, whereby the male and female are a composite whole, suspending the female's right to legally exist (Kelly,1994, p.341-365). The historical background of IPV demonstrated the entrenchment of the perception of male supremacy established in legal frameworks and social norms.

The subculture of violence and promotion of male domination in its music maintain Jamaican men's privilege and hegemony both publicly and in private relationships. The dancehall culture's duality is apparent in the lyrics renouncing conventional societal norms yet promoting and justifying the patriarchal system of male

supremacy and female subjugation (Richards,2009). The term "rudebwoy," often used in dancehall lyrics, presents masculinity grounded in aggression, authority, and strength (Hope,2012). Illustrations drawn from coarse musical lyrics by prominent and celebrated dancehall artists, whose lyrical content uses words such as "real badman neva afraid, we got bombs and guns, and hand grenades" (Richards, 2009) applaud violence as appropriate responses to disputes. The words encourage males to exude intrepid strength and condition them toward violence to preserve the perception of masculinity is transferable to DV.

The dancehall culture formulates the concept of hyper-masculinity that reaffirms female inferiority and male prominence (Crawford,2010, p.143-145; Salim, 2016). The encouraged perception in dancehall music is that men's elevated position will be lost unless they maintain masculinity, resulting in re-evaluation of gender roles threatening their machismo (Crawford, 2010; Salim, 2016). The love of music is woven in Jamaicans DNA, and lyrics disempowering and demeaning to females promoting aggression and violence are detrimental to family and society and will sustain IPV through power and control.

The legislative response to IPV in Jamaica is insufficient to challenge patriarchy deep-rootedness and offenses such as marital rape. A limited recognition for marital rape as an offense is under section 5 of the Sexual Offences Act and does not extend to exclude forced sexual acts during cohabitation. Pursuant to section 5:

- (I) A husband commits the offence of rape against his wife if he has sexual intercourse with his wife in any of the circumstances specified in

subsection (3)- (a) without her consent; and (b) knowing that she does not consent to sexual intercourse or recklessly not caring whether she consents or not.

- (3) The circumstances referred to in subsection (1) are that-
- (a) the spouses have separated and thereafter have lived separately and apart within the meaning of the Matrimonial Causes Act;
 - (b) there is in existence a separation agreement in writing between spouses
 - (c) proceedings for the dissolution of the marriage or for a decree of nullity of marriage have been instituted;
- (4) There has been made or granted against the husband an order or injunction, as the case may be, for non-cohabitation, non-molestation or ouster from the matrimonial home for the personal protection of the wife; or
- (a) the husband knows himself to be suffering from a sexually transmitted infection.

The assumption of irrevocable consent in marriage is an antiquated notion when women were the husband's chattel and cannot withstand legal scrutiny or RF ideation of the females' right to equality and non-discrimination. The CJS in Jamaica is obliged to query the insidious suffusion of patriarchal values within the legal framework by scrutinizing provisions that entrench gender discrimination based on a regressive view of women's individuality. CJS ought not to be prevented from intervening to safeguard rights in the domestic sphere under the guise of privacy. Framing DV as a private matter

is a tool for oppression, and the CJS need to balance violation of women's dignity against protecting women's entitlement to privacy to ensure identity and liberty.

The prevailing view of scholars is that the patriarchal concept of masculinity has not significantly decreased in Jamaica, and perceptions of decline are due to shifts in the expression of patriarchy in the family and society (Thame & Thakur,2014). Within the female demographics, the embraced ideology is that men lead households, and although females reject the suggestion that IPV is justifiable, at least 30.9% believe that IPV is a private matter (Watson -Williams,2016). The Jamaican woman culturally is perceived as obedient, is not argumentative, does not usurp men's role, supports partners, and is gentle (Sudarso et al.,2019) Jamaican men are culturally regarded as more knowledgeable than women, role models, rational, and pugnacious (Sudarso et al.,2019, p.2-12). The cultural misconception of feminine characteristics as quiet and submissive is harmful and contributes to gender-based violence, implying that men can exert power, control, and even ownership over women. Aligning being virtuous with voicelessness devalues and relegates women to subservient roles.

Correlation between DV and Intergenerational Transmission of Gender-based Violence in Jamaica

IPV is transmittable generationally, and exposure of the young to incidences of IPV is more likely to perpetuate inter-parental violence in their adult intimate relationships (Alizzy et al.,2017, p.585-593; Ehrensaft et al.,2003, p.741-753; Islam et al.,2014; Pernebo & Almqvist, 2017, p.167-178; Wagner et al.,2019, p.39-51). Children are conduits through which gender-based violence is transmitted generationally, and

encountering DV in childhood erodes a parent's capacity to nurture and protect the child (Domoney,2019; Gartland et al.,2019, p.51-61; Levendosky,2001, p.171-192). STL describes the continuity of familial violence as learned behavior through observing reactions to life stressors by trusted persons within the home.

Cross-generation transference of DV rests on the presumption that the probability of maltreatment in intimate relationships and the victim continuing in the relationship is hinged childhood lived experience of IPV (Pollak, 2004). Studies found that child-witnesses are as secondary victims of DV and may exhibit maladaptive behavior and perpetuate violence in adulthood (Mcfarlane et al.,2017, p.645-655). If the family milieu reinforces socially acceptable behavior through reciprocated responses between the parents, the children may emulate these qualities and break the cyclical transmission of abusive behavior patterns (Abramovaite et al.,2015, p.160-174; Mcfarlane et al.,2017).

The intergenerational nature of intimate partner abuse in Jamaica in is founded on physical chastisement of children, witnessing DV during childhood, and controlling partners all indicators of future engagement in IPV (Global Health Data Exchange,2009; Priestley & Lee,2019). DV is emotionally damaging to a child, and its effects continue into maturity, and men who batter partners also batter children 30% to 60% of the time (Huecker et al.,2021). Children who witness IPV increase the risk of violence in dating, are disposed to having complicated relationships and parenting, and have an increased risk of unfavorable psychosocial outcomes (Huecker et al.,2021). Children are imitators of parents' conduct. Boys are taught violence towards intimate partners by their fathers, and mothers teach girls how to react in a violent relationship (Royal College of

Psychiatrists, 2022). The transference of asocial behaviors and outcomes from parents to children is minimized when children abhor interparental violence choosing a different path from their parents but may still experience anxiety, be inflexible, intransigent, reactionary, or uncompromising in adult relationships (Royal College of Psychiatrists, 2022).

In societies with stringent social gender roles, inequity between the sexes is commonplace and the rate of female victims of gender violence is high, with increased severity and fatality (Hayes & Franklin, 2017, p.79-94; Chesworth, 2018, p.75-100). IPV is normalized in Jamaica's cultures, and the challenges to circumvent violent situations in relationships are heightened, leaving children exposed to and witnessing inter-parental violence.

The proclivity for males in Jamaica to be DV abusers is evident in a multivariate study of risk indicators for IPV, which found that the most potent predictor of DV and the transmission of intergenerational gender-based violence is witnessing maltreatment of a partner in the home (Fleming et al., 2015). With its rigid social values and gender roles, DV proliferation, and the ascendancy of males as head and role models for the young, Jamaica experienced the transmigration of DV across generations. By observing, absorbing, and imitating the role model's actions in the family and society, the young ratify the conduct, and the malfeasance becomes systemized and tolerated as an acceptable approach to resolving a disagreement in intimate relationships.

Transgenerational IPV asserts that the lived experience of an adolescent is a direct pathway to either perpetuating the violence or becoming a victim (Powers et al., 2017).

Familial violence is described as seeping into the subconscious, creating a generational cycle of abuse in intimate relationships (Pollak,2004, p.311-329). Despite the government of Jamaica's verbal assurance of responsiveness to IPV and gender inequality, little effort is made to track and record the occurrence of gender-based violence by government agencies dealing with gender issues. As a result, there is a lack of contemporaneous evidence-based data on IPV that is comprehensive and systemic, so reliance is placed on credible data such as a survey in 2012 to demonstrate the generation transmission of IPV.

The findings of the 2012 survey indicate that in Jamaica before age 15, 18% of Jamaican women witnessed inter-parental physical violence, while 61% were physically abused by their parents, 36% of female participants described being coerced to engage in sexual intercourse with their partners, and 18% stated that they were forced to have sex with boyfriends (Pan American Health Organization et al., 2012). Notably, 48% of females reported being controlled in a relationship. The survey also demonstrated that domestic violence perpetrated by a past or current partner is the most typical form of offense against the female on the island, crossing all demographics and socio-economic groups (Pan American Health Organization et al.,2012).

The 2016 survey on the prevalence of DV in Jamaica showed negligible movement from the results in 2012. The 2016 survey showed that 44% of children whose mothers were victims of familial violence witnessed the abuse, and 1 in 10 cases there is continuous exposure to violence. To test the correlation between emotional abuse and IPV, the interviewers questioned whether mothers in abusive relationships were

humiliated as children. Statistical variation was highlighted between females with life experiences of physical and sexual abuse and those who had not. A mere 12.7% of females with no exposure to IPV in their intimate relationships witnessed family violence as children compared to 29.1% of women who were battered in their intimate relationships who witnessed violence in childhood. 47.7% of battered women were beaten as children (Watson-Williams,2016).

The 2016 study presented those Jamaican men who were batterers in their adult intimate relationships experience violence in childhood (Watson-Williams,2016). Also, women who witnessed violence in childhood and partnered with a man whose childhood life featured violence had a higher rate of DV than females who had not witnessed family violence in childhood (Watson-Williams, 2016). Whatever the gender, witnessing the abuse of a parent in childhood dictates the response to IPV in adulthood. The abuser will either abstain from battering his partner or transmit childhood learned behavior into adulthood. The female will either leave the maladjusted relationship or tolerate the abuse and dominance of the male partner

Therapeutic Jurisprudence Approach in a Patriarchal Society

IPV is often an established pattern of maladaptive conduct that has a long-lasting effect on the abused physical, psychological, and mental health. In administering criminal justice, like many other jurisdictions, Jamaica is not very perceptive of the impact of such asocial conduct on the victims. However, therapeutic jurisprudence affirms to administrators of justice the significance of considering the aftermath of IPV. Therapeutic jurisprudence is defined as "the study of the role of law as a therapeutic agent"

(Wexler,1992, p. 517-526). It is a pluridisciplinary approach that explores how justice and fairness can be amalgamated with mental health to shape how justice is CJS (Munir,2017; Traguetto & de Aquino Guimaraes,2019). This methodology proposes that the law can function as a restorative agent and that judicial rules, legal processes, and the role of administrators of justice can either be therapeutic or injurious for victims (Frailing et. al.,2020). The therapeutic approach perceives law through a wellbeing mirror, where legal procedure, rules, and operations are analyzed against victims' emotional welfare to impact outcomes favorably or unfavorably.

This restorative technique is not a substitute for traditional prosecution but is a complementary form of the justice-seeking process. The approach promotes a non-adversarial attitude in dealing with IPV victims, with healing at its core, and can reduce feelings of victimization (Field & Hyman,2017, p.275-292). The imperative is that therapeutic jurisprudence should not be seen as subordinating the rule of law to legal processes, practices, and procedures. Instead, therapeutical competencies should be perceived as mandatory consideration in addition to the probity of prosecutorial processes (Wexler,1993, p.279-299; Wexler,2000, p.125-134). An amalgamation of therapeutic jurisprudence and criminal justice forms a specialized court to deal with DV cases that recognize victim-trauma impact while commending the offender's conformity to programs and treatments (Kaiser & Holtfreter, 2016, p.45-62).

Criminal justice should hold DV offenders accountable, find strategies to prevent the perpetuation of IPV crimes, understand the effect of DV victim -trauma and females' response, and engage with victims. By subscribing to trauma-informed practices and

procedures, the justice administrators can change perceptions and negative experiences of the abused in their interface with the system. Trauma is defined as "a consequence of events or circumstances that has lasting, adverse physical or emotional effects on an individual's wellbeing" (Substance Abuse and Mental Health Services Administration (SAMHSA), 2015). The typology of trauma is feelings of impotence, detachment, and loss of control, and the usual capacity to cope is displaced by nonadaptive behaviors, which impact many facets of the victim's life (Hopper et al.,2010, p.80-100; Pemberton et al.,2017, p.682-698; SAMHSA,2015). The objective of a trauma-informed CJS is to recognize and be sensitive to the influence of DV episodes on the victim's psyche and facilitate opportunities for the victim to be empowered to retake control over their lives.

The therapeutic jurisprudence approach is predicated on actors in the CJS having a "realization of the trauma, recognizing signs of trauma, responding through trauma principles, and resisting re-traumatization" (SAMHSA,2015). The demand is for administrators to understand that victims have traumatic lived experiences and learn to identify evidence and manifestation of trauma. It should also be understood that law enforcement and court processes can re-victimize the abused person (McKenna & Holtfreter,2020, p.1-21). The vexed question is whether the abused person feels safe engaging with CJS. This question bears significance, especially for persons whose lived experiences are continuous exposure to mistreatment and control in an unsafe environment (McKenna & Holtfreter,2020). For example, requiring the abused woman to testify against her partner may fill her with trepidation and anxiety, hindering coherent responses, full disclosure, and complete engagement with the court proceedings.

Having recognized the impact of DV on the interaction between CJS providing support to the victim of IPV and victims, reduces feelings of re-victimization, minimizing triggers, and encourages emotional safety throughout the prosecutorial process (Antonsdóttir, 2018, p.307- 330; Katz & Halder,2016, p.359-393). Persons who experience trauma can have difficulty nurturing a trustful relationship with CJS, and seeking legal intervention can present as a terrifying quest. The legal process can be frightening and mysterious for many victims, and demystifying processes by providing simplified explanations using less legal jargon will validate victims' experiences of violence (Katz & Haldar,2016; Wilson et al.,2015, p.586-599. Adopting a trauma-informed approach demands a re-evaluation of practices, procedures, and policies used in CJS, so training staff to embrace a hospitable environment and be non-judgmental in engaging with victims is paramount (Chaudhri et al., 2019; Levenson,2017; SAMHSA,2013). The CJS's ultimate goal is to ensure perceived threats are reduced, not to re-traumatize the victims by treating them respectfully and with dignity.

To a traumatized person, words can potentially heal or destroy. Therapeutic jurisprudence acknowledges the role of trauma and admonishes administrators of justice to use less cynical, less severe, and use more neutral language when communicating with victims (Chaudhri et al.,2019; Katirai,2020; SAMSHA,2013). A language that amounts to victim-blaming, negative comments, and minimizing the harm resulting from the abuse is adversely impactful and should be avoided (Orth,2002, p.313-325). The judiciary can redress the power imbalance between the victim and the perpetrator by creating a non-adversarial environment as much is possible (Drabble et al.,2013, p.91-113) and applying

trauma-informed techniques in taking the victim's evidence during the trial and sentencing phase of the hearing (Arisco,2014; SAMHSA,2015).

The inherited patriarchal legal system in Jamaica is adversarial and confrontational. Trauma-informed techniques integrated into legal processes recognize the impact of high-pressured court proceedings underpinned by robust cross-examination on IPV victims. In criminal court proceedings where the abused person is without a lawyer, the judiciary and prosecutorial body should be aware of the effect an unrepresented abuser can have on the victims and court process. The judiciary and prosecutor should ensure that abused safety is reaffirmed and that trauma-informed language is used (Branson et al.,2017, p.653-646; Katirai, 2020; Orth & Maercker,2004, p.212-227). Consequently, if the victim sees the legal process as unbiased and impartial, they may trust the system even if an outcome is unfavorable.

Law enforcement is CJS's first face, and implementing a trauma-informed approach should start here and involve treating DV victims with dignity and respect. Experts have postulated that the posture taken by law enforcement towards such victims is "the single most important factor in determining the success of the victim interview, and therefore the entire investigation" (Archambault & Lonsway,2007). Studies have also demonstrated that the interviewer should be dissuaded from interviewing DV witnesses as if they know how the violent episode unfolded and ask copious questions to direct the interview, which is disoblging (Chenier et al.,2020).

Because law enforcement's objective is to obtain an efficacious result, interviews must be more than a perfunctory piece of work undertaken by untrained officers who

control the discourse (Chenier et al.,2020). The Jamaican police embraces a paramilitary type model of governance, where everyone including IPV victims are seen as subordinates instead of citizens, contributing to the perception that officers are to be feared, leading to distrust and disrespect (Harriott & Jones,2016; Reisig & Lloyd,2009, p.42-62). A trauma-led approach and interview strategy challenges militarization of officers and requires police interviewer to listen actively to the victim's lived traumatic experiences and recognize the impact on their cognition, behavior, and attention to detail (Archambault & Lonsway,2007). A report from the UK on Achieving Best Evidence in Criminal Proceedings, guiding interviewing victims and witnesses, and on using special measures, purports that by using a cognitive interview model, the police will recognize the vulnerability of victims, develop a rapport with the interviewees, and will ask neutral questions (Crown Prosecution Service,2011. The UK follows a cognitive interviewing protocol, the gold standard for interviewing vulnerable victims (Chenier et al.,2020).

Victim-witness credibility is fundamental for the judiciary, prosecutors, and defense legal practitioners, as the success of a case rest on its probity. The probative value of a witness's evidence is based on memory, and a witness experiencing trauma may not accurately remember details of an abusive episode, be inconsistent in recounting the incident, and may be seen to lacks credibility. If administrators of justice act under a misguided apprehension of how trauma manifests itself or misunderstand the impact of trauma, the narrative put forward by the victim-witness will either not be believed or be perceived as a ploy to exculpate the offender (Franklin et al.,2019; Hopper,2018; Lonsway et al.,2019). As far as possible, the concentration should be to remove

hindrances to enable victims to recollect and explain abusive incidents in a clear, coherent, and complete manner. Dealing with impediments to providing the best evidence possible, on which a judicial and prosecutorial process can be based, will create a CJS seen as fair and respectful of victims.

The focus is on law enforcement, the judiciary, and prosecutors in considering the CJS of Jamaica against the backdrop of therapeutic justice. An examination of criminal justice's organizational structure regarding DV shows a lack of training and expertise, capacity issues, mismanaging victims, particularly in the early stages of an investigation, and making work such as interviews a perfunctory act (Elntib et al.,2018, p.255-275). Research demonstrates a shift in organizational culture towards victims, causing victims to better engage with the investigatory and prosecutorial environment (Elntib et al.,2018; McKenna & Holtfreter,2020; Risan et al. 2020, p.1-17). The benefits of adopting therapeutic jurisprudence into the administration in Jamaica will lead to trauma-informed training for the judiciary, law enforcement, and prosecutors, resulting in increased victim engagement and more successful outcomes

Jamaica's CJS Response to Domestic Violence

This study linked the patriarchal society in Jamaica with IPV, connected the prevalence of such crime to cross-generational transfer, and demonstrated the benefits of therapeutic jurisprudence to address the pervasion of gender-based violence in Jamaica. This research addressed the current support given to victims of inter-parental violence in Jamaica, measured against the U.K. Jamaica's C.J.S. is an inheritance of its colonial past,

and many legal practices, procedures, and processes in the U.K. are instructive and persuasive in Jamaica's jurisprudence.

Most societies are plagued with DV incidences, and Jamaica is no exception as family violence is normalized in the island's social fabric. Although men are also victims of DV, the high rate of gender-based violence primarily impacts women and children. External organizations have expressed profound concern at high rates of domestic and sexual violence and the lack of a comprehensive strategy to address the phenomenon in Jamaica (Amnesty International,2015; Inter-American Commission on Human Rights (IACHR),2012; U.N. Committee on Economic, Social, and Cultural Rights (CESCR),2013; U.N. Human Rights Council,2010). Notwithstanding, the government's response to this social dilemma is incommensurate to the seriousness of the problem faced, and actors of the CJS. do not always interpret acts of violence through a domestic abuse lens (IACHR,2012). Women's groups purported that media normalization and justification for violence makes such maladjusted conduct very attractive to youths (IACHR,2012). Police officers are said to have laissez-faire and nonchalant attitude towards the enforcement of domestic-violence-related laws, which breeds mistrust in the administration of criminal justice (IACHR,2012).

Despite the cultural and institutional stance on IPV as a regular part of family life, Jamaica's CJS. has legislative mechanisms to support DV victims and safeguard their welfare. The Domestic Violence (Amendment) Act 2004 was legislated to protect the abused persons, and among its provisions, the victim or third party can apply for protection orders and ancillary relief. This statute widened the class of females to be

protected, to include women in marital relationships and common-law and non-cohabiting partnerships (U.N. Human Rights Council, 2010).

The Sexual Offences Act 2009 has provisions for marital rape, even though specific conditions must be met. Section 5 purports that a husband can rape his wife if there is non-consensual intercourse or if he is reckless about whether she consents, knowing that she does not consent. Further, the offense of rape can only be committed if the parties are separated, proceedings have been initiated for dissolution of the marriage, a separation agreement subsists, injunctive relief in favor of the wife is sought or sought, or there is knowledge of a sexually transmitted disease. Section 26 provides that a conviction for a sexual offense, including marital rape, will not be deemed unsafe if a judge does not provide a warning as to the danger of convicting on uncorroborated evidence. However, the section does not fetter the judicial discretion to warn if deemed appropriate. Another legislative support offered is pursuant to the Evidence (Special Measures) Act 2012 and allows for victim-witnesses to give evidence through video-link or video recording where the quality of the testimony would be lessened through fear or distress.

Together with legislation mandating victim support, in 1998, the Ministry of Justice and National Security in Jamaica formed Victim Support Unit (VSU). The objective was that the unit would be a curative instrument to rectify the asymmetry between victims and the CJS (Ministry of Justice, n.d.). The unit offers assistance to psychologically traumatized IPV victims and provides services, including counseling and advocacy (Ministry of Justice, n.d.). Creating a support agency is praiseworthy as

survivors of domestic abuse ought to be assisted to address the effect of DV events on their psychological wellbeing. Victims who transparently discuss the impact of IPV with trained professionals accelerate emotional healing to reclaim self-autonomy.

The legislative framework is not without fundamental deficiencies influencing support offered to victims by CJS. The drafters of the Domestic Violence (Amendment) Act 2004 offered no definition of conduct that amounted to IPV. Law enforcement and the judiciary use discretionary powers to define gender-based violence and potentially result in variance in response to DV acts. Having a definitive interpretation of DV acts suppresses inherent uncertainty and subjectivity in response to incidences (Kelly & Westmarland,2016, p.113-127). It is recommended that statutes define IPV and incorporate physical violence, sexual aggression, and coercive control, which assimilate emotional and economic harm (United Nations Women,2010). Legal definitions interpret concepts and can institute new meanings for behavior, as the law takes an evolutionary role (Macagno,2010). Laws are meant to direct conduct, so clarity is needed to detail asocial conduct. Transparency dictates that provisions in statutes are stable, transparent, and open to ensure that interpretation and application can be impartially (Craig, n.d.; Deinhammer,2019, p.33-44; Thompson,2019, p.159-163). The Jamaican legislative body needs to revisit the Domestic Violence (Amendment) Act and clarify DV conduct to mirror other common law jurisdictions such as the U.K., considering the technological evolution that may necessitate a periodic update of IPV definition.

The Sexual Offences Act relating to marital rape is not protective of women cohabiting in a marriage relationship, even though there are safeguarding clauses for

single or non-resident married women. The law criminalizes spousal rape only when one of the following criteria is met: the action occurs after legal separation or court proceedings to dissolve the marriage; the husband is under a court order not to molest or cohabit with his wife; or the husband knows he has a sexually transmitted disease (U.S. Department of State (USDOS), 2019). The Act perceives rape during the subsistence of cohabitation as legitimate, and prosecution is prohibited (Falk,2010, p.355-363; Elvy,2015, p.1-81). Such a statutory provision contradicts the criminal justice mandate to protect from sexual aggression and is discriminatory.

There is an inference of tacit acceptance of sexual intercourse once married, as implied consent cannot be retracted as long as the marriage relationship continues. This viewpoint can be perceived as an endorsement of marital rape by the CJS (Dailey,1986). The 2016 survey describing the prevalence of DV in Jamaica reported that women forced into sexual activity out of the threat of harm and are coerced to engage in degrading and humiliating sexual acts (Watson-Williams,2016) are afforded no protection under the Sexual Offences Act.

Section 5 of the Sexual Offences Act is founded on a relic of Jamaica's colonial history legitimizing marital rape. The first defense to spousal rape was proffered by Sir William Hale, a former Chief Justice of the Court of the King's Bench in England in the early 19th century. He condoned the behavior when he said, "the husband cannot be guilty of a rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract the wife hath given up herself in this kind unto her husband, which she cannot retract" (Hasday,2000, p. 1373). The Sexual Offences Act

gives credence to the view that once married, acceptance to consensual sex is irrevocable; hence any sexual aggression or violation during the marriage, except when separated, cannot constitute rape, since there is an inference of submission to sex within the marriage arrangement.

An examination of the Evidence (Special Measures) Act 2012 demonstrates the masculinized nature of Jamaica's laws. Section 3(3) refers to a vulnerable witness using the pronoun "he," evidencing the influence of patriarchy on legislation. More profound is that the statute is silent regarding the procedure regarding cross-examination of victims in trials where abusers are unrepresented. Cross-questioning a witness is the primary technique used to test the witness's testimony rigorously to determine credibility (Robert, 2015, p.31-54). In DV cases, a witness may not be psychologically able to provide a clear, consistent, coherent, and complete account due to distress (Denault & Patterson, 2020, p.1-10). Cross-questioning can be intimidating and confusing, causing the vulnerable to fear and distress (Ellison, 2018, p.353-375). An accused cross-examining a witness who has suffered protracted maltreatment at his hands may be vulnerable to being controlled (Bishop & Bettinson, 2017, p.3-29). In cross-examination, there is a probability that the accused will send nonverbal cues – such as body movements, a fierce gaze, or facial expressions – to impede the witness's testimony. It is recognized that certain gestures may only be readable by the victim.

The patriarchal practices woven in the investigatory and prosecutorial processes undermine legislative support in Jamaica. There is frequently inordinate, unreasonable, and unexplainable delay from investigation to trial and is a deterrent to victims reporting

violent domestic incidences (Amnesty International,2015). At the core of criminal justice is the premise that those cases should be tried within a reasonable time, and it is one of the hallmarks of a liberated and democratic society. Any delay in investigating and prosecuting a criminal offense is detrimental to the system and exposes it to ineffectual, weak, inconsequential, and meaningless crime prevention (Pillai,2007). A sentence that comes after a protracted and illogical delay can be unimportant to the victim, whose minds are adjusted to the notion that justice will be denied them (Pillai,2007). In the Canadian case of (R. v. K.G.K., 2020), the judge referenced the harmful nature of a matter slow to be tried when he highlighted that deferring a case is detrimental to the victim; conclusiveness is lacking, and many are unable to advance in their lives as the case stagnates. It was further stated that society is interested in knowing that justice will be speedy and that delay could devalue the CJS. in the public's eyes.

However, law enforcement, prosecutors, and the judiciary should not be perceived as tardy or procrastinators. A report has shown that the criminal justice infrastructure is overburdened, and lacks financial resources to meet victims' demands, thus hindering the administration of justice (Amnesty International,2015; IACHR,2012). The report also referred to untrained judges, prosecutors, and law enforcement as causes for some of the system's inadequacies (IACHR,2012). Jamaica's judges can now access online courses regarding fundamental human rights law to support human rights protection and domestic practices and procedures (Wilson,2019) but no indication of DV training for the judicial.

DV is complex, and creating education programs for judges and prosecutors is beneficial to the CJS judges who attended these programs reported significant benefits

gained - behavior modification in how justice is accessed, judicial leadership, safety for the abused, and abuser accountability (Jaffe et al.,2018, p.496-514). Education provides insight into recidivism reduction, accommodative policies and processes, and offenders' accountability and proper case management.

The imperative for education programs is to develop skills covering a vast range of social and legal issues relating to DV's complexity. The skills necessary for effective administration of justice covered by education programs are responding to victim retraction of statements, evidence admissibility of previous abuse, and supporting child witnesses of IPV and understanding victims' responses to IPV (Jaffe,2010).

Administrators of justice must comprehend the variation in DV presentations by victims and manipulation tactics that offenders can use in investigation, prosecuting and sentencing in DV cases.

. A rich and poor divide exists in Jamaica, and the CJS's indifferent and disrespectful treatment of victims impacts their dignity, time, and right to privacy (IACHR,2012). A lack of respect for persons who engage with the CJS regarding disrespect for personal dignity, time, rights to privacy feeds the perception of no accountability for CJS (United Nations Human Rights,2007). An assessment of Jamaica's CJS revealed delay to access justice, ineffective and incomplete criminal investigations, the partiality of the judiciary and prosecutors, and the inability to understand victims' diverse needs. The government raised its objection to the assessment and purported that the judiciary was impartial and exhibited a high level of integrity and impartiality (IACHR, 2012). A 2014 survey of 1,208 respondents in September 2014 undertaken by

the Gleaner found that 96% of participants suggested a disparity in the treatment of rich and poor by the CJS, and 95% believed no variation in treatment should exist (Luton,2014). In response to the survey, Acting Public Defender Matondo Mukulu stated that "matters of how people attire, how one speaks and their level of education should not affect the experience of those who enter the halls of justice," while Director of Public Prosecutions Paula Llewellyn reiterated the legal dominance overall and explained that throughout her legal career, she witnessed offenders from all strata of society prosecuted for illegal acts (Luton,2014).

The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985 is the leading international instrument articulating victims' rights. The document highlighted victims insensitively treated by police, prosecutors, and courts, resulting in secondary victimization, particularly for IPV and sexually abused victims. (UN,1999). Victims are marginalized during investigations, trials, and sentencing in IPV cases. Their autonomy is curtailed due to the inability to express views and concerns, and sanctions, often a fine, probation, or short incarceration, bear little resemblance to the gravity and impact of the crime on victims (UN,1999). The Declaration indicated that responses of CJS should facilitate:

- (a) Allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and consistent with the relevant national criminal justice system;
- (b) Providing proper assistance to victims throughout the legal process;

- (c) Taking measures to minimize inconvenience to victims, protect their privacy, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
- (e) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting awards to victims.

Jamaica is a signatory to seven of the nine core international human rights treaties, including the Convention on the right of the Child (CRC) and the Convention for the Elimination of Discrimination against Women (CEDAW), and enacted legislations aligned with these conventions and treaties (Bureau of Gender Affairs, 2018). The island has a network of statutes, policies, and action plans to offer protection against IPV; however, these laws need to be revised, and enforcement demanded and strengthened. Despite instruments with protective and preventive mechanisms to end domestic abuse in Jamaica, the CJS and support agencies have not sufficiently joint forces, there is insufficient financial and human resources, and bureaucratic red tape exists (Bureau of Gender Affairs,2018). Alignment between CJS and other support programs with singular goal and strategic processes will efficiently support victims, and sociocultural barriers to the effective workings of the CJS can be addressed to reduce IPV.

Lessons from the UK

Like Jamaica, domestic abuse is an unspecified crime, and related criminal offenses related are charged under the statutes connected with the relevant offense, but

law enforcement is legally obliged to flag up domestic abuse related crimes. A definition of DV was not codified in a statute until 2021 and a cooperate interpretation of IPV was used across all government departments. This included law enforcement and the Crown Prosecution Service, the prosecutorial body for England and Wales. DV was seen to be any incident or pattern of behavior that was controlling, coercive or threatening or abuse between partners aged 16 or over who were or had been intimate partners or family members regardless of gender or sexuality. The interpretation encompassed but is not limited to psychological, physical, sexual, financial, emotional.

The conventional interpretation of DV involved imagery of bruising and fractures. A change in the legislation criminalizes psychological harm. The Serious Crime Act 2015 created the novel offense of coercive control, which outlawed non-physical violence, giving countenance to a pattern of abusive conduct that is coercive and controlling with psychological and emotional harm (Bishop & Bettinson, 2017, p.3-29). Controlling behavior are actions, the purpose of which, is to guarantee the subordination of another, by alienation of support, misuse of resources for personal enrichment, deprivation of independence, and regulation of their daily lives (Home Office, 2020). Coercive conduct is considered assaults, threats, humiliation, intimidation of any form, or abuse that punishes, harms, or frightens the victim (Home Office, 2012). Having a definition of IPV ensures that all stakeholders in the CJS have an explicit knowledge of specific behavior that falls within the DV realm.

The enactment of this new crime is criticized as having evidential challenges, partly because controlling and coercive conduct are often disguised by the victim's perception of whether the behavior falls short of what they consider criminal (Bishop & Bettinson, 2017, p.3-29). The rationale and push-back against the criticism is that the offense acknowledges the impact of trauma, which is a barrier to proactive engagement in criminal justice processes (Bettinson & Bishop, 2015, p.179-197; Bishop, 2016, p.59-79). The rejection of the criticism is meritorious when consideration is given to the detrimental effect of coercion, which would have otherwise escaped legislative oversight.

Like Jamaica, victims of IPV in England and Wales have legislative support. However, in English jurisprudence, assistance to the victims is more expansive and trauma-informed. The Domestic Violence, Crime, and Victims Act 2004 focuses on the CJS's legislative safeguard and support for domestic abuse victims. Among its many provisions, the statute has amended the Family Law Act of 1996, by penalizing contravention of a restraining order, analogous to a protection order in Jamaica, which carries a five-year maximum custodial sentence. Pursuant to this Act, a restraining order can be made against a defendant who is adjudicated not guilty, if the court determines this is proportionate to protect the victim from the harassing conduct.

The Protection from Harassment Act 1997 allows for prosecution of criminal harassment where at least two incidences of harassment established a behavior pattern. The victim must be put to fear by the defendant's action, who knows or ought to have known that the behavior amounts to harassment. A conviction for harassment in the

criminal courts will result in a restraining order to restrict the defendant's conduct. However, the court is empowered to make a restraining order for future harassing conduct without the victim seeking redress in the civil court once the criminal sanctions are expired. The court is legally allowed to impose a restraining order on acquittal, to protect the victim. Considering whether to make a restraining order, the civil standard of proof on the "balance of probability" must be met, and hearsay evidence is allowed to establish a case for the restraining order. Other support afforded victims is pursuant to the Criminal Injuries Compensation Scheme, compensating a victim of IPV who was injured during the perpetration of the crime. The award can be up to £500,000. The scheme's rationale is not to indemnify the victim, but to recognize that the victim was harmed (*Criminal Injuries Compensation Authority, 2020; Shelter Legal England and Wales, 2020*).

Like Jamaica, special measures are permitted by statute in the UK. The Youth Justice and Criminal Evidence Act 1999 (YJCEA) facilitates intimidated witnesses, such as DV victims, to give clear, complete and coherent testimony in court. To invoke special measure provisions, the intimidation must arise through fear and distress in giving evidence, and not the distress caused by the offending conduct (Crown Prosecution Service, 2020). The commonality between Jamaica and England and Wales is that both use video link and visually recorded interview, but England also uses screens, allows evidence to be given in private, allows for lawyers and judges removing, and uses pre-trial visual recorded cross-examination or re-examination (Crown Prosecution Service, 2020). Moreover, Section 36 of the YJCEA prevents an intimidated person's

cross-examination by an unrepresented accused. The prosecutor may instruct a lawyer to cross-examine the victim, or the court can prevent the cross-examination. It must be established to the court's satisfaction that the testimony's quality can potentially be diminished by being cross-examined by the accused. Among the factors for consideration are the victim's expressed views, the nature of the crime, likely questions to be asked, and the accused's conduct. Once a ruling is made, the court will appoint a lawyer, who is remunerated at legal aid rates, to cross-examine the victim (Legal Aid Agency,2020).

The UK also created Special Domestic Violence Courts (SDVCs), assimilating aspects of the American model into its process, where DV advocates support victims during court hearings (Her Majesty Court Service (HMCS),2011). These courts adopt a multiagency approach to assist victims, by coordinating the police, prosecutors, probation service, support organizations, and court staff to fight against IPV (HMCS,2011). There is continuous domestic violence training for the judiciary, police, and prosecutors, to improve the courts' efficacy in meeting the victims' safety and protection needs, and to respond to the specific social problem (Duggan,2019, p.249-257; HMCS,2011). By creating specialist courts, gender-based crimes can be adjudicated by expert administrators of justice, where the focus is not expediency, but to hold perpetrators accountable while recognizing the trauma caused to victims of such violence.

A further legal mechanism to support victims is "Clare's Law", pertinent to the Domestic Violence Disclosure Scheme. This law is named after a female murdered in 2009 by an ex-boyfriend, who had a plethora of historical offenses for violence against

women. Under the scheme, a member of the public can request that police release information about a persons' antecedent crimes and convictions. A study that examined the effectiveness of Clare's Law, in reducing domestic violence by improving the knowledge of victims, is inconclusive. The findings show that 45.6% of persons who received the information under freedom-of-information legislation were harmed by the person against whom they were warned; Clare's Law is not as successful as envisioned (Fitz-Gibbon & Walklate,2016, p.284-300; Grace,2015; Grace,2018).

The legislation regarding marital rape in Jamaica has been critiqued above, and prior to 1992, forced sexual intercourse in marriage was legitimized by English laws. The legal landscape was forever altered with the case of (R V. R, 1991) creating a judicial precedent for marital rape. After successive appeals, the House of Lords unanimously overturned the common-law rule that a man could not rape his wife. In the ruling, Lord Justice-General Lord Emslie stated that "nowadays, it cannot seriously be maintained that by marriage, a wife submits herself irrevocably to sexual intercourse in all circumstances". The ratio decidendi enunciated was that common law is evolving align itself with societal changes and cultural progress, and that the proposition that marriage presents an unalterable consent to sexual intercourse is unacceptable. Marital rape can occur in married and common-law relationships, and does not require that the parties be separated for the offense to be committed (Martin et al., 2007, p.329-347), and the Sexual Offences Act 2003 considers this conduct an act of DV that is coercive and controlling behavior (Dayalu & Swaraj,2018, p.181-188; Ishani,2019). Criminalizing rape within the

context of marriage, whether separated or not, recognizes the traumatic impact on the victim, and ensures that coitus is devoid of coercion or control.

There was no legal definition of DV in the UK, although an interpretation of what amounts to such conduct was accepted governmentwide. To ensure the criminal justice system's efficacy, the Domestic Abuse Bill 2020 was tabled in 2020. On 6th July, 2020, the House of Commons passed the Bill, and sent it for readings in the House of Lords. The Bill was signed into law on the 29th April 2021 having passed both Houses of Parliament. This law is touted as a landmark piece of legislation that, among many things, codified a definition of DV (UK Parliament, 2021). The Act created the Domestic Abuse Commission, for public education and to hold the CJS accountable if proactive and robust efforts are not made to reduce IPV (UK Parliament, 2021).

Fresh protections for DV victims are statutorily enshrined ensuring that perpetrators barred from direct cross-examination of DV victims in family and civil courts, greater access to special measures to prevent witness intimidation such using screens and video link in giving evidence (Home Office & Ministry of Justice, 2021). Police and courts are empowered with added powers to grant Domestic Abuse Protection Notices giving victims with instantaneous protection from offenders and forcing abusers to seek to change their behaviors through seeking mental health support and rehabilitation support for drugs or alcohol. New measures were also added to the Bill for added strength creating the novel offence of non-fatal strangulation and extended the offence to include threats of disclosing intimate images. The law was clarified regarding claims of "rough

sex gone wrong” that result in death or serious injury (Home Office & Ministry of Justice,2021).

Further, as a condition of release on license after service a portion of a sentence for a domestic violent offence, the offender must undergo polygraph testing. (UK Parliament, 2020; The Law Society,2020).

Summary and Conclusions

Jamaica's society and CJS are grounded in patriarchy, laying a thriving foundation for IPV. It is not that Jamaican blanketly says DV is acceptable, but men abuse women because society empowers and teaches an entitlement to power and control. This kind of coercion and power is continuous behavior that overrules females' autonomy and puts in abeyance their sense of self, placing men at the family's apex. To preserve the status quo, the male will segregate, micro-manage and manipulate to create an environment of fear, contradiction, and threat, to maintain control. In the patriarchal Jamaican society, "real men" are valued for the subjugation of females, seen as an insignia of strength.

Abuse in Jamaica is transmitted generationally by the cyclical nature of abuse witnessed by children. The intergenerational transference of IPV is borne out in many pieces of research, demonstrating that DV is an undesirable family legacy perpetuated through learned behavior. Exposure to continuous violence in childhood teaches and normalizes the conduct as an acceptable response to conflict or anger in an intimate relationship. This form of toxic expression of manliness, observed by the young male, inculcates the perception that power over the perceived weaker inferior female can be

attained and preserved through toughness and aggression. The misconceived idea of autonomy is crystallized into inflexible traditional gender-specific stereotypical roles transferred through generations.

The CJS in Jamaica operates within patriarchy and the social learning of violence. Even though the legal objective is to protect the victim, the laws used to prosecute domestic violence do not describe the offense's essence and completely ignore the paradigm of power and control. Also, gender inequity reinforced by the patriarchal philosophy is evident in the support given to victims of IPV by law enforcement and criminal courts. Surveys by international organizations, such as the United Nations, have found unsatisfactory support of criminal administration agencies, which by their nature are adversarial. This study has shown that therapeutic jurisprudence demands a holistic approach to investigating and prosecuting DV crimes by considering the victims' emotional well-being. This approach is a move away from the traditional justice system, promoting accusatory practices. Therapeutic jurisprudence advocates suggest that attaining justice should understand the social and psychological repercussions of gender-based violence on victims.

The inequality between the sexes that nurtures and justifies DV in Jamaica is expressed through lived experiences, published in news and social media, and demonstrated in justice administration. The judicial framework impacts DV victims, predominately women and children, where equity turns on law enforcement and the court's discretion for fair outcomes. Justice administrators ought to recognize the irreparable harm to DV victims when there is an unjustified and unreasonable delay in

investigating and prosecuting a case and when less reparative or preventative punitive measures are imposed on offenders. There is a need for legislative reforms, a revisit of policies that promote the sexes' inequality in criminal justice, training of the judiciary and other actors in the system, and adopting therapeutic jurisprudence to address the communicable social malady named domestic violence.

Numerous scholarly literatures examined variant factors of domestic violence worldwide, and a small amount of this body of knowledge examined the phenomenon in Jamaica. However, there is little research on the island's criminal justice system engagement with victims. This study adds to that body of knowledge and fills the literature gap on the justice system. In Chapter 3, the study considered and employed the methodology to examine the research problem.

Chapter 3: Research Method

I examined support given to victims of IPV by CJS in Jamaica. I constructively critiqued the Domestic Violence Act, Sexual Offences Act, and Evidence (Special Measures) Act 2012 relating to in Jamaica that guide administration of justice by assessing practices and deficiencies, identifying therapeutic jurisprudence as a plausible pathway to support victims and reduce IPV, and noting best practices. Due to colonization, Jamaica's laws and criminal practices and procedures are linked to the UK.

This phenomenological study aimed to examine support given to victims of IPV through the lens of prosecutors and family law practitioners in Jamaica. Prosecutors operate as intermediaries between law enforcement and the judiciary, with tremendous authority as adjudicators and advocates for victims. Also, prosecutors are significant in exercising discretion over justice policies and creators of legal strategies. A family law case may have criminal law issues, and a criminal matter may be viewed contextually as a family issue. For example, Jamaica's Domestic Violence Act of 2004 allows for criminal sanctions when a protection order is violated. Direct involvement of prosecutors and family law practitioners within the system allows them to acquire knowledge subjectively based on their lived experiences.

The General Legal Counsel database was used to select family law practitioners via purposive sampling techniques, while the snowballing method was used to choose prosecutors. Also, semi-structured interviews were the most appropriate method to gain an in-depth understanding of the problem via participants' perspectives.

This chapter explored the methodology, study purpose, research design, my role, and ethical and trustworthiness issues.

Research Design and Rationale

I used a qualitative phenomenological approach to examine support offered to victims of IPV by Jamaica's CJS from the perspectives of legal professionals. My study was guided by the following research questions:

RQ1: What are the perceptions of family lawyers and prosecutors regarding the role the criminal justice system in Jamaica plays in terms of supporting victims of domestic violence?

RQ2: What kind of support do family lawyers and prosecutors believe that Jamaica's criminal justice system offers to victims of domestic violence that would reduce the impact of victimization?

RQ3: What are the perceptions of family lawyers and prosecutors regarding legal reforms that would impact how the criminal justice system in Jamaica responds to domestic violence victims?

Three methodologies were explored; quantitative, qualitative, and mixed methods. The quantitative approach required selecting large sample sizes typical of the population such that findings can be interpreted as representative of the general population. Also, the quantitative methodology involved objectiveness in collecting measurable variables, with formal and structured data collection processes. Jamaica had no data for prosecuted DV cases from which an analysis could be done using the quantitative research method. Lack of data meant this methodology could not be considered. The mixed-methods technique

involves using qualitative and quantitative approaches in the same study to collect and analyze data that enables findings to merge (Schoonenboom & Johnson,2017, p.107-131; Taylor & Raykov,2020, p.127-137). This method was rejected due to a lack of quantifiable data.

A qualitative methodology was deemed best suited for this study, as it allowed for understanding the views and perceptions of the lawyers regarding the support offered to victims by Jamaica's CJS. The analysis of qualitative data permitted an in-depth look into the phenomenon studied and assisted in discovering fresh understanding and perception in systematic support that the CJS offered. I explored why events took place and what these meant to the respondents.

Instead of analyzing numerical data, structured and unstructured interviews were conducted to explore the interviewees' lived experiences, based on how the participants interpreted their lifeworld, and they were prompted to speak candidly (Queirós et al., 2017). Also, the qualitative method was used to ensure that a comprehensive description of the experiences, opinions, feelings and attributable interpretations of these professionals was documented and reflected in the findings.

Grounded theory, ethnographic study, and case study as qualitative research approaches but these were dismissed as inappropriate to examine the phenomenon being studied. Grounded theory is based on the methodical collection and data analysis, from which a theoretical framework would emerge (Cepellos & Tonelli,2020, p.1-28). This approach was excluded because it was time-consuming due to the large-scale code creation and the complexity of coding each interview.

The ethnography approach usually explores an ethnic group or culture through fieldwork by substantial participant observation. In this study, this approach would require an interface between the researcher, the courts, and the legal professionals in settings that reproduced their work with DV victims (Walle,2016, p.27-46). In undertaking the extensive observation, a researcher would consider the weight of historical and cultural influences on social relationships by observing participants' behaviors and values (Jones & Smith,2017, p.98-100). Although this approach could be used, I rejected it due to the high financial costs of traveling aboard to observe court proceedings and interactions between victims and the judiciary, prosecutors, and family law practitioners on different occasions. This approach required a work-life balance that would be impossible to meet given the commitment to traveling to Jamaica to collect data. I also rejected using a case study, although the approach enabled a deepened examination of the engagement between victims and the CJS in Jamaica. A case study was discarded as a helpful approach because I considered the findings relatable only to the examined cases, which would not be replicable in other situations.

A phenomenology approach was appropriate for this study, as it permitted the acquisition of knowledge based on the participants' lived experiences and subjectively explained motivations, beliefs, and perceptions through structured and unstructured interviews (Qutoshi,2018). The phenomenological study examined the perspectives of prosecutors and family law practitioners whose lived experiences gave them a unique understanding of the problem studied. Their subjective knowledge provided deepened and new meanings to the phenomenon, as they directly interacted with victims in the CJS.

In undertaking a qualitative phenomenological study, I adopted an interpretivist and constructivist research paradigm, which interpreted a respondent's experience subjectively based on their lifeworld (Rahman,2016). Interpretive epistemology views the world as a subjective construction of an individual and assumes that a person reality is linked to meanings attached to experiences given by the individual (Neubauer et al.,2019, p.90-97; Shitta-Bey,2016). Subjectivity connotes that knowledge is extracted from multiple sources used to define, investigate, and understand the individual's world (Shitta-Bey,2016). The significance of the subjective research was revealed in how prosecutors and family law practitioners expressed their intrinsic and individualistic views of experiences related to criminal justice's response to DV victims in Jamaica and how this subjectivity shaped their perception of the system.

Constructionism is an ontological viewpoint that an individual's reality is a construction of their mind, to the extent that absolute reality is non-existent; reality is based on one's experience in the space-time continuum (Bahari,2012). By undertaking this study, I acknowledged the existence of various subjective realities of each participant and excluded the idea of a unitary view in respect to support that can be offered to victims and IPV offenders. I understood that IPV offenses could be seen through different lenses impacting the support offered to victims. The ontological assumption of crime is that violence is ingrained in human nature, and of necessity, society pursues non-violent strategies to ensure the individual's and society's survival (Shitta-Bey,2016). My epistemological and ontological worldview on which this study rested and determined the selection of participants was that DV violence was a social construct embedded in the

patriarchal system in Jamaica. This philosophy extolls the dominance of men, and lawyers provided strategies practical to CJS to support victims to reduce or eradicate DV incidences. Understanding each lawyer's subjective experience helped assess the importance of creating a system cognizant of DV's on the family and society

Role of the Researcher

As the researcher, my role was observer-participant and explored perceptions, opinions, and understandings of the participants through data collection, interpretation, report of findings, and unambiguously articulating safeguarding measures to the participants. Given my philosophical worldview and epistemological and ontological perspective, the data collection methods employed were structured, and unstructured interviews, triangulated with document analysis of DV cases decided in Jamaica's Court of Appeal and articles obtained from newspapers.

It was anticipated that a large volume of data would be generated from the respondents. I collected data by audio-recording and used analytical memos for contextual references in interpreting the data and bracketing. Once the data was transcribed verbatim, I used Nvivo thematic analysis software to code the data collected. The data's interpretation was founded on the radical feminist theoretical viewpoint, where the focus was on the marginalized DV victims by synthesizing coded data based on the ascription of meanings given to each participant's experiences. I also respectfully distilled and summarized the participant's narrative in a form meaningful to the participant and readers.

In the collecting, coding, and interpreting data, I was cognizant of my biases, particularly confirmation, cultural, question-order, leading questions, and wording biases. Confirmation bias usually arises when a researcher formulates an assumption and manipulates the participants' narratives to reaffirm that view (Peters,2020). To control confirmation bias, I evaluated my reflexivity and used bracketing to reflect on my biases and preconceptions so that research data and interpretations were not distorted.

I am a Jamaican but have resided in other jurisdictions for most of my life and continue to do so. I was aware that influencing factors motivating CJS's response to DV victims could be seen through a cultural lens. I guarded against ethnocentrism by consciously not using my adopted culture as the standardized measure of Jamaican culture to create cultural biases. I minimized this bias by being a cultural realist such that I sought to understand the CJS's activities through the cultural lens of Jamaica.

In conducting interviews, the order of questions is significant, as this can impact the responses to succeeding questions, resulting in question-order bias (Lavrakas,2008). I, as the researcher, was aware of the difficulty of avoiding this bias but controlled this by asking general open-ended questions before specific or sensitive questions and by asking questions relating to conduct before attitude and positive questions before negative (Lavrakas,2008). For example, I asked about direct actions to handle a situation before asking the participant to respond to hypothetical scenarios to measure attitudes. Leading questions and wording bias could occur if I prompted a specific response or expanded on the answers given. I avoided paraphrasing responses and used simplified language to minimize this bias.

Ensuring confidentiality in a qualitative study when presenting rich and thick data is fundamental. During data collection through structured and unstructured interviews, participants explained their perceptions, understandings, and meanings given to their lived experiences; these were analyzed, and the findings were reported without undermining the participants' confidence. An ethical dilemma was possible in this study, as confidentiality ranks as the highest professional responsibility that an attorney owes to his client; violation of this responsibility can lead to civil or criminal sanctions, or both, as well as disbarment from the profession (Vasishtha,2020; William,2017).

In Jamaica the Canons (Canons of Professional Ethics) set out ethical standards for the Attorney, and the issue of confidentiality is dealt with by Canon IV, which provides that:

The Attorney SHALL Act in THE BEST interest of his client and represent him honestly, competently and zealously within the bounds of the law. He shall preserve the confidence of his client and avoid conflict of interests –

- (t) An Attorney shall not knowingly –
 - (i) reveal a confidence or secret of his client or
 - (ii) use a confidence or secret of his client to the client's disadvantage; or to his own advantage; or (3) to the advantage of any other person unless in any case it is done with the consent of the client after full disclosure.

Provided however, that an Attorney may reveal confidences or secrets necessary to establish or collect his fee or to defend himself or his employees or associates against an accusation of wrongful conduct.

I, as the researcher, had a fiduciary responsibility to preserve the participants' confidentiality, but the participants in this research also had a duty of care to be discreet regarding information about their clients. To deal with this dilemma, I considered the issue from the initial contact with the participant to obtain informed consent and build trust. A confidential agreement was signed, and discussion surrounding confidentiality continued throughout the data collecting process to ensure continued consent to share specific information. Preservation of confidentiality was ongoing and was addressed cleaning the data of any identifiers, and I understood that some confidential information might not be readily recognized, such as contextual identifying information. As such, I read the raw data collected from participants multiple times so that identification, even if subtle, was removed. My objective was to ensure that confidentiality was wholly maintained and addressed throughout the research process.

Methodology

Participant Selection Rationale

Selecting participants is an essential undertaking in a qualitative study, and respondents for this study were selected from prosecutors and family law practitioners in Jamaica; however, there was a variance in the selection strategy for each group. Purposeful sampling was appropriate to determine family law practitioner participants. This sampling technique allowed the choice to be based on individuals who could

provide rich and thick information to deepen the understanding of the phenomenon being studied (Benoot et al.,2016; Sargeant,2012, p.1-3. The decision to utilize this selection approach was based on the research questions to be answered and the study's theoretical underpinnings.

In determining potential participants, consideration was given to their roles and experience levels. I perused a list of lawyers in Jamaica and 20 family law practitioners were selected. I then interrogated the General Legal Council's list of practicing Attorneys to determine years of post-qualification experience and selected 12 practitioners with five and more years of practice experience, with whom contact was made through emails and telephone calls. By establishing these inclusion criteria, I believed that the selected attorneys would be knowledgeable about the support offered to victims by the criminal justice system and would articulate feelings, understandings, and meanings reflectively. The collected data offered in- depth comprehension and insights into the problem without making experiential generalizations.

I used the snowballing technique to select prosecutor participants, as I considered it challenging to recruit from this group due to the number of prosecutors on the island. This sampling strategy allowed for access to participants using existing respondents to conscript other subjects for the study, whereby sampling continued until the point of saturation was reached (Kirchherr & Charles,2018; Naderifar et al.,2017). In employing this method, I asked four potential participants, already known to me, to identify other possible subjects who were prosecutors with at least two years of experience. I reached

out to these individuals by email and telephone to secure their consent to participate in the study.

Data saturation must be reached before the collection process can end, and this is hinged on the number of participants required to examine the phenomenon being studied. The sample size is deemed adequate at the point where additional interviews will yield no new analytical data, and at this juncture, the data saturation point is attained (Sargeant, 2012). Identifying when data saturation occurs requires that data analysis be done simultaneously with the collection of data, allowing the researcher to record the genesis of new themes and identify perspectives that may otherwise be overlooked (Palinkas et al., 2015; Sargeant, 2012). There is no set sample size at which data saturation is attained, and studies have suggested a varying number of participants that could be used. It is recommended that the sample size should be large enough for a fresh and rich understanding of the problem being studied to emerge, yet small enough for deepened analysis to be undertaken (Vasileiou et al., 2018). It is proposed that phenomenological research such as this demands fewer than 10 interviews (Moser & Korstjens, 2017) and that anywhere from five to 50 subjects is deemed sufficient (Dworkin, 2012).

To guarantee that the point of saturation is exceeded, the recommendation is that the range of 12 to 15 participants is sufficient (Latham, 2013, p.12-33). In this study, prosecutors and family law practitioners were heterogeneous groups due to their levels of experience and years in practice. The suggestion was that the sample size should be 12-15 participants in each group (Latham, 2013), but I took the pragmatic view and considered having 12 participants overall who were selected to participate in this study.

Instrumentation

The data collection method was done through interviews, asking structured and semi-structured questions. A structured interview is inflexible, with no deviation in the questions put to the participants (Stofer, 2019). For example, demographic questions allowed me to gain an insight into the background of victims who needed to be supported by the criminal justice system. Like structured questioning, semi-structured questions were put to all participants but dissimilarly allowed the researcher to probe for elucidation and deeper meanings. I formulated: an interview protocol framework comprising the procedural steps of the interviewing process, promptings regarding the informed consent of participants, and reminders of information that needed to be collected (Castillo-Montoya, 2016; Jacob & Furgerson, 2012, p.1-10; McGrath et al., 2018). Once the interview guide was created, which incorporated the interview questions, I conducted two interviews with lawyers to test my interview skills as a researcher to determine whether the questions needed clarification and whether further questions were necessary to glean the rich and thick information.

I triangulated the findings with document analysis to ensure confluence and corroboration. Triangulation of data allowed me to converge findings with the outcome of decided Court of Appeal cases and articles on CJS attitude towards DV victims to enhance the credibility of findings and reduce biases (Bowen, 2009, p.27-40; Frey, 2018; Linton et al., 2019). The documents analyzed were decided domestic violence cases and

newspaper articles on domestic violence from 2015 to 2021 to interpret and extract meanings and opinions and establish evidence-based knowledge.

This study's theoretic foundations were the radical feminist theory and social learning ideologies addressing the influence of patriarchy on domestic violence, the responses of the CJS, and the social construction and perpetration of IPV intergenerationally. As data collection instruments, interviews allowed deepened understanding of the problem studied by prosecutors and family law practitioners, giving meaning, opinions, and perspectives on their lived experiences relating to the interplay between the administration of justice and DV victims. In addition to interviews, reliance was placed on decided DV cases in Jamaican courts. Six cases were examined to provide a corroborative and convergent account of the CJS's treatment of victims and six newspaper articles.

For Researcher-Developed Instruments

Three classes of interviews were identified for qualitative data gathering, namely standardized or structured, unstandardized or unstructured, and semi-standardized or semi-structured. The standardized category used an interview schedule that comprised orderly and definitive questions, with no allowance for deviation from pre-determined questions throughout the interviewing process (Frances et al.,2009, p.309-314). This type of question was unsuitable for understanding the phenomenon being studied and was only used to obtain demographic and factual information. Unstandardized questions were dismissed as inappropriate for data gathering because although they allowed for a greater understanding of the problem being investigated, there was no distinct framework for the

questions. Moreover, the interview process entailed a discourse between the interviewer and interviewee on a defined topic, where general open-ended questions were put, and the direction of the process was controlled by the participant's responses (Moyle,2002, p.366-373). The unsuitability of this kind of question extended to the fact that thick data were needed from the questions, but unstandardized inquiry only allowed sparse knowledge to be gleaned. I also risked losing control of the interview direction, which meant the research questions would not be addressed.

Semi-standardized interviews were the accepted class of questions for this study. They added greater flexibility to the interview process in that the number of structured questions was reduced. This reduction tolerated an inquiry into impromptu issues arising from engagement with the interviewee and allowed for clarification to enhance knowledge of the phenomenon (Moyle,2002, p.366-373). Semi-structured interviews were guided by an interview protocol that empowered me to document and explore varying issues on a specific subject forming the nucleus and substance of the research questions (Frances,2009, p.309-314). The interview protocol outlined headings pertinent to the study and on which the interview questions hinged and directed non-threatening structured demographic questions succeeded by open-ended questions. These questions were sequenced to address specific issues relevant to the study. The protocol placed sensitive questions further along to build trust and rapport between the interviewee and me. During the interview, WhatsApp to conduct video interviews were conducted, allowing unprompted cues, facial expressions, and body language to be observed. The interviews were audio-recorded.

In the study, content validity had to be assured, taking into account that qualitative research involved one person subjectively understanding another person's feelings and perspectives. The research data were refined and interpreted to preserve the authenticity of the result so that participants recognized their account in the data (Berthelsen et al.,2016; Brod et al.,2009). All expectations and personal biases were left at the figurative door of the interview process to preserve content validity, and attempts were made to learn from the participants in a respectful and neutral environment. At the start of the interview, full disclosure was made of my legal background and my knowledge of Jamaica CJS, and any potential for bias was explained. Triangulation strategy was employed to validate the respondents' responses and ensure the findings could withstand scrutiny. I triangulated the interview with document analysis to reduce researcher bias and enhanced the data's convergence and corroboration, ensuring trustworthiness.

Procedures for Recruitment, Participation, and Data Collection

Data collection was through interviews with prosecutors and family law practitioners in Jamaica. Family law practitioners had five years and more post-qualification experience, and prosecutors had at least two years of experience to ensure sufficient rich and thick information to address the research questions. Email contact was initially made to set up a date and time for an interview using WhatsApp, a convenient format for each respondent. This social media platform allowed for audio-recording of each session in an environment that promoted face-to-face interactions between myself and the interviewee. Not only were the sessions recorded, but analytical memos were also

written to allow for quasi-analysis to be undertaken throughout the interview process, documenting reflections, comments, and non-verbal cues. As the researcher, I conducted the interviews. Since the object of the data collection process was to gain a deepened understanding of the relation between the respondents' lived experience and the phenomenon studied, a single interview session per participant was insufficient. I anticipated that other sessions would be needed for clarification, confirmation, or information building. The collection process spanned three weeks, and each session was for an average of one hour. The dates and times were arranged at the participant's convenience. In cases where additional sessions were required, the participants were contacted, and a suitable date and time were decided.

From the outset, the need for informed consent was reiterated. An explanation of the research process and the utilization and dissemination of the results were discussed. Throughout the data collection process continuous reminders were given of the right to withdraw from the process, and anonymity was protected using pseudonyms and alteration or removal of any identifiers to preserve confidentiality. The participants were aware that the interviews were recorded and that the recordings were securely stored and destroyed after use.

The goal of deciding a specific sample size was to ensure that enough data could be gleaned to address the phenomenon and address the research questions adequately. Having too small a sample size could have a perverse effect on the findings. Research showed that if recruitment resulted in a low number of participants, the selection process previously proffered should be revisited to expand the pool from which to choose

(Morrison et al.,2012, p.416-427). Throughout the interview process, efforts were made to build a trusting rapport with the participants, and a bilateral agreement on how to end an interview was established. Studies have revealed that a researcher must do more than give a directive that the interview has ended, as it is morally and ethically obligatory to negotiate an end to the participant-researcher relationship (McGrath et al., 2018; Morrison,2012). In concluding the interview, each participant was encouraged to highlight significant issues, and each had an opportunity to add information they found interesting. For clarification, the participants decided on convenient dates and times when the session was conducted where follow-up interviews were required

Data Analysis Plan

A dual data collection process of interviews and document review was used. These methods were grounded in the defined research questions, each of which offered interviewees an opportunity to proffer a perspective on the role of the CJS in supporting victims of domestic violence, the support available to reduce victimization, and the legal reforms or other changes needed to improve the system. The interview questions addressed each research question by adapting open-ended questionings to get a deep understanding of the workings of CJS and its impact on victims of IPV.

A thematic analysis was performed; this is described as "a method for identifying, analyzing, and reporting patterns within data," comprising six steps (Braun & Clarke,2006, p.77-101). This data analysis technique offered flexibility to the study's theoretical frameworks and enabled the collation of detailed, rich data that was

transparently described. The designated steps permitted clarity and rigor during the analysis process.

The first step required familiarization with the data, by immersion in the data corpus, through transcription and repeatedly reading and taking notes before attempting to code or derive meaning or patterns. Next, as many codes as possible were manually generated using color-coordination techniques and note-taking. Once the codes were created, all similar codes were grouped to give an abbreviated overview of the primary points and commonality in the meanings recurring throughout the transcription. At this stage, efforts were made to discover broad themes from the catalog created using tables or flashcards. During the search for themes, codes merged that formed main themes or subsets of themes, and the remaining codes were kept as outliers, which were further coded to create more themes.

Once the broad themes were created, the next step was to refine them; some were merged or divided into smaller elements. A two-pronged approach was adopted to refine the themes. Firstly, the extracted data that formed the themes were revisited to see whether a pattern had emerged. Secondly, an attempt was made to discover the correlative relationship between the themes and to discover the data's meaning. All the previous steps were reviewed, and corrections were made before a thematic map was created to discover the connection between themes and meanings. The next step was to define and formally name the themes, which revealed the substance of the theme and the portion of the data that the theme reflected. The themes used gave the essence of the data to make sense to the reader. The themes were then examined against the transcribed

narrative to determine whether the theme best fitted the data. Finally, the findings were written coherently, logically, and precisely and addressed the created themes and subthemes.

The document review was used as a corroborative tool to strengthen and support the study findings. The documents analyzed were DV cases decided in the courts and newspaper articles that addressed victims' lived experiences in their dealings with CJS. As above, a thematic analysis following the six steps was undertaken of the data collected from the documents. Consideration was given to the authors' subjectivity, the potential biases of the documents' content and whether the account was hearsay or firsthand witness to the events in the report (Bowen,2009, p.27-40). The documents' authenticity was determined, and queries were made about them to satisfy questions such as who produced the document, why and when it was produced, and what type of information it provided. NVivo software was used to provide a feel of the themes in the data to enable more in-depth analysis, along with Microsoft Word and an Excel spreadsheet monitor themes in the data.

Issues of Trustworthiness

It is trite that bias can misrepresent the findings of any research. The view of some scholars is that this terminology relates to the quantitative investigatory paradigm, which is irreconcilable with the ideological foundation of a qualitative study (Thorne et al.,2015, p.451-460). Qualitative scholars have a broad consensus that due to qualitative research, subjective nature, trustworthiness, and rigor are more germane concepts to be used (Galdas,2017). To ensure that a study's the finding was not inconsequential, rigor

was necessary giving great significance to reliability and validity, which was applicable to quantitative study only (Altheide & Johnson,1998, p.283-312; Leininger,1994). Other researchers adopted fresh benchmarks to establish rigor in qualitative research, replacing reliability and validity with the analogous notion of trustworthiness comprising four elements – credibility, transferability, dependability, and confirmability (Guba,1981).

Credibility is a concept comparable to internal validity in a quantitative study. It addresses the truth-value of a study, enhancing the readers' confidence that findings are based on the basic information given by the participants and interpreted according to their views (Korstjens & Moser,2017, p.120-124). This research ensured the credibility of its findings by ensuring data quality through the richness of the data collected, above data quantity. Credibility was enhanced by triangulating interviews as a data collection tool with document analysis to evaluate the CJS support of IPV victims. Some transcribed interviews were randomly selected, and a third party was asked to code them to elucidate any blind spot in analyzing the transcripts. Thereafter, differences and similarities between the coding were discussed, and some codes were revisited.

Another strategy employed is member check, where participants were sent the transcriptions for their reactions and allowed to challenge misinterpretations of the data. The persistent observation was also used, where the data was repeatedly read, and codes and themes were revisited, recoded, and re-themed if necessary. The data collected were analyzed until the saturation point was reached, where further analysis was unnecessary as regurgitation of code or themes started to emerge (Saunders et al.,2018).

Transferability is a qualitative study commensurate to generalizability or external validity in quantitative research and addresses the findings' applicability to defined situations. The question is whether a researcher has presented thick enough data to inform the readers' decisions regarding the transmissibility of the outcome to a particular situation (Moon et al., 2016; Morse et al., 2002, p.13-22). To enhance transferability, documenting the data collection and analysis processes was thorough, providing the reader with a comprehensive understanding to inform any decision regarding transference.

Dependability in qualitative study lies in parallel to quantitative research reliability. It determines whether verifications of findings are congruous to the participants' data and are reproducible in another research (Forero et al., 2018). The research process was presented logically and transparently through an audit trail to establish dependability. The data collection method unambiguously and explicitly recorded the actions taken from the commencement of the data collection process to reporting the findings. Records were kept of memos written during the data collection process, which recorded the logistical decisions made relating to methods used, my perceptions about the participants and values that impacted the study.

Confirmability establishes the linkage between the findings and the data collected, answers whether the findings evidenced the participants' perceptions, and examines the impact of researcher bias on the study's outcome (Forero et al., 2018; Korstjens & Moser, 2018, p.120-124). A record of all decisions taken from data collection to findings, reflective thinking, and how the data was managed to ensure corroboration for the results

were kept. Instead of a reflective journal, memos were kept of my role in data collection, analyzing and interpreting the data, and the perceptions and assumptions that I brought to the study

Ethical Procedures

The study participants were discovered using the public legal website in Jamaica and snowball sampling; as such, no organization was contacted. Each participant was provided with an informed consent letter explicitly setting out the purpose of the research, the nature of the data to be collected, and how this was to be done. The consent letter was a robust, unambiguous document to prevent compromising the quality of the data collected or engendering participant mistrust.

The informed consent letter, and certification from the Collaborative Institutional Training Initiative (CIT), was approved by the International Review Board (IRB), approval number 08-23-21-0753635. Each participant's level of commitment was explained, and how the data would be reported and used was documented. The potential respondent was informed that their participation was voluntary and of their entitlement to withdraw at any time without feeling obliged to continue. No undue pressure or influence was brought to bear on the participants, and they were given enough time and latitude to decide whether they wanted to participate. From the outset of the study, the potential respondents were informed that if they withdrew unless they said otherwise, the data collected would not be used in the study, and it would be destroyed. If participants' withdrawal impacted the study's trustworthiness, other participants would be recruited

using the purposive and snowballing sampling techniques as before.

One of the fundamentals of data gathering in the study was how the human participants were protected, primarily to give assurances of confidentiality and anonymity. Participant's confidentiality was maintained by ensuring that the data collected were anonymized by data cleaning, whereby all identifiers, direct and indirect, such as unique characteristics, were irretrievably stripped and replaced with pseudonyms. Moreover, personally identifiable information gathered was securely stored, information electronically held was password-protected with strong passwords and was only accessible to me, not shared.

All research files bearing confidential information were compressed and encrypted if sent as attachments to emails or stored on physical media such as flash memory drives. In cases where research files bearing confidential information were printed, these were stored securely in a locked file cabinet drawer and were shredded when no longer needed. The Walden University IRB regulation instructs that raw data may be kept for a maximum of five years once the research objectives have been met. The research was written up, the raw data no longer needed for the study was securely stored, and the planned destruction of the data will occur at the appropriate time. All paper files and flash memory drives were destroyed, and all electronic files held were permanently deleted.

Although I am an Attorney-at-Law in the Jamaican jurisdiction, I remain non-practicing due to non-Jamaican residency. There was no personal or professional

knowledge of the participants in this study, and no conflict of interest arose. A power differential did not exist in its most tangible form between myself and the participants. I, however, acknowledged that my experience with CJS support of victims might be broader due to having a comprehensive understanding of CJS from other jurisdictions. This broadened understanding could engender bias during the interviews, but protective mechanisms prevented this. I, as the researcher, understood that care had to be taken to minimize the portrayal of non-verbal and verbal cues to the participant, which could distort a response given.

Summary

This chapter restated the research questions and highlighted that the study was qualitative phenomenological research to enhance an understanding of the phenomenon being studied. The chapter also addressed ontological and epistemological worldviews as the lens through which the study was viewed. As the researcher, my role as an observer-participant was explored, and the possible biases in the study. The research methodology assessed the participant selection sampling techniques and the approaches adopted. The researcher set out the role of triangulation as a corroborative measure through document analysis of decided domestic violence cases and newspaper articles on DV matters from 2015 to 2021.

The exclusion and inclusion criteria taken into account in recruiting participants were explained. Data analysis through thematic analysis was appropriate to analyze data gathered from interviews and documents. The findings' trustworthiness was explored along with the strategies used to enhance credibility, transferability, dependability, and

confirmability of the findings. Lastly, the chapter set out the ethical considerations of the study, how confidentiality and anonymity were preserved, how informed consent was obtained, and the approach to employ when a participant withdrew from the study. The chapter explained IRB's role and the need to gain certification through CIT were explained. This chapter demonstrated methodologies in preparation for discussing findings in Chapter 4.

Chapter 4: Results

The purpose of this phenomenological study is to examine perceptions of family lawyers and prosecutors regarding the criminal justice system's support for victims of domestic violence in Jamaica. These participants were chosen due to their involvement with the administration of criminal justice, which deepened their understanding of the system's functionality and how victims' behavior patterns affect criminal justice advocates' efforts to offer meaningful support.

RQ1: What are the perceptions of family lawyers and prosecutors regarding the role the criminal justice system in Jamaica plays in terms of supporting victims of domestic violence?

RQ2: What kind of support do family lawyers and prosecutors believe that Jamaica's criminal justice system offers to victims of domestic violence that would reduce the impact of victimization?

RQ3: What are the perceptions of family lawyers and prosecutors regarding legal reforms that would impact how the criminal justice system in Jamaica responds to domestic violence victims?

Chapter 4 includes a description of the setting, data collection processes, demographic information, data collection procedures, and data analysis strategies. Chapter 4 also includes information about how trustworthiness was attained by demonstrating credibility, transferability, dependability, and conformability.

Results from data analysis were segmented into themes corresponding with research questions. Counterviews regarding each theme were also documented as

necessary to address the phenomenon. A transition to Chapter 5 follows a synopsis of responses to each research question.

Setting

Interviews were conducted with 11 participants, five of whom were prosecutors, and six were family law practitioners. All prosecutors satisfied inclusion criteria and had 2 or more years of post-qualification experience and were selected using the snowballing technique. However, it was noticeable from cursory evaluation of the first three interviews that responses to questions were recurring, and no new data addressing research questions were gleaned. It was clear that the saturation point was reached. Notwithstanding, two further interviews were performed to verify saturation. Consequently, I determined that interviewing a sixth participant would amount to unnecessary data collection and added nothing to data analysis.

Regarding family law practitioners, the strategy for recruitment explained in Chapter 3 was followed except that exclusion criteria were revisited. Family law practitioners could have 5 or more years of experience instead of 5 to 10 years of post-qualification experience. I changed this because most potential participants were qualified for more than 10 years, and I felt data would not be compromised if participants were experienced lawyers. As described in Chapter 3, six family law practitioners were interviewed, and the fourth interview reached saturation. However, two further interviews were conducted to confirm saturation.

All interviews were conducted via WhatsApp using audio only, and participants chose dates and times that were convenient to them. I was up at during various times of

the night to undertake interviews. Also, although interview questions could elicit sensitive information, nothing confidential was disclosed that required pseudonyms to be used.

Demographics

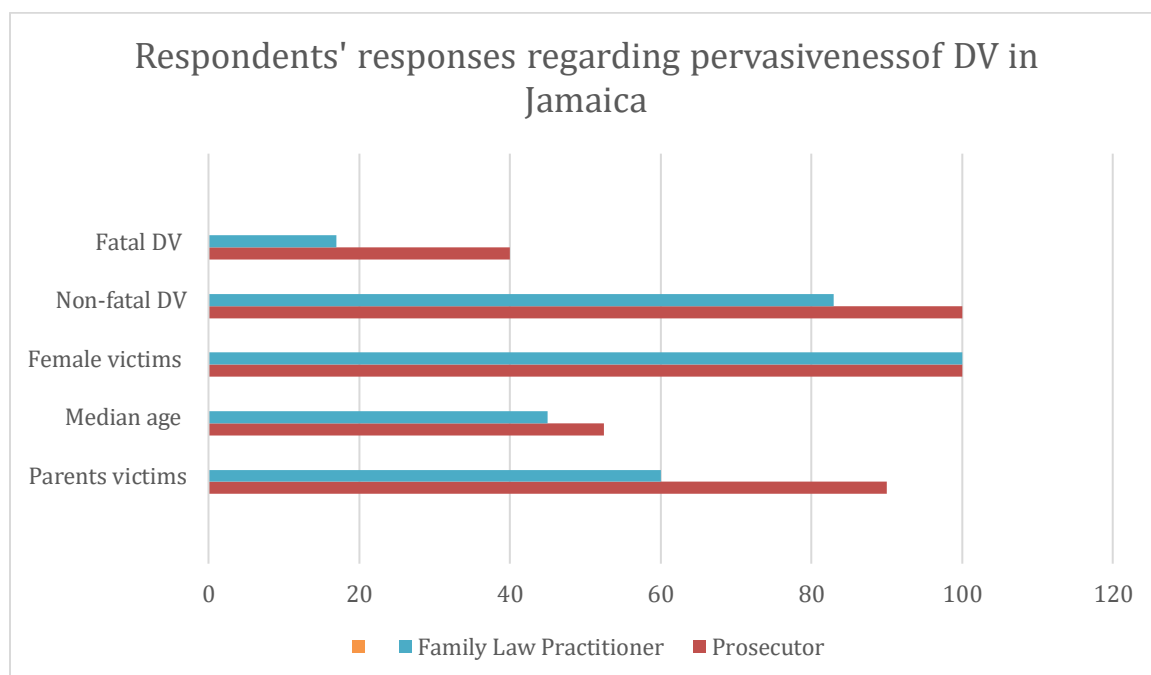
Participants comprised five prosecutors and six family law practitioners. All participants who practiced family law also practiced criminal law, and had interacted with DV victims, who were only females and children, both in the criminal and family courts, throughout their professional lives. The participants stated that an overwhelming number of the victims were parents- family law practitioners proffered an average of approximately 60% of DV clients were parents, while prosecutors guesstimated an average of 90% of IPV victims were parents. Both groups of respondent lawyers gave a wide age range of DV victims from the young to the elderly – family law practitioners put the age median of DV victims 45 years, while prosecutors proposed that IPV victims age median age was ranged 52.5 years. Both groups of lawyers unanimously agreed that 100% of victims they deal with were females as male victims of IPV remain silent to escape social stain on their masculinity.

Respondents considered the rate of non-fatal DV to be high - 83% of family lawyer participants population believed high rate throughout the island but 100% of prosecutor participants population considered non-fatal IPV to be high throughout the island. Both groups of lawyers believed that femicide was a part of DV incidences – 17% family law participant population believed homicide to be part of IPV offending to 40% of prosecutor participants. The common belief was that rural areas experienced a

higher incidence of femicide than urban areas, such as Kingston. The respondents perceive DV as widespread in Jamaica affecting predominantly females who are parents in different age groups (see Fig 1)

Figure 1

Participants responses regarding pervasiveness of DV in Jamaica



Characteristics of Participants

Participant 1 (P1) is a family and criminal law practitioner with 9 years of post-qualification experience. This participant's legal repertoire involved significant interactions with victims in civil and criminal courts.

Participant 2 (P2) has been a family and criminal lawyer for over 12 years. In family cases, the focus is on divorce and custody orders for children and involves DV.

This participant has represented clients who are DV victims in the family court to seek protective orders.

Participant 3 (P3) is a family lawyer called to the Bar over 11 years ago and practices criminal and family law. Although the participant has not done a significant amount of family court advocacy, there is comprehensive knowledge of the criminal justice landscape and its support to victims. The wealth of knowledge is gained by observing and representing criminal courts clients.

Participant 4 (P4) is a family lawyer representing clients in maintenance applications seeking restraining orders. This participant has 8 years of post-qualification experience and has covered both family and criminal work. There have been significant interactions with DV victims in the family court, and the participant has first-hand experience of support offered to victims in the higher courts.

Participant 5 (P5) is a prosecutor who represents the Crown in DV cases in the family and high courts on the island. P5 has 11 years post-qualification experience, a significant portion of which was in the capacity of a prosecutor. There has been a considerable interplay between the victims, law enforcement, and the court system; hence, there is first-hand knowledge of the implementation of resources to assist victims and their responses to efforts made to assist and support them.

Participant 6 (P6) is a family lawyer who has represented clients in areas that include divorce, division of matrimonial assets and seeking restraining orders. P6 also practices criminal law and offers robust insight into the CJS attitude towards DV victims.

P6 homed in on strategies at the court's disposal and law enforcement and the extent to which the mechanism in place is used.

Participant 7 (P7) is a prosecutor with 7 years' post-qualification experience. Throughout P7 professional life, legal work is undertaken included family in civil proceedings. P7 worked as a prosecutor for several years and deepened understanding of the CJS from the inside, and offered meaningful information.

Participant 8 (P8) is a prosecutor with 5 years' post-qualification experience and has worked in the magistrate court, family court, and high court, dealing with various complex and straightforward matters, including offenses linked to DV.

Participant 9 (P9) is a family law practitioner with 20 years of post-qualification experience and has represented clients in criminal proceedings. P9 has in-depth knowledge of the criminal justice system, from family law and criminal proceedings. There has been extensive knowledge of the court systems and law enforcement interactions with victims, and the participant has provided pertinent information to answer the research questions.

Participant 10 (P10) is a prosecutor, having been called to the bar in 2016. This participant has worked in the family court representing the Crown in various cases, except divorce. There is also an appreciable level of involvement in prosecuting offenses linked to the High Court's domestic violence. P10 had good knowledge of the various pertinent legislation that underpins the prosecution of domestic abuse offenses, addressed deficiencies, and made recommendations.

Participant 11 (P11) is a prosecutor with five years' post-qualification experience. P11 interacts with police officers, advises on charging, and prosecutes cases in the parish courts and the high court. P11 provided pertinent information relating to the support mechanisms for the courts and law enforcement and made recommendations for improvements.

Data Collection

Data were collected by interviewing 11 participants. The interviews were audio-recorded on the Otter application and simultaneously transcribed by the application. All participants were aware that they were being recorded, and they all gave their consent. The average time for each interview was 40 minutes. There were deviations regarding the number of prosecutors used and the post-qualification experience of family lawyers, which were addressed above. The deviations did not impact the authenticity of the data collection process but ensured that the information gleaned was sufficiently robust and potent to answer the research questions. There were no unexpected or unusual circumstances emanating from the data collection process.

Data Analysis

All interviews were audio-recorded and simultaneously transcribed using the Otter application. One hundred and thirty-eight pages of transcription were produced, and each interview was edited using participants' audio recordings for accuracy. Short memos were written to record sighs, smirks, hesitations, and any other nuances that arose when answers to questions were. The transcriptions were uploaded to NVivo software for analysis for coding. The researcher spent a considerable amount of time undertaking a

comprehensive analysis of the data, using the six-step formulation of Braun and Clarke (2006).

Familiarization with Data

Once the interviews were transcribed by the Otter application and edited, the transcriptions were read and re-read many times to ensure familiarization with the data corpus. As the researcher-interviewer, I also relied on memos on each participant that recorded nuances such as sighs or nervous laughter to gain deeper acquaintance with the data.

Generation of Preliminary Codes

In this phase, I began to organize the data meaningfully and systematically, reducing the data into small bits of information. Since I needed to answer the research questions, I segmented the data and coded each section that was important to answer the research questions, so not all the text in each transcript was coded. I used open coding in that I did not formulate predetermined codes; the codes were formed and adjusted during the coding procedure. I had ideas of specific codes from familiarizing myself with the data. I determined that one of the codes would be 'police negative attitude to DV victims' as participants regurgitated this notion repeatedly in their responses from the early stages of the data analysis process. I used NVivo, an analytical software for qualitative research, to formulate the codes.

Interrogating Codes for Emergence of Themes

The formation of themes is very subjective, and there are no absolute rules as to how this should be done. I viewed themes as a collation of codes based on their

similarities and best fit due to their significance. I examined the codes, and some fitted together into a theme. Broad themes were formed, which cumulatively addressed all the research questions. Most codes formulated related to one theme.

Review Themes

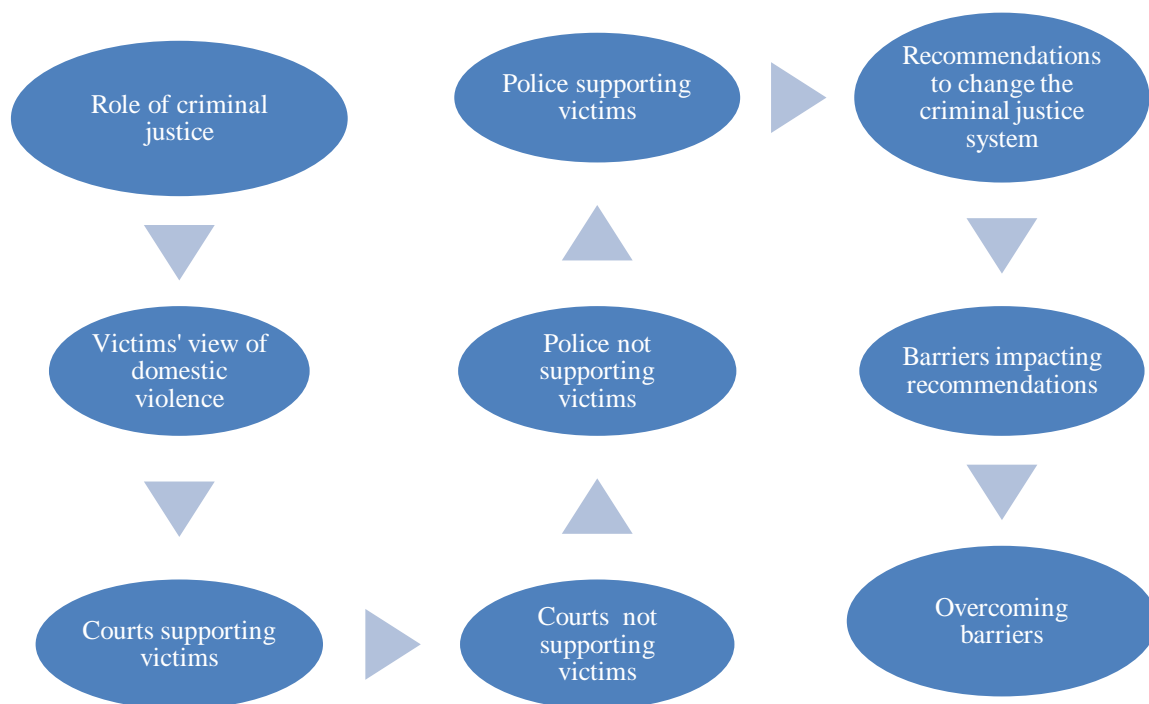
I reviewed, altered, and develop the themes initially identified in the previous step. Themes were revised and merged where necessary. I asked interrogatory questions such as, are the themes sensible? Are there data to support each theme? Is there overcrowding of the themes? These questions were necessary to ensure relevance, coherency, and distinctiveness in the created themes.

Definition of Themes

During this phase, final refinement to the themes was made to ensure understanding of what was being said. I examined how the subthemes related to the central theme and whether the themes and subthemes answered the research questions. In this step, a thematic map was created to demonstrate the interrelatedness of subthemes (see Figure 2)

Figure 2

Thematic Analysis Map



Writing up the Findings

Table 2

Description of the themes and subthemes emerging in respect to RQ1

Table 2

Description of the themes and subthemes emerging in respect to RQ1

RQ1: One Theme	Subthemes

Criminal justice occupies a significant place in the legal landscape of Jamaica in support of DV victims	Deterrence- incarceration, rehabilitation, restitution
	Civil remedies – protection orders counselling, mediation.
	Prosecutorial role – protect victims

In analyzing the data in respect to RQ2 one theme supported by 5 subthemes each of which were endorsed by data obtained from respondent lawyers (see Table 3)

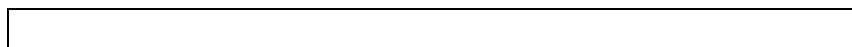
Table 3

Description of the themes and subthemes in respect to RQ2.

Table 3

Description of the themes and subthemes in respect to RQ2

Theme	Subthemes
CJS support DV victims but also fail them	Abused view of DV inhibit CJS support
	In many instances the courts offer substantive support
	The courts have failed in the mandate to protect DV victims
	Police officers have been known to demonstrate negative attitude towards victims
	Mechanisms in place for police to support DV victims



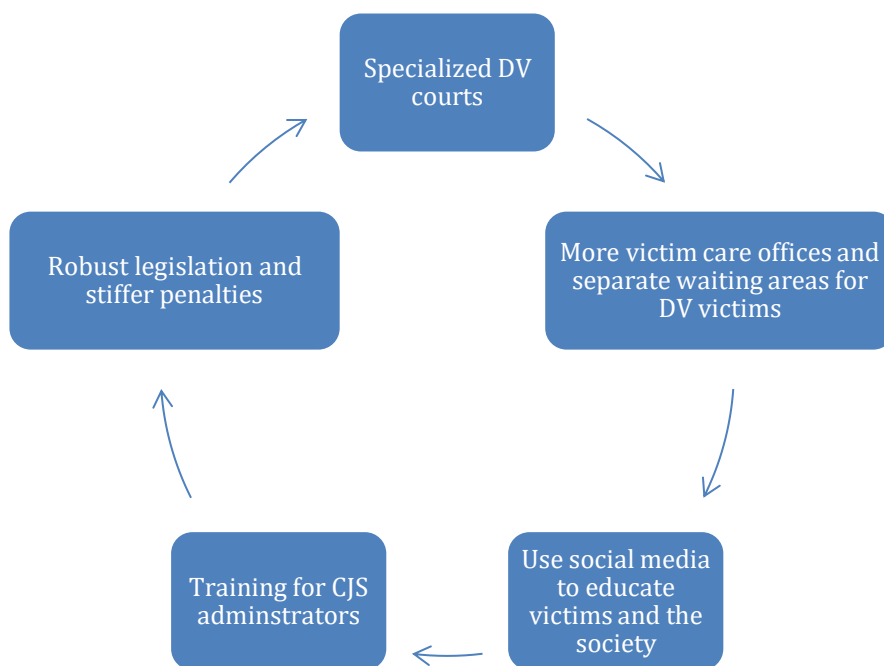
In respect to RQ3 the participants made observations for improvement to the CJS ensure IPV victims' safety and addressed barriers to implementing the suggested strategies (see Figure 3)

Figure 3

RQ3: Description of strategies for improvement that best fit Jamaica's CJS.

Figure 3

RQ3: Description of strategies for improvement that best fit Jamaica's CJS



While analyzing the data, outlier responses deviated from the patterns that emerged from the data. These contrary responses were not discarded, as they assisted in the understanding of the CJS from the perspective of lawyers with dissenting views

(Allen,2017). P9 did not think that any changes were needed in respect to law enforcement and the courts to support domestic violence victims more effectively and stated that:

The support is there and they are encouraged to bring their matter before the court so I don't know what more could be done. I'd have to think out of the box. Maybe the only thing that maybe they could do more, it wouldn't be the court or police but the from the Ministry.

However, when the same question was put to the other participants, except for participant 1 who offered no response, the others indicated the changes they wanted in CJS. P3 said:

I would like persons who are victims of domestic violence to have the police visit them. Because some of the victims are psychologically, socially harmed. So, I would say if there were homes for the victims to go for a while meet other persons who have gone through or having same the circumstances, they could be supporting of each other.

P5 stated:

Well, I would like every policeman personnel in this country to get training. So, I am hoping that the training that policemen get will sensitize them to domestic violence and I hope they will take that training seriously. And I said earlier on, is whenever there is a complaint that the complainant be given support in terms of emotional, psychological counselling, you know, to prevent further incidences.

P11 indicated that:

The support that I would perhaps see is to make counselling widespread and to educate people that these services are available. When I say people, I am talking about prosecution and includes court's system and support staff. Educate the prosecutors so that they know these systems are in place. I think that when you have return dates court staff should not stay in the office but come into the court to listen.

Evidence of Trustworthiness

In order to produce valued and substantive results, data collection would need to be systematic and rigorous. For the results to be trustworthy, the researcher would need evidence-based data analysis that is meticulous, invariable, and comprehensive. The rigor is attained by recording, organizing, and declaring that the approach to the analysis is detailed to ensure the reader of its reliability. Trustworthiness is a surefire means of persuading the reader that the findings deserve consideration (Nowell et al.,2017). The concept of trustworthiness introduces the criteria of credibility, transferability, dependability, and confirmability (Guba & Lincoln, 1989).

The credibility of a study is attained when the reader is presented with recognizable circumstances or experiences (Guba & Lincoln,1989). Regarding the study, the findings' credibility was determined by the participants' acknowledgment that the data presented was an authentic representation of their perceptions. I, as the researcher, used triangulation to provide a confluence of corroborative data supporting the findings and enhancing credibility. I analyzed 12 cases of domestic violence decided in the Court of Appeal in Jamaica but relied on seven. In furthering a deeper understanding of the DV

phenomena in Jamaica, I analyzed six articles from prominent newspapers on the island from 2017 to 2021. Additionally, six randomly selected interviews were sent to a lawyer for coding to reduce any subjectivity or personal biases brought to the analysis.

Thereafter, a brainstorming session took place between myself and the lawyer identifying similarities and dissimilarities in coding. The reasons for any significant divergence were explained. A revisiting of codes and themes resulted from this process. By way of illustration, when formulating codes under the theme "law enforcement support of victims is laudable," the researcher ignored aspects of the transcribed text in specific interviews that the lawyer felt were pertinent and should be included.

Another approach used was member check, in that nine participants were sent their transcripts to challenge the content and make changes to reflect their perspectives were misrepresented. During the interviews, two participants remarked that they did not want to check their transcripts, based on their view that I was trusted to transcribe the interview accurately as an Attorney. Of the nine transcripts sent, no one changed the content, but punctuation marks were added or shifted to produce content acceptable to them.

During the coding process, the transcripts were read almost ad nauseam, and codes and themes were exhaustively revisited, recoded, and rethemed as necessary. As researcher-interviewer, I collected data until it was clear that saturation point was reached in interviewing prosecutors and family law practitioners. Two further interviews were undertaken in each case beyond the saturation point to ensure satiety of information from both prosecutors and family law practitioners.

Transferability is a qualitative study that is analogous to generalizability in quantitative research. I conducted thorough data analysis to allow the reader to determine whether the findings could conceivably operate as a frame of reference for other contexts, circumstances, or a given population. A description given to transferability is that "it is, in summary, not the naturalist's task to provide an index of transferability, it is his or her responsibility to provide the database that makes transferability judgments possible on the part of potential appliers" (Lincoln & Guba,1985). In order to enhance the reader's ability to assess transferability, I described each participant, their occupation, current role, and years of post-qualification experience.

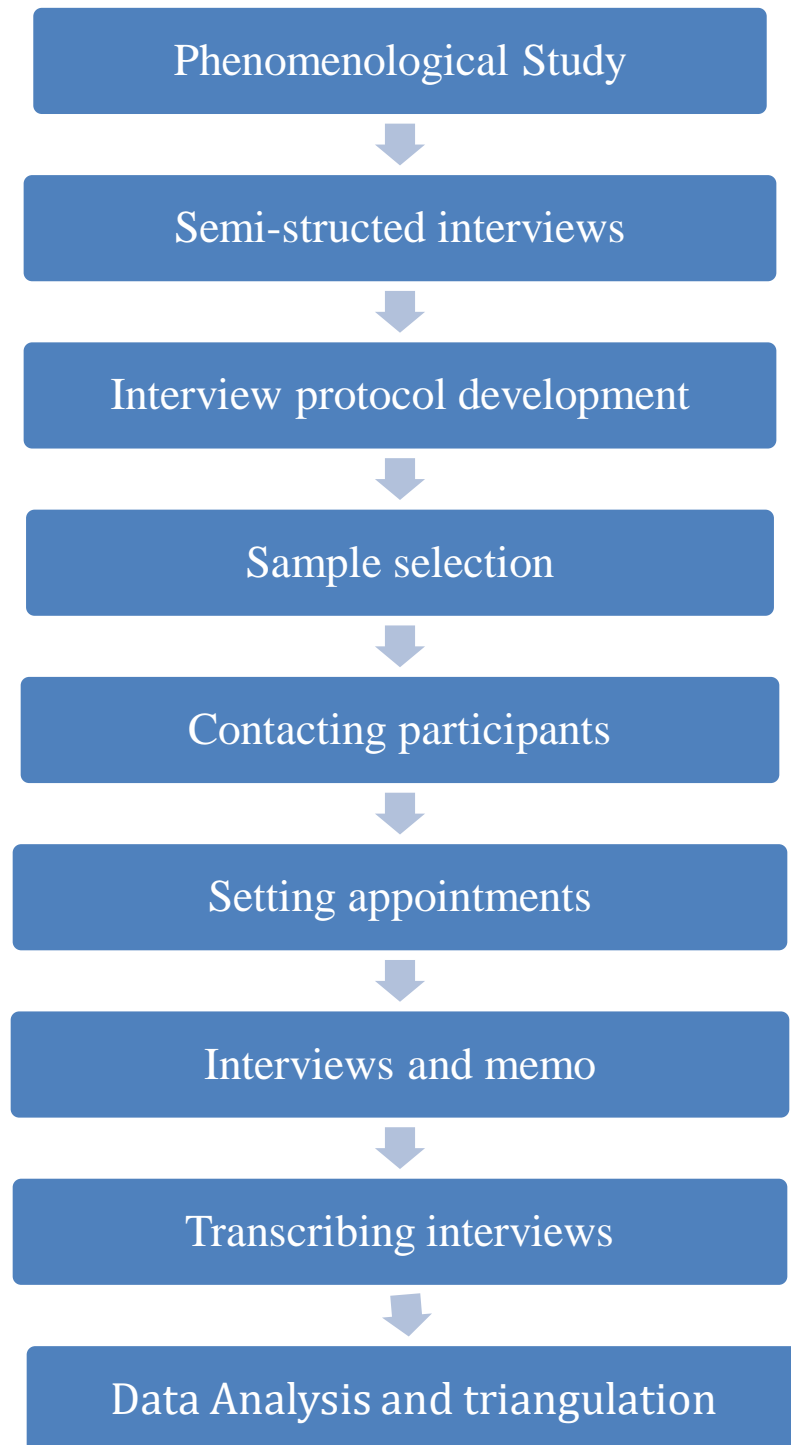
I set out the exclusion criteria for selecting prosecution; those with less than two years' post-qualification experience were not considered potential candidates. Also, persons with less than five years of post-qualification experience were disregarded as family law practitioners' participants. The disparity in the exclusion criteria between the groups of lawyers was premised, arguably on the notion that the prosecutors' job descriptions placed them in contact with DV victims, court, and law enforcement daily. Consequently, they would possess a deepened understanding of the CJS within two years of being in the post.

I did not consider extensive geographical information of value, as lawyers represented clients island-wide without geographic restraints. To aid transferability, I described the process of codifying the transcripts and the resulting codes and themes, all of which cumulatively provided a rich and thick depiction of the phenomenon being studied (Lincoln & Guba,1985).

Dependability measures the caliber of the data gathering process, evaluating data, and drafting findings (Forero et al.,2018). An audit trail is one strategy that I used to establish the study's dependability. I transparently described the data collection process up to data analysis by adopting this approach. This audit trail recorded how the phenomenological study was undertaken i. Memos were written during the interviews to record my thoughts on sighs, nervous laughter, smirks, or other nuances. This was not detailed note-taking, but a few sentences during the interviews to assist with the data analysis. Further, in reading the transcribed data, I jotted down marginal notes and potential codes from each transcription before this was uploaded to NVivo.

The making of the analytical memo was beneficial in creating a codebook during the data analysis process. I deviated from creating a reflexive journal, as no tactical decisions were taken; all interviews were done on WhatsApp at the interviewee's convenience. There was no change to the methodology employed to gather the data, and my view of the interviewees was amply documented in the memos. It seems imprudent and mismanagement of time to regurgitate information already known. The entire process from the methodology employed to record the raw data, participants selection, and process of analysis was documented to enable the readers to understand the audit trail and determine whether the findings can be relied on as the foundation for further inquiry (see Figure 4).

Figure 4

Audit Trail

Confirmability determines the reliability of the research findings, grounded on the participants' narrations and perceptions, instead of the subjectivity of the researcher's biases. The concept is focused on demonstrating that the researcher's translations of the data, and the resultant findings, are unequivocally constructed from the participants; hence, the researcher should evidence how findings and interpretations have emerged (Tobin & Begley, 2004, p.388-396). Once it can be established that credibility, transferability, and dependability have been attained, confirmability is reached. On this premise, I relied on member check and audit trail to affirm that confirmability was established. As aforementioned, I deviated from Chapter 3 to the extent that a reflexive journal was not completed, and that reliance was placed on the memos created.

Results

The focal point of theme creation was based on the research questions and was organized in that manner. Regarding the RQ1, the findings suggested that Jamaica's CJS plays a significant role in the legal landscape on the island. The system is a multifaceted creature serving different purposes, namely inbuilt deterrence mechanisms such as incarceration and rehabilitation. There is also a preventative component to administering justice on the island in protection orders granted in domestic violence cases and heard in the family or parish courts pursuant to the Domestic Violence Act 2004. The findings also indicated that the CJS has a prosecutorial role and offers mediatory solutions to victims of domestic violence.

Concerning RQ2, one theme and five subthemes were formulated. The findings suggested that the courts and law enforcement, the primary agents of the criminal justice

system, consistently interact with DV victims. Furthermore, IPV victims often feared the ignominy of being seen as an abused person, are incapable of recognizing certain conduct as domestic abuse, have a level of apathy for the system's ability to protect, and are hampered from seeking support due to financial dependence on the abuser.

The findings also indicated that the courts afforded significant support to casualties of IPV. The participants indicated that court personnel assist the victims in navigating the court process; the courts refer victims to counseling, grant access to the victim support unit, and utilize special measures where the victims' evidence can be given through video links if victims are fearful of testifying in court. Children who are exposed to abuse are also referred to counseling.

The results posited that the courts at times fail in their mandate to protect victims of IPV, such that the victims often see sentences as lenient, leading to their non-cooperation. Special measures are suggested to be infrequently used even when they are unequivocally required due to the victims fearing giving evidence. Prosecutors are also swift to drop cases if a victim refuses to engage with the court process without using their evidence in the proceeding. The study concluded that there were unreasonable and inordinate delays and, in some instances, have spanned years before the matter is brought to trial and that the court system is backlogged. The findings revealed that victims and abusers occupy the same space in many courts on the island while waiting, sometimes for hours, to have matters called on. Consequently, victims who are fearful resort to standing outside under trees.

As it relates to law enforcement, their support for victims of domestic abuse is laudable in some instances. It was found that police officers will often visit the offenders' homes to give him a warning, that the community branch of the police force is often quick to respond to incidents when they are called, that some officers are described as being courteous and encouraging, and that they assist victims in getting protection orders. Further, officers have become more sensitive to domestic violence due to femicide on the island increasing exponentially in recent times.

Additionally, the Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA) was created in 1989 in the Jamaican Constabulary force due to the necessity for police sensitivity to victims of sexual assault. The objective was to enhance confidentiality when taking reports and ensure an expeditious investigation of the cases (Global Allegation Database on Violence Against Women, n.d.). The findings suggested that CISOCA occupies a referral role for victims of sexual assaults, some of whom are DV victims.

Despite the commendable actions of the police, the findings highlighted those police officers are known to express an overtly negative attitude towards victims and investigations in DV cases. It was found that officers are slow to respond to prosecutors when requests are made to provide evidence; officers are reluctant to take a report from victims fearing their lack of engagement will lead to the case being dropped or investigation being stalled. The results showed that officers often make insensitive comments when capturing the victims' reports and often vacillate in acting on the information. The findings further indicated that periodically, statements will disappear

and lack continuity in file preparation where an officer ceases to manage a case for any reason. Furthermore, officers were tardy in preparing a matter for trial, resulting in undue delay in court proceedings relating to an incomplete investigation or evidence gathering.

Moreover, the study opined that victims are often forced to report incidences of domestic violence in the full glare of the public and perpetrators while in the police station, there is no probing to inform the officer whether safeguarding issues are present and severe; too frequently, the victim is sent home with the perpetrator. Also, an officer attending a DV incident, particularly in the home, will not remove the offender to prevent further escalation unless the victim is assaulted. Besides, the study found that unless there is an assault, officers were unsure how to deal with DV matters.

Regarding RQ3, the findings revealed a plethora of solutions proffered by the participants to challenge and improve the support offered to victims by the CJS on the island. The propositions were that specialized courts and police departments should be created and staffed by personnel with specialized DV training. Essentially, prosecutors, judges, and law enforcers should be proficient in the intricacies and complexities of intimate partner abuse to ensure a sensitive non-judgmental stance is taken when dealing with IPV victims. The participants wanted to see the courts island-wide equipped with more social workers, victim care officers, and DV cases fast-tracked to prevent inordinate and unreasonable delays. Further, separate waiting areas for victims and offenders should be created at court.

The findings also recommended that the legislation on which reliance is placed in penalizing breaches of protection and occupation orders should be reformed to ensure

robustness and stiffer penalties for contravention of court orders. It was advocated that prosecutors should use special measures with greater frequency and proactively prosecute cases, not capitulate to the victim's will in every instance and dismiss proceedings. In respect to law enforcement, the findings averred that police responses and attitudes needed adjustment; they should view IPV as a crime, encourage mediation in appropriate cases, remove the victim to a safe place if the offender from the home to reduce escalation of violence, become understanding and sympathetic, and be less judgmental in domestic violence cases.

Participants wanted officers to refer victims to support groups, to aid the emotional wellbeing of the victims, and more female officers should take reports from victims, as domestic violence is gender-based on the island. Penultimately, in undertaking their investigation, police officers should use a specially designed list of doctors from whom medical reports can be sought to reduce the time expended for evidence gathering. Finally, it was suggested that in addition to a reformation of the courts and law enforcement, a multiagency approach would need to be adopted to solve the DV epidemic on the island.

RQ1: What are the perceptions of family lawyers and prosecutors of the role the CJS plays in supporting victims of domestic violence? The results presented were organized by themes, the codes that contributed to the formation of the themes, and the quotations from the prosecutors and family law practitioners. From the responses of the prosecutors and family lawyers, one theme emerged that the CJS has a significant role to play in supporting IPV victims. This theme was supported by subthemes (see figures 4 and 5).

Figure 5

Deterrence a role of CJS

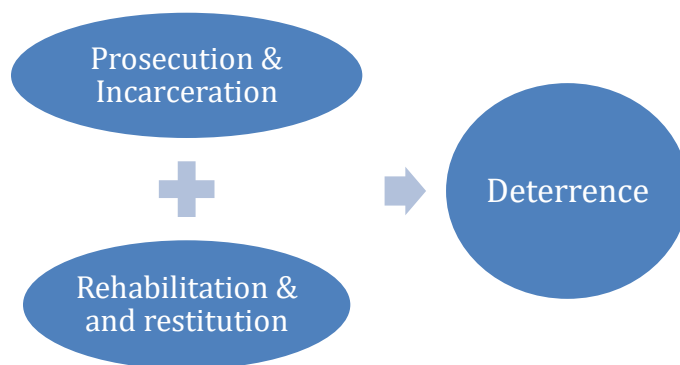
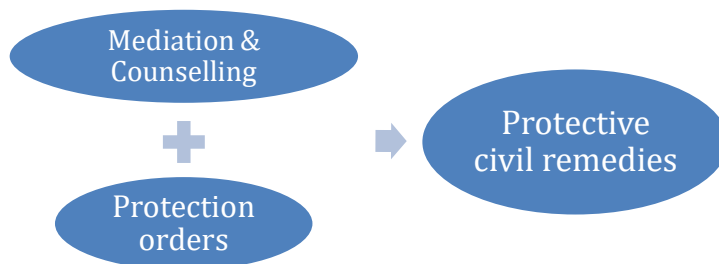


Figure 6

CJS offering civil remedies

The results presented only reflect prototypical responses, one from each group of professionals. P 10, a prosecutor, saw the CJS as a deterrent to the offender, but doubted its efficacy:

I see it as a deterrent. As to whether it is effective, I am going to make my comment about that, but as it is supposed to be a deterrent. If it is that applicant has come to us and she has explained, like today I had one she said I'm finished, I'm out of this relationship but the gentleman is not accepting. She has a medical, she has a broken nose [information omitted as confidential]. She's embarrassed. [confidential information omitted].

P 4, a family law practitioner, expounded on other supportive functions of the CJS by asserting that the system guarantees penalty in the form of incarceration and mediation of the offender:

So, the aim is really to stop the abuse either by, you know, the person being incarcerated. Some steps being taken towards their abuser whether through mediation um you know or the courts intervene by incarceration.

RQ2: What kind of support do family lawyers and prosecutors believe that Jamaica's CJS offers to victims of domestic violence that would reduce the impact of this victimization? As in RQ1 the results were presented as themes and coded. For this research question, one theme emerged that there are support networks for DV victims in both the court and law enforcement. From this single theme, five subthemes were apparent: victims view of DV inhibit support by criminal justice administrators; the courts offer substantive support to victims in many instances; courts have failed their mandate to protect victims of domestic violence in many cases; police officers have been known to demonstrate negative attitudes towards victims; and law enforcement offer some support to victims. Figure 6 represents the proportionate contribution made by prosecutors and family lawyers to the subthemes.

Fig 7

Proportion of family lawyers and prosecutors who contributed to each subtheme

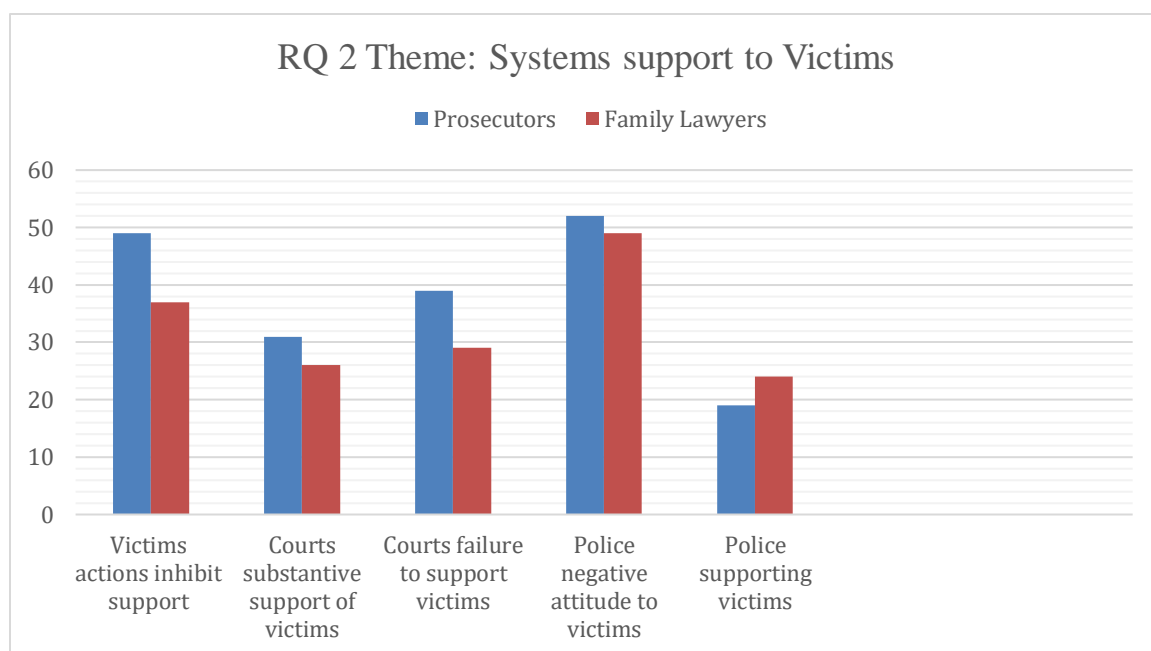


Figure 6 demonstrates that the contributions made by the family lawyers and prosecutors are not evenly matched for the subthemes. This depiction may present a distorted view, since more prosecutors responded than did family lawyers. I philosophized from the interrogation of the data that prosecutors offer lengthier responses, so a greater number of codes emerged from each of their transcripts than emerged from transcripts of family lawyers. The term “lengthier” should not be construed to mean that family lawyers offered less comprehensive or incomplete information. Their responses offered rich and thick data in a more condensed and concise form. Notably, 100% of the participants responded to each subtheme, although not to all the codes that comprised the subtheme. Provided below is a cumulative overview of the participants' responses to the subthemes.

RQ2 Subtheme 1: Victims Not recognizing DV

The participants indicated that victims' actions inhibit CJS support. The universal view was that in many instances there is an inability to recognize certain behavior as domestic violence; for example, sexual assault. P 4, a family lawyer, stated that:

All the men in Jamaica don't seem to think it is an issue if they have a relationship with someone and that person doesn't want to have sex at that time. It's nothing for them to grab them and have sex with them because they are saying it's their partner and they are not raping. So, most of the times the victims don't see it as rape or sexual abuse they don't [confidential information removed]. Like others it will not be reported because um as I said you know they don't see it as a crime they just see it as their partner being a little insensitive, some of them even give reasons why it happens, oh he is stressed out, oh he's probably drank a little bit too much you know and for those reasons.

P 11, a prosecutor, concurred with P4 and lamented the lack of prosecution due to the victim's perception of unlawful conduct. P11 said:

It is widespread but it is not prosecuted and why I say that is that you know um on the initial report when the woman comes to the police and she makes that initial report she doesn't mention that the person rape her because a lot of times these women, you know these victims are not educated they don't know their rights. And when you listen to their allegations you realize that they were raped by their common law spouse or husband, but because they don't know that it is rape. They don't come to the police and say that he raped me. They essentially coming to

make a complaint of domestic abuse, verbal abuse etc. but when you listen to the allegations sometimes based on the allegation, I would prefer a charge for rape as well but not all prosecutors do that.

P 6 added a new dimension to the discourse by expressing the archaic view of men having a proprietary interest in women, where they were seen as chattels. P6 said:

I do think it is a lot of women it's almost like the property of the man, so it's like he's in a relationship he thinks that he can have sex with her whenever he wants, like he owns her type of a thing.

Another inhibitor of support as expressed by both family lawyers and prosecutors, with one dissension, was that a social stigma is attached to DV resulting in victims concealing the violence, harboring feelings of shame and embarrassment, and fearful of reprisal as the police are unable to protect them. Many are also financially dependent on the batterer, which hinders the victims from seeking support. P 2, a family law practitioner said:

Because I think that a lot of the offended are ashamed of the situation and don't say anything to anybody until it really gets out of hand, because they are embarrassed by the whole situation, they would not let the world to know that they're being abused. And so, they say nothing. So, I think a lot of it goes undercover.

P 5, a prosecutor lawyer agreed and state:

I think a lot of it is also maybe witnesses might be fearful to give information for fear of reprisals, if they know anything. So, they might not be as willing to come

forward and give out information that will delay how quickly the investigators can collect all their data.

However, not all participants provided a synchronized perception of victims inhibiting support by the criminal justice system. P10, a prosecutor stated that:

They are very much reported. As I said, the initial fear persons have gotten over that because they used to be ashamed, they didn't want anybody to know, they come from a certain stratum of the society they feel I am middle class or upper middle class I shouldn't be going to work using makeup to hide these bruises.

Another impediment proffered by the participants was where the abuser often wields financial power over the victim, and that restricts the support offered to them. There was full consensus of both prosecutors and family lawyers in respect to this view. P 5, a prosecutor, remarked “why send your baby’s father to jail, who’s going to support the child?”

P3, a family lawyer, stated that “most times the abused person is dependent on them, they tend not to report because their feel that the financial support from them will be stopped”.

Participant 5, also a family lawyer, corroborated that view by stating “there’s a lot of women like sometimes they're dependent upon the man so they’re living in the same home and they’re afraid to speak about it because the man will kick them out”.

RQ2 Subtheme 2: Courts support DV victims

The overall convergent view was that the court affords the victims counseling, granting protection and occupation orders, and restitution. The court makes referrals for mediation, engages the victim support unit, and uses special measures when victims fear

giving evidence in court by directing the usage of a video link. It grants bail with conditions not to approach the victims, and prosecutors also assist victims in drafting applications for protection orders. I selected quotations from participants that are representative of the suggested support that is judicially offered.

P 8, a prosecutor, stated that “you come to me as a lawyer or the solicitor, barrister to do the application on your behalf but they wouldn’t want a prosecution just because you assisting the victim to make an application for an order”.

P 10, another prosecutor, concurred by stating that “the victims come to us to have the application for the occupation or protection orders done”.

P 4, a family lawyer said:

There are instances when we know in the court system, they can send you for counselling. It depends on how the court views the individual in accordance with the evidence that is before them. The decision that is taken by the Judge um they provide for you know um counselling over an extended period. You come back to court and get a report you know as to how it is going. So, they do have mechanisms in place. They look at the restraining order um to sort of ward the perpetrator off from the victim or because um he or she knows that if it is breached then there will be penalty, you will be incarcerated. A lot of times they are afraid of that so to some extent they keep their distance. Sometimes they still turn up and kill the person.

P8 provided that:

We're trying now within Jamaica to have this whole victim care culture and have our victim care officer. So, me preparing a file it's not that I am trying to be disingenuous but I don't really have the time to sit down with one complainant and to be trying to pacify them and encourage them. This is where a victim care officer comes in really to help give them with orientation. I am the person that is going to ask them about this most intimate or embarrassing situation that they had to deal with. So, I still have to develop a relationship with that person, but to get them to me I would say we need the victim office we would need more of them to really help us follow up with the person, tell them about the whole orientation. When I realize that I am not going to get anywhere, but I realize there's potential to get further than I can I refer to victim services unit where they have trained counsellors and they can get the person ready for court. It's very new [confidential information removed] has [confidential information removed] victim care officer. In the parish courts what they have for all the files is a case progression officer. The case progression officer they should really just call the police or remind the victim of their court date.

P 10 indicated: "we're going to send the applicant to the victim services division for their intervention and also going to send the children for counselling because it's getting out of hand"

The court is statutorily empowered to use special measures frequently if there is fear and distress in giving evidence such as video recording or video links pursuant to the Evidence (Special Measures) Act, 2012. P 7, a prosecutor, stated that:

I've had to do a video link. So, the victim was the complainant might come and say that they are afraid to testify. They'll say that they're afraid to face their accusers. So, there is video link in the lower courts and in the higher courts.

P 8, also a prosecutor, added that:

Generally, the accused is there with the victim unless the victim really can't face them then we have this new project called special measures where the victim sits in other room and is zoomed into the courtroom, so that they don't have to face the victim.

Contrastingly, P10, a prosecutor, in responding to whether support was afforded the victim through special measures said: "Zero, Zero. There is a level of frustration with the clerks across the island, especially the ones in the family court"

P 6, a family law practitioner, corroborated Participant 10 by stating that: "I don't know of any special measures that exist to assist. I have not seen it used"

A conflict arose between prosecutors as to whether the court supports victims by employing restorative justice in domestic violence cases.

P 8 was of the view that the court used alternate dispute resolution (ADR) and restorative justice and stated "so, you have to balance out all these factors but the less egregious as I have said, they tried to use ADR and mediation or restorative justice"

P 11 gave the opposite response and remarked "restorative justice not used in domestic violence matters but is more gang related".

There was also one dissident participant who proffered that the court system offered little support to victims. P 6 stated that: "not much support because in the parish

court it's not like you have a video link for special measures or that sort of a thing. The only thing that is recommended is counselling for the victim”

RQ2 Subtheme 3: Court failed its mandate to support and protect

The overwhelming views of 100% of participants were that sentences were lenient, leading to less cooperation from the victim, and that there is infrequent use of special measures which allows for victims' statement in their absence and use of video link for fearful witnesses. Additionally, the perception was that there are long delays in court proceedings predicated on the lateness in getting a medical report to progress cases, and procrastination in granting protection orders causing victims to lose interest and retraumatizing them.

Also, there was solidarity among the participants that timescales were arbitrary, and trials were hinged on victim willingness, police responsiveness to prosecution inefficient and investigation slow. There was also a consensus that prosecutors are quick to drop cases early in proceedings due to fear of disengagement of witnesses, that at court victims and accused occupy the same area when waiting for their hearings, and that fearful victims stayed outside under trees. It was also presumed that mediation and police warning were used for serious offenses, that DV was not considered an aggravating feature in a case, that there was inadequate counseling, that the system was experiencing a significant backlog, and that prosecutors were overburdened.

I referenced a selected number of parallel perceptions, of prosecutors and family lawyers, in respect to the court's failure to protect victims. P8 is a prosecutor viewed the soft-touch approach to breaches of protection orders as unacceptable by saying:

as I was saying to you, I believe if my memory serves me right breach of the protection order or occupation order is \$10,000- or six-months imprisonment. Now you have mentally, physically, emotionally, abused an individual, a human being. It shouldn't have the same type of penalty or sentence if you breach that order and go back in that home and abuse victim who have gotten an order against you, it should have a stronger penalty.

P4, a family lawyer, offered a converging perspective by stating:

so, to some extent I think we have the laws you know on the books ahh I think they need a little more teeth um. I think a lot of times if the law was more effective the abuse would be lessened.

Pertaining to infrequent use of special measures, P11, a prosecutor postulated that:

a lot of times prosecutors don't invoke evidence special measures for those cases which is essentially to allow a statement the complainant made to go in evidence because the complainant is nowhere to be found. A lot of time we don't do that because it's a procedural step, it's very high. So, you have to make you know, the police have to go the complainant's residence several times then do a statement to say that they have been there several times they asked for Mrs. so and so people say that Mrs. So and so is not there or whatever. And you have the policeman do that in order to get Mrs. So and so statement in.

P6, a family lawyer, confirmed the infrequent use of special measures by stating that: "I don't know of any special measures that exist to assist".

Touching on long delays, the participants articulated the impact of this phenomenon, on the court's support of victims of IPV, in various ways. P 5, a prosecutor, remarked that:

one of our problems here in Jamaica is that the court system is very slow, very tardy, and it takes time. And in many instances, by the time these victims come to trial, of course, two lovers will make up, and they will not press charges. I say within two years' span the victims are no longer interested as they move on.

In congruence with P 5, P 8, also a prosecutor, stated that:

we're waiting on a medical to come that takes some time in the hospital by the two months down the line. The complainant stops coming to court because they 'sweet up back' or they reconcile or the complainant will come to you and say I am not interested in proceeding. The longer it takes to come before the court victims will pacify or subdue their feelings. So, when you send a reminder of about court and they to start revisit their statements and to prepare for court you are re-traumatizing them.

P 1, a family lawyer, stated thus in support of P 5 and 8:

As you know in Jamaica to do anything at all any matter before the court of course takes so much time and that this is generally a turn off to people to want to carry through anything. It takes years for them because courts are full. So, you get trial dates even in the parish court. Even for ordinary restraining order in the parish court it can be years. After a while they don't care what happens they lose interest. When things go on for too long people lose interest that is a natural factor

of human behavior. The impact is that as the years pass the behavior may not be seen as heinous in your mind anymore. It's like anything else your memory fades the impact of it fades. Maybe the man moves off and gone to some other woman or the victim finds some other man.

Concerning prosecutors being quick to drop cases early in proceedings, due to fear of disengagement of witnesses, the consensus was that the prosecutorial process reacts to the withdrawal of the victim's support. P 5 remarked:

The complainants will not follow up on these matters and because of that, and I'm just putting in my own feeling here, the prosecutor sometimes is not keen on pushing the prosecution, because they fear that they will be left without a witness to support their prosecution.

P7 stated:

So, it's not like the first or second time the matter goes to court. You have a complete file to set a trial date, or you can dispose of the matter one way or another. Some of them are disposed of before the file is even complete because the complainant say they don't come and say they don't wish to go any further and the case is withdrawn.

P 6, a family lawyer, concurred with P 5 and P7 in stating that:

As I said before the conviction rate does not seem to be very high because the same victims of the abuse are the ones who are asking for the matters to be dropped. So probably if they have followed it through to a trial then they would have had high rate. A lot of the times in the early stages of the case, I don't know

what is, but the reality is that the victim may ask for the case to be dropped, the charges are dropped. But it is almost all the cases that don't go ahead the women asked for the matter to be dropped.

An overwhelming view of all prosecutors were that victims and accused occupied the same area when waiting for their hearings, and fearful victims staying outside under trees, this was an overwhelming view of all prosecutors. P 7, a prosecutor with the strongly held view that:

They come to court. So, you have every everybody sitting on the same bench outside they don't have a special area for witnesses or complainants. So, there's a long bench. The complainant sit down there and the accused sit down there. When they call the matter the two of them come in and they were sitting beside each other or in close proximity. Sometimes the person who feels so threatened, they probably don't come inside. They would stay under the tree. [Confidential information removed]. The convenience is not there to separate them. In the family court in Kingston is found to be the same. Across the island that is one of the challenges, where the accused and the accuser share the same space.

On mediation and police warnings being used for serious offenses, not considering domestic violence as an aggravating feature in a case, and inadequate counseling, P5, a prosecutor voiced the opinion representative of prosecutors by stating: "the reality is that they act no way different in domestic violence situation than any other violence situation which in my opinion wrong. Also, I don't think even 50% of those people get the adequate counselling"

P4, a family lawyer, complemented the response of P5 in addressing the inappropriateness of the use of mediation, and not distinguishing domestic violence from other cases. P4 said:

And so, um another um I want to comment on one of my clients having been abused um [confidential information removed]. There was never a court hearing after you know being physical abuse where [confidential information removed] but yet still it was a mediation case in the family court. Because I believe that um it a criminal matter and if someone goes to that extent to assault [confidential information removed] then it should have been dealt with as a criminal matter and not be sent to mediation. In my estimation they were to have counseling and that was it. She was hurt and the marks on her body was going to remain forever because she [confidential information removed].

RQ2 Subtheme 4: Negative attitude of Police Officers

Police officers have been known to demonstrate a negative attitude towards victims. All participants provided converging and complementary perspectives with regard to this subtheme. The primary views of the participants were that the police are slow to respond to the prosecutors' requests for evidence, and are reluctant to take reports of domestic violence for fear of victims' unwillingness to support investigation or prosecution. Also, they opined that the police often made insensitive remarks to victims when taking their reports, and would take reports then do nothing. Additionally, often statements are lost, or the officer who took the statement is transferred with no mechanism in place for continuity, and IPV was viewed as a family issue and not a crime.

Another belief was that there was a lack of privacy when reports are taken from victims at the police station, and unless there is an assault, officers are unsure of how to support the victims. Also, there is no probing to ensure victims' safety when reports are made, and victims are sent home with the accused. Moreover, it was stated that officers would remove the offender from home only if that offender was being arrested.

In respect of the participants' narratives, the researcher selected quotations representative of the stance taken by each group of participants. P10, a prosecutor, remarked that:

I have had occasion to call [confidential information removed] and send [confidential information removed] a copy of an order because an applicant comes back to us and says to us the respondent is breaching the order. I'm talking to the police and they are not paying me any attention. And then the police is saying, you know, they're saying why, why are you carrying on like this? I had occasion to deal with [confidential information removed] the other day and he wasn't taking the matter very serious.

In solidarity with P10, P2, a family lawyer, stated that:

There are lots of delays. I mean, the investigative skills are not good enough or that it just takes a longer time to get things going, you know, because of the sources and that kind of thing. There are delays, there is no question about that, there are delays in bringing the perpetrators to justice.

In considering police reluctance to take reports from victims of IPV for fear of their unwillingness to support investigation or prosecution, the expressed views of prosecutors

represented by Participants 8 and 10. P8 state that: “you can understand how a victim that is abused is so offput because you have now gone to the station, the so-called safe haven, and you’re getting the back and forth”

P10 declared “if the person who is causing the problem is someone who is well known to the police it has gone to the extent where they’re trying to dissuade the victim from making the report, or from putting the matter before the court”.

Family lawyers added credence to the perceptions of prosecutors, in the viewpoints of Participants 2 and 6. P2 indicated that “probably an attitudinal change in terms of how they view domestic violence and almost this assumption that she going to change her mind a little later and then we are going to do all of this research, all of this work for nothing”.

P 6 stated that “sometimes the police are a little reluctant to get involved in these matters, because they feel like the woman will come around and say that she doesn’t want the case to go ahead. It is like they think that it is almost a waste of time”.

Participants believed that officers are often judgmental and insensitive to the safeguarding concerns of the victims and the represented view of the respondents were echoed when P7 narrated an incident of police insensitively that was published. P7 narrated that:

A woman went to the police station to record that she was being beaten by her husband there were some incidents of domestic violence and the police refused to take her statement because she was not properly dressed. So, he sent her home to go put on proper clothes. Now she was being beaten and she ran for her life. So,

when you're running for your life, you go with whatever you have on, naked if you have to. She was not and the police refuse statements and sent her home to be properly dressed.

P 4 added a further dimension, to include the male victims of domestic violence, where the insensitivity continued to be present:

Someone called me and was asking me [confidential information removed] I spoke with a police officer who said [confidential information removed]. What he meant is that they were going to laugh at the victim and so the male because they are afraid of being picked on by the police officers, they will not report it and the police officer. I was talking to [confidential information removed] and he laughed when I told him the situation.

The findings further indicated that law enforcement is lacking in astuteness when dealing with victims of IPV, as they visualize domestic violence as a family issue and not a crime. P 5, a prosecutor, reported that: "the initial contact with the police is that they are not taking these cases seriously enough because, of course, the police are saying that's a family matter it's not a police matter in many cases".

The prevailing view of family lawyers is in synch with the prosecutors. P 1 said that "the police say this is just a man and woman they fight and quarrel and is not been taken as seriously as it should. It doesn't. It doesn't".

RQ2 Subtheme 5: Law enforcement support of DV Victims

In many cases, law enforcement support of victims is laudable. All participants believed that law enforcement provided some level of support to victims and emphasized

that the police often accompany the victim home when a report is made to talk to or warn the offender. Also, the community policing arm of law enforcement responds expeditiously to domestic violence incidences, officers encourage victims to get protection orders, and resolve disputes through mediation. Participants believed that some officers are courteous and encouraging and sensitive to DV victims due to the exponential increase in femicide on the island. Police officers make referrals to CISOCA when there are incidents of sexual assaults.

As the researcher, I provided quotations from selected participants from both groups of lawyers, representative of the overall views of each group of participants

. P5, a prosecutor, indicated that:

what police will do is especially community policing that is how community policing become strong, when the victim comes to report I guess they make their assessment to see how egregious or harmful the action is and will go and counsel the parties, or they may go to the home or the place of residence or the hangout spots of the aggressor and warn the aggressor.

P 3, a family lawyer, concurs with P5 by stating that “the police will visit the home or locate the perpetrator and most times they give a warning”.

Concerning officers behaving in more affably and encouraging the victims to seek protection, P 8 said:

So, I know at first, they will try to do their own community policing and do what they can to pacify the matter. Now thanks to the collaboration with the Ministry

of Gender the police can refer victims to halfway homes or centers where these victims can go and stay the night for their protection.

P 4, family lawyer, added another dimension to the support offered to victims by law enforcement by stating that:

the police will encourage victims to go to the courts and to take out a restraining order um to prevent the person from coming close to them. But to go to the court to get a restraining order that takes a good while and therein lies the issue is not a quick process.

P 6, a family lawyer, stated that:

there are some police stations that actually have a section separate from the main building like a separate office for them to deal with report of domestic violence. This gives the victim a bit more privacy to prevent everyone else hearing what you have to say.

RQ3: What are the perceptions of family lawyers and prosecutors regarding legal reforms or changes in processes, practices or procedures that would impact how the CJS in Jamaica responds to domestic violence victims? In response to this question two themes emerged; firstly, recommendations were made for improvements to the courts and law enforcement, and secondly there were comments on the barriers to improvements and how these could be surmounted.

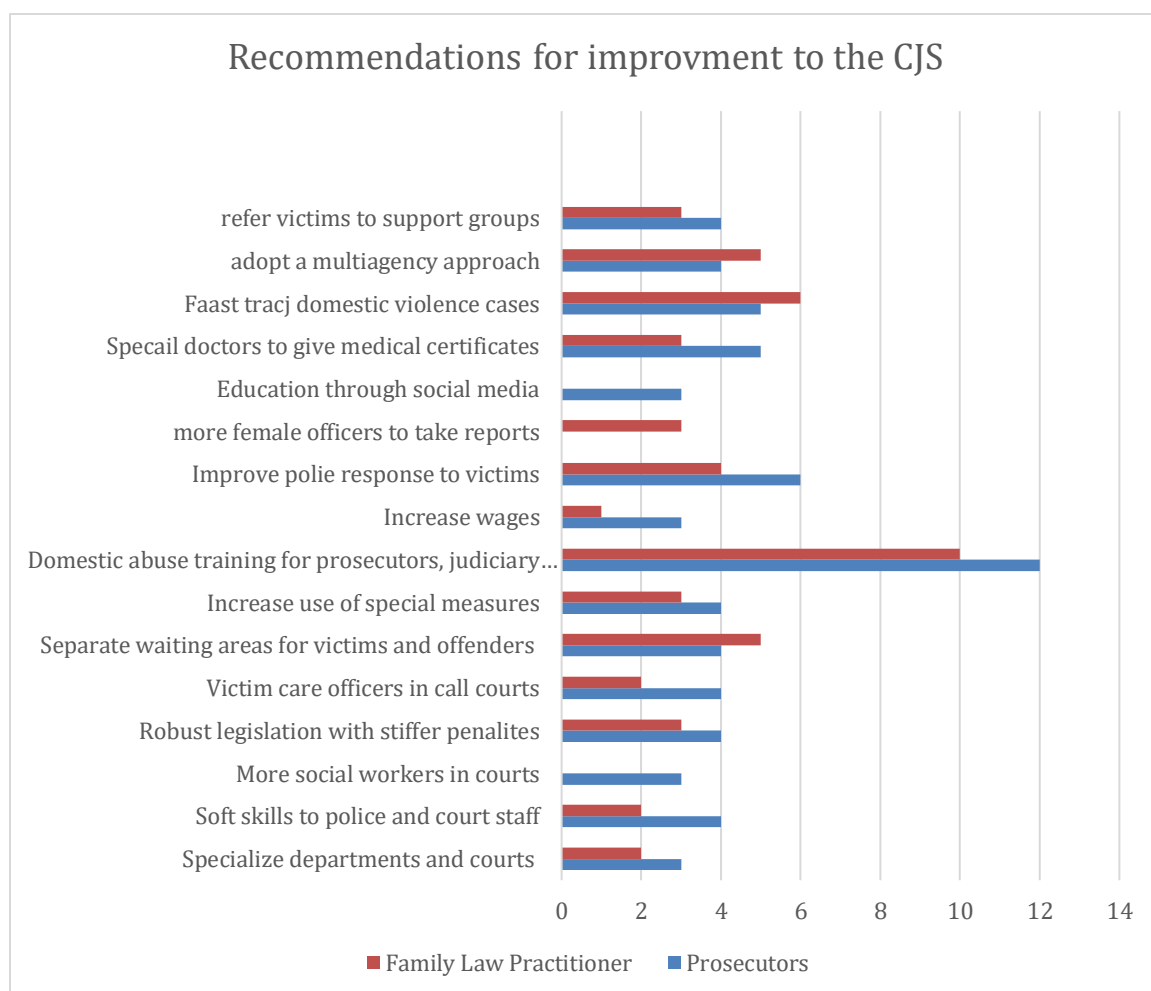
Theme 1 – Recommendations for Improvements

P1 did not contribute to this theme, which meant that only 91% responded. P 1 conceded that at this stage there was nothing that could be added in respect of what

improvements would look like, although there was a clear indication that processes and procedures would need to be addressed. P 9 was the dissident, as this individual did not consider that any improvements were necessary as the courts and law enforcement were doing all they could do despite the system's deficiencies. P9 stated that:

I think the justice system has been quite effective. The victim has to put themselves before the court. When they do come before the court, I think the matters are dealt with efficiently not just to solve the issue at hand, but on the undercurrent. The support is there they are encouraged to bring them up before the court so I don't know what more could be given. I'd have to think out of the box. Maybe the only thing that maybe they could do more, it couldn't be the court, no police it would have to be from the Ministry. Because they are also doing that to say, you know, report domestic violence and so forth. You see that sometimes on the television they are saying report domestic violence.

In presenting the recommendations of the other 9 participants, I used a histogram graph to present each group's data visually (see Figure 7).

Fig 8*Recommendations to improve CJS***Theme 2 Overcoming Barriers to Improvement**

Dominant responses from family lawyers were that there must be political will and parliamentary support to assure improvements. P3 made it clear that “political will would definitely be a barrier. The ruling party as well as the opposition need to agree to overcome the challenges”.

P 4 stated that:

It's the will of Parliament because the laws um are made by Parliament. Its Parliament's willingness to deal with the matter. If they are not willing to, if they can't see that this is required even though we are crying out, if they don't make the effort to amend the laws and to put systems in place legally, you know, nothing can be done. Because they are the law makers of the country. So, it's about the willingness of the parliamentarians and the Senate to treat these as real issues and to put proper systems in place.

Both prosecutors and family lawyers postulated that cultural sensitization to domestic violence is a barrier to reforming the justice system. P 5, a prosecutor, stated:

another thing too is like in many cases, I don't think we are our brothers' keepers. Because when things happen behind closed doors, even if you're aware it's not your business. So, the neighbor who may have heard something may not pay it any mind because it did happen in your house and in your site so to speak. This is one of the places that governments having various promotions, alerting people to be more considerate and caring.

P 6, a family law practitioner addressed the need for cultural shift to address the problem, by stating:

We need to have a cultural mindset about domestic abuse that it's really a man and woman business, so we have to change that cultural mindset. And also, about the abuse is nothing, it's almost like sometimes people are deadened to it. They've probably grown up seeing it, they think it's normal almost. They think you get over it you will kiss and hug up and get over it. We have to realize that

these acts, many times, escalate so if we had nipped this abuse in the bud, we probably wouldn't have a murder later a few months or a few years later. We have to change how we see it and to realize that we have to make changes. The other thing is, we simply have to put more resources into our courts to provide more judges, court room facilities to actually have the matters dealt with the speed and given the attention that they need.

Triangulation

Document analysis was used to triangulate the result by utilizing cases decided in the Jamaican Court of Appeal and articles from reputable newspapers on the island. The reasoning being these documents provided corroborative evidence that amplified the trustworthiness of the result through augmenting validity, generating a more comprehensive mental image of the phenomenon being studied, and investigating diverse ways of studying the research problem (Nightingale,2020).

In using the documents, I adopted the complementarity triangulation approach to substantiate the results obtained from the interviews, such that the results from the documents and interviews were informative of each other (Morgan,2018). I also used document analysis as convergence triangulation, such that the overlap between the document analysis and the results from the interviews heightened the degree of accuracy of the findings from the interview data.

It was challenging to glean decisions made in the lower courts in Jamaica. I visited the island intending to obtain case law for all courts. A visit to the Supreme Court Library on the island revealed that records of decided cases were not cataloged except for

decisions made in the appellant court. Also, DV cases are usually heard at the family court in Kingston and parish courts in the other locations on the island, and again no written records are kept of decisions made. I, therefore, relied on seven cases from the Court of Appeal, which address the court's practice and procedures.

Micheston Burke v R

This case was heard in the appellant court in 2020 and related to the murder of a female within the DV setting. On appeal, in making an argument for a reduced sentence, Counsel for the appellant referred to the Sentencing Guidelines used by Judges of the Supreme Court of Jamaica and the Parish Courts, December 2017 and noted starting point and the standard range sentence for manslaughter. The Sentencing Guidelines lumped together all instances where a defendant was convicted of manslaughter and did not allow for an escalation in the penalty in DV. This case converges with the theme that courts have failed their mandate to protect victims of domestic violence in many cases. Here, the sentencing guidelines neglected to characterize DV as an aggravating feature of an offense, thereby fettering Judge's discretion to escalate the penalty based on IPV.

In contrast, the UK Sentencing Guidelines used in all courts in England and Wales interpret DV offenses in the context of overarching principles in assessing the gravity of an offense. The CJS perceives these offenses as particularly egregious and increases the seriousness of the offending as there is a betrayal of trust and security, the likelihood of victims exposed to continuing threat to the victims' safety, and in horrendous cases, there may be a threat to the life of victims (Sentencing Council 2018). The justice system sees IPV as causing long-lasting trauma to victims, child witnesses,

and other family members and is an interlinked between sexual, psychological, emotional, psychical, and financial abuse, which is dangerous (Sentencing Council 2018). A victim withdrawal from proceedings does not negate the grave nature of the offending, and the court will not draw such inference in DV cases.

Tyrone Gillard v R

This case was decided in 2019 involved an incidence of femicide that was particularly gruesome. In making his argument for a reduced sentence on appeal, Counsel referenced domestic-violence-related cases where sentence reduction was justified for provocation. Reliance was placed on the case of (R v Romario Brown, 2019), where the victim was stabbed 25 times. In seeking the reduction, the defense counsel's mitigation was that the victim's unfaithfulness provoked the defendant. Another case relied on, distinguishable from the present case because it was not domestic-violence-related, was (Daniel Robinson v R, 2010), whereby the appellant successfully had his sentence reduced. The arguments based on non-domestic violence cases were successful, and the sentence was reduced.

The cases above converge with the theme that courts have failed their mandate to protect victims of domestic violence in many cases. Here, the Judge did not distinguish between the DV case, which often featured abuse of trust, the power differential between the abused and abuser, the vulnerability of the victim, and the continuous nature of IPV, which frequently is not one-off conduct and non-DV case whether these factors are missing. Also, the sentencing guidelines neglected to characterize DV as an aggravating

feature of an offense, thereby fettering Judge's discretion to escalate the penalty based on IPV.

Further, there is complementarity between the finding of long delays in the courts and the case of (*Steven Causwell v R*, 2020). This case was a homicide within the DV context. The applicant was indicted for murder for the death of his partner. The incident took place in August 2008, and the trial was in 2016. Another case that brought inordinate delays into focus is the case of (*Lescene Edwards v R*, 2018). The victim was killed in her home in September 2003, and the matter came to trial in November 2013. An abuse of process argument was pursued based on unreasonable and inordinate delay and the increased probability of an unfair trial. On this occasion, the argument failed, but if it had succeeded, the offender would have gone unpunished.

Regarding the infrequent use of special measures, the narratives of all the cases perused failed to show that special measures in the form of video links were used during the trial. A case that stood out as satisfying the test for special measures is the case of (*Reid et al. v R*, 2020). The sole eyewitness observed her boyfriend and a number of his friends breaking into her home and killing her mother. The eyewitness explained how she stood on her mother's bed to see the men outside; then, she hid out of fear. She was not afforded special measures when giving her evidence.

Newspaper Articles

I perused 12 articles from Jamaica Observer and the Gleaner and used 4 articles pertinent to the themes and codes developed from the raw data. Subthemes that emerged from the data were that DV victims did not view some conduct as an offense and that

police officers' attitudes to DV victims were negative. A true-life interaction between a DV victim and law enforcement demonstrating victims inhibiting support and police attitude towards intimate partner violence was described an incident near Spanish Town Hospital in St Catherine. The anecdote was that a female was beaten by her partner using his fists and feet. The police were called, and on arrival, the officers restrained the offender and led him away. On noticing the police's intervention, the bloodied victim attacked the officers and attempted to free her partner. She shouted to the officers in the colloquial expression, "Unnu lef wi; lef him, if him neva love mi him wouldn't dweet!" (Tucker, 2020). The narrative continued that the officer with contact blood on his clothing, and in foul-laden vernacular retorted "Mi tyad fi bc tell unu seh police doa bizniz inna lovers' quarrel. Doa rc involve mi inna dem ting ya again" (Tucker,2020). This vernacular is interpreted to mean that the police stated, "I am tired of saying that the police should not get involved in lovers' quarrels; don't get me involved in things like this again."

A second scenario illustrating victims view of DV is described another incident where the victim sustained injuries to her head from an assault by her husband using a car-jack, a tool used by auto-mechanics. She presented in the hospital unconscious. On regaining consciousness, she learned her husband was remanded in police custody. The victim discharged herself from the hospital, visited the police station, and got her husband released (Tucker,2020). These true-life events corroborated the findings that DV victims may not interpret conduct as abusive and may equate love with abuse. Also, law enforcement can interpret such violence as a family situation and not support victims.

There is a recognition amongst law enforcement officials on the island that substantiated the findings that DV legislation is weak lacks soundness. Retired Deputy Commissioner of Police Novelette Grant's description of the Domestic Violence legislation is that the instrument is weak and that the courts' handling of IPV matters needed improvement (Francis & Hendricks,2020).

The subtheme that the victim's dependence on the abuser inhibits CJS support emerged from the raw data is addressed by a practicing Attorney-at-Law in Jamaica that DV victims are reluctant to seek support or to engage with the courts for support relating to protection orders. (McGregor,2021). The hesitancy to accept support is hinged on the victim's financial dependence on the offender, overshadowing the need for protection (McGregor,2021).

The findings indicated that participants perceive that victim are often sent home when they attend a police station in Jamaica to make a report. WMW Jamaica, Gender Advocates explained that a DV victim was privileged to be alive after a police officer declined to take her report even though she had obvious bruises and was sent home (WMW Jamaica, Gender Advocates,2020). Police officers on the island are also aware of the heighten risk of homicide if the abuse is reported or attempts made to leave the relationship (WMW Jamaica, Gender Advocates,2020).

Summary

The purpose of this phenomenological study was to explore the support given to victims by Jamaica's CJS through the lens of prosecutors and family law practitioners by data collection using structured and semi-structured interviews. The evolving themes

made apparent that both the police and the courts have not consistently offered support to DV victims, and the level of support is dictated by victims' actions, which may be prohibitive.

The participants perceived that the extent of CJS support to DV victims is hinged on the sufficiency of human and financial resources, proactive procedures and practices of administering justice, effective laws, socio-cultural sensitization to DV as detriment conduct, and an understanding of the complexities of IPV. Amongst the many strategies proffered by participants for a better support system, training of court staff, law enforcement, the judiciary, and prosecutors is paramount.

In triangulating the findings, I relied on documents from the court and reputable newspaper articles, using the complementarity and convergence triangulation approaches. Both the courts and law enforcement need to rethink their attitudes towards IPV regarding practices, procedures, and policies, including revisiting sentencing guidelines.

Three research questions guided the study. RQ1 findings demonstrated that CJS's role is multifaceted and involves acting as an inhibiting and preventive force to abusers, a protective arm, and an indemnifier for harm done to DV victims. Extending psychological support in counseling and mediation is essential for the CJS to improve the probability of reconciliation in appropriate cases.

RQ2 findings indicated that both the courts and law enforcement offer significant support to victims. The evolving themes make it apparent that both the police and the courts offer some support to victims of domestic violence, but the level of support is dictated by the actions of victims, which may be prohibitive.

RQ3 findings evidenced that reformation of the court system and law enforcement is paramount to ensure practical support to victims. In respect to the courts, specialist tribunals, prosecutors, and judges are required to assist DV victims, and changing the attitude of administrators of justice is imperative to support victims. To transform law enforcement, trained officers who understand the complexities of IPV should engage with victims at the police station.

Additionally, procedural changes should dictate police responses to victims to ensure the prompt investigation of DV cases and proactive prosecution to reduce significant delays. Legislative reform for DV laws was advocated increasing penalty for DV offenses to ensure deterrence and commensurate punishment to the crime.

Chapter 5 will address significant findings and discuss and interpret them in the context of the theoretical framework on which the research was based. I will also address the study's limitations, make recommendations for future studies, and consider the social change implications of the study.

Chapter 5: Discussion, Conclusions, and Recommendations

Introduction

Jamaica's history is steeped in violence of one nature or another, particularly intimate partner violence, which is overwhelmingly committed against women (Jones & Harriott, 2016). Since 1990 violence against females in Jamaica, including domestic abuse, rose by 30% (Research Directorate, Immigration, and Refugee Board, Canada, 2003). A survey conducted in 2016 of 1,340 female respondents, 66% of whom were between 25 and 54 years old which found that 25.2% experienced DV by male partners, 7.7% were sexually abused in their relationship, and 27.8% experienced physical and sexual abuse throughout their relationships (Watson-Williams, 2016). Women under 30 years old, poorly educated, and economically dependent females are at heightened risk of experiencing IPV (Watson-Williams, 2016). In 2019 lifetime prevalence of gender-based violence in Jamaica is estimated at 19.7% (Global Gender Gap Report, 2020).

The purpose of the research was to examine the support of DV victims by CJS from the perspectives of family lawyers and prosecutors. The participants made recommendations to address the system's failure to engage and advocate for IPV victims. Data collection was performed through semi-structured interviews with six family law practitioners and five prosecutors to gain a deeper understanding of the justice system on the island. I addressed the impact of victims' resistance to supporting and the efficacies of support mechanisms. Respondents addressed how practices, procedures, and policies could be improved and whether legislative reforms were mandatory to ensure robust and favorable working relationships with victims.

I addressed three research questions:

RQ1: What are the perceptions of family lawyers and prosecutors regarding the role the criminal justice system plays in terms of supporting victims of domestic violence?

RQ2: What kind of support do family lawyers and prosecutors believe that Jamaica's criminal justice system offers to victims of domestic violence that would reduce the impact of this victimization?

RQ3: What are the perceptions of family lawyers and prosecutors regarding legal reforms, changes in processes, practices or procedures that would impact how Jamaica responds to domestic violence victims?

A comprehensive analysis of data resulted in several themes and subthemes based on the information provided by participants, and verbatim quotations were used to support each theme and subtheme. Moreover, triangulation with document analysis was used to improve the trustworthiness of the findings. Documents used were cases decided in the Jamaica Court of Appeal, articles from reputable newspapers on the island, and material from a government agency. I relied on convergence triangulation to amplify the credibility of themes from the data analysis, thereby reducing perceptions bias of the analysis.

I provided an overview of the CJS related to law enforcement and the courts only and did not address correctional institutions. System's practices, policies, procedures, and legislations operate as a deterrent via incarceration and penal sanctions for offenders who commit IPV, which aims to prevent or decrease such violence. The system also

implements safety measures for victims through counseling, mediation, protection and occupation orders, and restitution.

The findings highlighted the courts' support of mediation, counseling, referral to the victim support unit, use of special measures in court, and referral to CISOCA for persons who are victims of sexual assaults. The results highlighted a significant number of flaws in terms of prosecution of cases, including prosecutors' swiftness to dismiss matters where victims fail to engage in the prosecutorial process; cases are subjected to unreasonably long delays before trial to the disillusionment of victims; infrequent use of special measures; lenient sentences; and victims being forced to mingle with offenders at court in DV cases.

Regarding the police, the findings reveal they offer support to victims in that the community-based police officers respond expeditiously to domestic incidences, encourage DV victims to seek protection orders, and warn perpetrators of IPV to cease the behavior. Also, participants believed that law enforcement is sometimes courteous and sympathetic to victims, and they make referrals to relevant agencies within the police department to support victims. Even the support is laudable, deficiencies continue to exist. The results demonstrated that the attitude of officers needs to be realigned with the mandate of law enforcement which is to protect and service citizens, including DV victims. The overwhelming view of participants was that there was a lack of DV training of police, judiciary, prosecutors, and other court staff, and officers are tardy in investigating and evidence gathering in IPV cases. Respondents believed that there is a significant timelapse in allocating a case to another officer due to transfer or relocation of

duty impacting continuity for the victim. The findings also highlighted that victim statements are not securely stored, increasing the chance of them being lost. Moreover, victims lack privacy when reporting cases, and safety checks are not undertaken before allowing a victim to return home to their abuser. Law enforcement is also unsure of appropriate response to domestic incidences not featuring physical assault.

Participants provided a plethora of recommendations that, if implemented, could reform the criminal justice system. Suggestions put forward covered training for all who interact with victims, increasing the number of social workers and victim care officers in court, fast-tracking domestic violence cases, and having separate courts and law enforcement departments to deal with domestic violence. Further, prosecutors should use special measures more frequently and not be too quick to dismiss cases, and separate waiting areas should be created for victims and offenders at court.

Interpretation of the Findings

In interpreting the findings, I discussed each theme and subtheme within the context of the literature on criminal justice support of victims of IPV. The data provided an insight into the perceptions of family law practitioners and prosecutors regarding the adequacy of the CJS to assist victims of IPV, practical strategies used, practices that are detrimental to victims, and their recommendations for improvement.

Interpretation of the data is grounded on the three research questions that guided the study. RQ1 examined the lawyer's perspective on the role the CJS plays in supporting victims of domestic violence. RQ2 addressed the family lawyers' and prosecutors' impressions of the criminal justice's support of victims of IPV to reduce the IPV

incidents. RQ3 considered the perspective of these lawyers in terms of legal reforms, changes to processes, practices, or procedures that would allow improved CJS support for DV victims. In answering the three research questions, information was drawn from reports and articles from three jurisdictions, the UK, Australia, and the USA, scholarly articles, and features from prominent newspapers in Jamaica to support the findings.

RQ1: Role of Jamaica's CJS

In addressing RQ1, the interview transcripts of all participants were themed. A single theme emerged that the CJS occupied a significant place in the legal environment in Jamaica. The composite perception was that the criminal justice roles feature deterrence and rehabilitation, protection through civil remedies- protection orders, mediation, counseling, occupation orders and restitution, and prosecution. The participants believed that victims' safety is placed at the core of the CJS mandate of ensuring justice and safety for the citizens by undertaking these roles. The functions of deterrence, protection, and prosecution offer DV victims' assurance that offenders can be dissuaded or be restrained from future asocial conduct and experience behavior modification once they engage with CJS.

The study is grounded on the SLT theoretical framework that addresses the importance of deterrence as a means of differential reinforcement, which among other things, suggests that the objective of punishment is to reduce the reprehensible conduct and increase behaviors that will gain societal acceptance (Shadmanfaat et al., 2018). Punishment counsels the offender that future malfeasance will not be tolerated and the lawbreaker's conduct will be contained due to the threat of criminal sanctions (de

Castro et al.,2018; Deska et al.,2020; Pereboom,2018). Consequently, the victim of IPV expects that offenders' engagement with the justice system will reduce verbal, physical, emotional, and economic aggression against them.

Respondents also described the CJS as extending a protective arm to victims through civil remedies such as counseling, mediation, and occupation and protection orders. Occupation and protection orders are granted pursuant to the Domestic Violence Act 1996 (amended 2004) with discretionary judicial powers. Though not covered by statutory provisions, mediation and counseling are widely encouraged as a dispute resolution strategy and ordered by Judges adjudicating in DV cases. I examined protection orders from Australian jurisdiction, which is persuasive and instructive in Jamaica's jurisprudence, and similarities and differences were found.

Like Jamaica, in Australia, IPV victims can obtain a civil DV protection order under a hybrid system, in that contravention of the civil order results in criminalization and punishment (Douglas & Fitzgerald,2018). The dissymmetry between the jurisdictions is evident when the order is breached; in Australia, the offender may be charged with a criminal offense, while in Jamaica, this is contempt of court (Douglas & Fitzgerald, 2018). Contempt of court suggests that although conduct may not be criminal, it is still subject to judicial punishment.

Amongst the protective roles, the participants perceived the CJS to refer IPV to mediation. The use of mediation in DV cases is a legal and ethical conundrum and controversial in domestic abuse cases. Opponents explained the inappropriateness in the power imbalance between the victim and the offender (Palij,2013). Proponents reckon

that willingness of the parties and a process with protocols around safety planning and using trained staff negates the power differential that may exist (Holtzworth-Munroe et al.,2021). The conciliation of both viewpoints brings the third strategy into focus to support victims that the appropriateness of mediation relies on the facts and analysis of each case after dialogue with the victim (Palij,2013). The victim should be allowed to make an informed decision as to whether she chooses the more adversarial route in the criminal courts or mediation as the best fit for her circumstances.

The radical feminist theory grounds this study and is faced with a dilemma regarding the using mediation in IPV cases. The philosophy of conforming radical feminists is that conventional legal pedagogy is enshrined in the patriarchal interpretation of the law (Rifkin,1984). This is symbolized by an adversarial system that empowers the dominance of one gender over another; mediation challenges the presuppositions by supporting discourse between the genders (Rifkin,1984). Also, mediation is compatible with the female code of behavior, while litigation favors the male standard of all-or-nothing behavior (Field,2004). RF views the accusatory and class-conscious form of litigation as exemplifying a patriarchal system but sees mediation as a natural process for females (Field,2004; Maxwell,2007).

Non-confirming radical feminist to the use of mediation in DV cases explains that in a culture of male domination, mediation is shaped by patriarchal ideology to obtain a congruent goal (Maxwell,2007). The privacy of the mediation process prevents any robust assessment of whether hegemony exists, either by the male partner or by mediators unable to manage the process; accordingly, mediation should be avoided (Maxwell,

2007). Radical feminists are divided on the appropriateness of mediation in the DV case but explain the pro and cons of the approach to enable CJS like Jamaica to use pragmatism in determining whether a DV case best fits mediation.

RQ2: Participants Perceptions of CJS support to DV Victims

From an analysis of the data, one theme emerged – the CJS offers support to victims of domestic violence. From this theme, five subthemes became evident, each supported by various codes. I addressed key subthemes and codes emanating from the data contributed by all participants; as such, not all codes that formulate the subthemes were presented.

RQ2/Subtheme 1: Victims Ideas of DV Inhibit CJS Support

The consensus of participants was that support offered by CJS was, at times, inhibited by victims themselves in their responses to IPV incidences. The overarching perception of victim-inhibitors was the inability to define and recognize particular behaviors as DV domestic violence, such as sexual assault; hence, they will not denounce their abuser and normalize the conduct as part of daily living. This response to violence can be rationalized as a survival strategy of bonding with the perpetrator known as Stockholm Syndrome (Graham & Rawlings, 1991, p.119-135). The bonding is symbiotic, as the offender also bonds with his victim (Graham & Rawlings, 1991). The victims' perceptions of the world are viewed through the abusers' lens, and any threat to the abuser is mutually interpreted as a threat to both parties (Demarest, 2009). This survival strategy reduces the chances of abuse and is deemed a necessary defense tactical tool against experiencing physical and emotional abuse in the toxic relationship.

Stockholm syndrome is frequently detected in abusive relationships power differential is present. Evidence of Stockholm syndrome includes victims expressing positive thoughts about their abuser, failing to cooperate with law enforcement and other governmental bodies seeking to hold the abuser accountable, not trying to escape the toxic relationship, believing that the abuser is good, and appeasing the abuser to lessen the abuse (Stines,2018; Logan,2018, p.67-69). There is also learned helplessness as prolonged abuse causes the victim to feel defeated and acquiesce their power to the abuser. (Stines,2018; Eske,2020). Some IPV victims seemingly are unwilling to disengage from the abuser to aid their healing and are more loyal to the offender than themselves. Although any person can potentially be susceptible to the syndrome, persons with abuse in childhood have a higher risk of being impacted (Stines,2018).

This syndrome explained participants' narratives of victims' refusing to engage with the police after making a report, seeking bail for the offender, becoming aggressive to police officers trying to assist, and refusing to support prosecuting the abuser. P 3, a family lawyer, averred that conviction for non-fatal domestic violence is not very high, “because you find that sometimes the victim might say I am not pressing any charge. So, there you go, there would be no conviction”. P7, a prosecutor, said: “even if brought before the courts, you have the first or second mention the woman usually said that they will try and work it out and they will want to withdraw the matter from before the court”. These paradoxical actions are mystifying to law enforcement and the courts, as the abused is seen to be immersed in satisfying the desires of the abuser.

Victims are fearful of reprisal and express a feeling of shame and embarrassment, which fetters the CJS support. Help-seeking and accepting support is impeded by the victim's preconception of the social stain linked to the victimization (Jordan,2004; Leischack et al.,2020, p.65-80). As a result of these negative feelings, the violence continues in the shadows, invisible yet deadly, as the woman is shackled by feelings of humiliation, fear, and embarrassment.

All participants concurred that victims' ambivalence towards engaging with law enforcement and the courts are often based on fear of being impecunious due to financial dependence on the abuser. The victim questions her ability to provide for the family if the breadwinner is removed from the household. The overarching fear of being economically disadvantaged is a deterrent to engaging positively with CJS. As perceived by the victim, the push to maintain financial freedom outweighs any support offered to ensure the cessation of the malfeasance.

There were no dissenters that victims often equate abuse with love, as narrated by P7, who is a prosecutor, who stated that:

there's some, both male and female, who still believe that if you love somebody you have to beat them. You know about the experience with people who admit and accept abuse, on that basis, it's a way of showing love.

Cognitive dissonance is helpful to explain victims equating abuse with love. Cognitive dissonance is the discomfort of having elements of knowledge that are contradictory (Morvan & O'Connor,2017). Scientific paradigms assert that the cognitive construction of humans requires harmony that is coordinated and coherent, and an

imbalance requires an immediate change of position to replicate the inner equilibrium of the cognitive system (Pelepeychenko et al.,2021, p.173-186). If the recipient believes the communicator has positively assessed a phenomenon that the recipient evaluates negatively, incongruity arises in the recipient's cognitive structure.

DV victims must reconcile the dissonance linked with being in a supported and harmonious relationship, while within the same relationship, there is toxicity, chaos, and harm. To manage incompatible cognitions, victims intentionally and unintentionally adopt beliefs to reframe abusers' aggression, minimize and reinterpret abusive or the impact of such contact to justify not leaving the relationship (Goodfriend & Arriaga, 2018). The view of equating abuse is a quasi-desperate effort to link the abused, and the abuser as the victim attempts to correct the history of abuse and reconcile the distressing conduct (Metz et al., 2019, p.36-43). This kind of bond withstands everything; "the strength of this bond has the potential to defeat the most persuasive shelter or anti-battering program: the more outside forces try to separate the couple, the more the bond binds them together" (Goldner et al.,1990, p.343-364).

RQ2/Subtheme 2: Courts support to DV victims

It is trite that the cooperation of victims is essential to ensure effective prosecution, and due to the uniqueness of IPV, greater assistance is needed to support victims. The participants' perspectives indicated legal avenues taken by the courts to support DV victims. All reported that the courts refer victims to the victim support unit established in Jamaica by the then Ministry of National Security and Justice in 1998 and

first of its kind in the Caribbean (UN Women,2006). Victims are supported across the island through this medium with advocacy, counseling, and advice.

The unit is mandated to assist victims in managing traumatic episodes emanating from crimes and educate the public concerning the detrimental effect of crime (UN Committee on Economic, Social and Cultural Rights (CESCR),2011; Harriott & Jones,2016). This approach adopted by the courts is first-rated because research has shown that when advocates support victims, the probability of them engaging with the system is heightened, and the likelihood of a conviction is significantly increased (Bechtel et al.,2012, p.143-160; Dichter et al., 2011, p.21-37).

Participants concurred that victims are assisted by court personnel to navigate the court systems. P11, a prosecutor, averred that:

Prosecutors go beyond above and beyond what they are called to do um in terms of helping these victims to cope um be a counselor help these persons to navigate their way through the justice system in terms of just coming in contact with the CJS in Jamaica can be very daunting.

As part of the patriarchal structure of Jamaica, the court system is naturally adversarial, with rules and procedures, and suffers from rigidity, with the victim having minimal control. Victims are vulnerable during the court proceedings, particularly when giving evidence where rehashing violent incidence is required. Without supportive initiatives or a safe therapeutic environment for CJS, their ability to coherently, accurately, and completely will be undermined (Bechtel et al.,2012, p.143-160; Jordan,2004). Particularly in trials, victims face defense attorneys whose objective is to

challenge their credibility, dispute their memory, and disprove the veracity of their account. This interaction may be daunting, and courts in Jamaica's tailored approach ensures each victim navigates the system successfully.

The participants perceived the courts in Jamaica as dispensing restorative justice to DV victims. There was disagreement between prosecutors about whether restorative justice was used in the courts. P 8, a prosecutor, said “so, you have to balance out all these factors but the less egregious as I have said, they tried to use ADR and mediation or restorative justice”

P 11, a prosecutor, said “restorative justice not used in domestic violence matters but is more gang related”.

The use of restorative approaches in DV cases is highly controversial. In the UK, restorative justice as a part of law enforcement intervention strategy was deemed improper, ineffectual, and conceivably dangerous (Westmarland et al.,2017, p.1-16). Police officers were cautioned that a victim requesting restorative justice could be in danger of being browbeaten by a controlling and coercive partner, on whose behalf the request was being made, mollifying the aggressor (Westmarland et al.,2017). The restorative guidelines in the UK do not support restorative justice being used in DV cases to determine outcomes. DV presents grave risk to the victims and often is subjected to lengthy investigations as such negligible opportunity to use restorative justice exists in many cases. Concerns were shared that at the community police were using street-level restorative justice to resolve DV, which was deemed unaccepted and risk bringing restorative justice into disrepute (Restorative Justice Council,2019).

Another assertion is that restorative justice can re-victimize the already defenseless and imperiled individual (Coker,2002). Also, it was noted that inserting restorative justice in DV cases amounted to “gambling with the lives and safety of ... women” (Cameron,2006, p.49-66). The critics have based their objections on the power imbalance in IPV relationships distinctive from other crimes, rendering it less desirable to use restorative approaches as a supportive mechanism.

Proponents of using restorative justice have embraced it and recommend using this strategy from Police Officers. Restorative justice fills a need in CJS by involving the victim to determine justice satisfactory to them while ensuring that the offender is held accountable for the conduct. Restorative justice allows offenders to take responsibility through non-compensatory awards backed by deontological ethics by seeking to restore the victim to the way things were before the offensive behavior through healing (DuFour,2016). The engagement in emotional healing is also possible for the offender with feelings of guilt which is strongly correlated to remorsefulness and sorrow, predicting a willingness to engage in restorative justice (Peleg-Koriat & Weimann-Saks,2020). Restorative justice can conceivably engender a positive difference in domestic violence cases when legitimized through the experiences of domestic violence victims (Gaarder,2015, p.342-367; Jokinen,2020, p.155-171). The ongoing debate presents a moral dilemma, and then a judicial one; hence pragmatism should prevail, linked to the safety of the victim and their views in deciding the applicability of restorative justice.

The participants' highlighted counselling as a support strategy used by the courts to support victims. P 7, a prosecutor, stated that: "even if the file is not complete when you inquire and you see that it is a matter that counseling can help the parties. They can decide to go to mediation if it can be mediated".

Given the prolific nature of DV in Jamaica and the likelihood of escalation into serious assault or even death, counseling offered by the court as an interventionist order is necessary. Research has demonstrated that counseling DV victims have positive outcomes such as ending the abusive relationship, improving self-confidence and self-esteem, enhancing victims' emotional wellbeing, and allowing them to seek alternative solutions to their issues (Hatcher et al.,2013, p.404-419; Iverson et al.,2016, p-.33-38; Rhodes & McKenzie,1998, p.391-406). Studies have also found that victims who ventilate to counselors within a safe and innocuous environment, without time constraints, are greatly helped (Burston, 2016; Fleischack et al.,2020; Roddy,2018). This assistance to victims, given by the courts on the island, is an exemplar of the courts adopting a holistic approach to aid access to justice and improve victims' engagement with the courts.

Participants unanimously agreed that the courts use mediation in Jamaica; however, no consensus exists regarding its applicability in DV cases. It is argued that the efficacy of mediation lies in the transparent resolution of an issue through alteration of perspectives on power dynamics in relation, ideology, and conduct (Knowlton & Muhlhauser,1994). The outcome of any mediatory session should be grounded on an equitable bargaining base to be accepted as authentic. By necessity, if there is any power

differential, then the viability of the process is questionable, especially concerning DV allegations, as victims are not truly advocates for themselves (Knowlton & Muhlhauser,1994). During the mediation process, where the antagonist role is attributed to both parties' females are blamed, resulting in secondary victimization while the controlling and dominating behavior of the offender continues (Feresin et al.,2018, p.509-525).

Contrastingly, mediation is seen as empowering the victim through the courts, giving them a voice by utilizing trained professionals during mediation. Given that the legal process can be disempowering for victims, they can gain empowerment through being given a voice and exercising some autonomy in how their cases are decided through trained professionals.

Victims who participate in decision-making during the court proceedings perceive themselves as being treated fairly and respectfully, and there is a high probability they will be more invested in actively engaging in proceedings at a future time (Miller & Hefner,2015, p.142-167; Hefner et al.,2018). It is suggested that mediators offer an environment more conducive to consensual decision-making than the courts to arrive at an interest-based resolution best suited for each party, instead of an acrimonious outcome that the courts offer (Knowlton & Muhlhauser,1994). If there is a willingness to mediate, the court should ensure that strict safety formalities are observed and that the process is undertaken in a safe and neutral location by specially trained staff.

RQ2/Subtheme 3 – Courts Failing DV victims

Except for one participant, the prevailing view was that despite supportive measures implemented during the court process, significant deficiencies existed that needed to be addressed. Although not all participants commonly identified the same insufficiencies in the system, cumulatively, the responses provided an in-depth understanding of the failings experienced by the abused person. I only presented the key findings. Also, the research referenced representative comments from participants to bolster each point raised.

Lenient Sentences Lead to Less Cooperation from Victims.

The respondents commented on lenity of sentencing provisions pursuant to Domestic Violence Act 1996 amended 2004 when a protection order is breached. P 8, a prosecutor stated:

As I was saying to you, I believe if my memory serves me right breach of the protection order or occupation order is \$10,000, six months' imprisonment or both. Now you have mentally, physically, emotionally, abused an individual, a human being. You shouldn't have the same type of penalty or sentence if you breach that order and go back in that home and abuse victim who have gotten an order against you it should have a strong penalty.

In DV cases, significant harm is experienced by the victim, which can be psychological, emotional, and physical, and the consequence for contravening this order should be commensurate to the harm caused and should be perceived to be may be seen as unbiased and just. Studies have found a high probability that the abused will perceive criminal justice as fair, even if it goes against them if the process is demonstrably evenhanded (Hefner et al.,2018). To establish an equitable process, the penalty for infractions such as breach of a protection order should be an individual deterrence in recognition of repugnance for the conduct and the pain and distress to the victim. However, the law tends to punish strangers more severely than perpetrators known to the victim as it perceives offenses within a familial context as less dangerous than those committed extraneously (Klein et al.,2014; Bond & Jeffries,2014, p.849-872). Judges in Jamaica are guided by the Domestic Violence Act when penalizing for protection order violation. Therefore, it is moot whether legislators considered familial violence incommensurate to non-domestic offenses and reflected this in the sentencing.

Infrequent Use of Special Measures.

All participants agreed that prosecutors infrequently use special measures during trials where victims fear giving evidence. Under The Evidence (Special Measures Act, 2012), on application by the parties and of the court's volition, a witness can give evidence via video links and video recordings. Section 3 of the Evidence (Special Measures) Act, 2012 set out the juridical threshold to be crossed for special measures to be considered relevant by the court:

(i) the witness is a complainant in criminal proceedings relating to a sexual offense (ii) the evidence of the witness is unlikely to be available to the court or (iii) the quality of the evidence if given in court by the witness is likely to be diminished as regards its completeness, coherence or accuracy, by reason of fear or distress on the part of the witness in connection with testifying in the proceedings.

P 6, a family lawyer said “that I don’t know of any special measures that exist to assist”. P 11, a prosecutor concurred with P 6 by stating that “A lot of times prosecutors don’t invoke evidence special measures ... A lot of time we don’t do that because it’s a procedural step it's very high”.

In many respects, Jamaica’s domestic violence legislation is symmetrical to the UK Youth Justice and Criminal Evidence Act 1999. Pursuant to this statute, special measures are granted in UK courts and, among other things, allow witnesses to give evidence behind screens, easily adaptable by the Jamaican courts. The objective of this approach was to improve the number of prosecutions, recognize the existing trauma for the victims, and remove hindrances that inhibit victims’ ability to engage with the criminal justice process efficaciously. (Bishop & Bettinson, 2017, p.3-29) Shielding the abused from the gaze of the abuse through special measures has its benefits as research indicates that the female victim of IPV is sensitive to the facial expression of the perpetrator, and that can cause her to become fearful even in the presence of others (Seinfeld et al., 2021). Special measures allow the abused to provide their best evidence,

coherently and entirely, in a less daunting environment than the witness box, under the eyeball of the offender (Crown Prosecution Service,2021; Hall,2007, p.33-53).

Prosecutors infrequent use of special measures may expose an already traumatized victims to an unforgiving and rigid adversarial system. As a result, there can be significant psychological injury through revictimization and continued traumatization by relieving the experience under the gaze of the offender in examination-in-chief and which is often grueling, cross-examination, and re-examination.

Long Delays and a Backlogged Court

A commonality in participants' responses is a culture of delay plaguing the courts and law enforcement. They attributed the constant deferment to factors including, but not limited to, medical reports not received promptly to progress the cases by prosecutors, procrastination in getting protection orders leading to re-traumatization of victims; police tardiness in responding to requests from prosecutors, missing victim statements, inefficient police investigations, extensive time gap when a case is reallocated to an officer leading to lack of continuity in the case, and a backlogged court system.

P 1, a family lawyer, described the system thus:

As you know in Jamaica from being here to do anything at all any matter before the court of course takes so much time and that this is generally a turnoff to people. It takes years it takes years for them because courts are full. So, you get trial dates even in the parish court, even for ordinary restraining order in the parish court it can be years away. People after a while don't care what happens they lose interest. When things go on for too long people lose interest that is a

natural factor of human behavior. The impact is that as the years pass the behavior may not be seen as heinous.

P 5, expressed a parallel view by stating:

One of our problems here in Jamaica is that the court system is very slow, very tardy, and it takes time. And in many instances, by the time these mothers come to trial, of course, two lovers will make up, and they will not press charges. I say within a two-year span the victims are no longer interested as they move on.

Committee on Elimination of Discrimination against Women,

International organizations confirm the perception of participants by reporting that in addition to apprehension about reprisals or retaliation, the judicial regime on the island suffers from delays, which act as a deterrence to victims reporting offenses to the police (UN Committee on Elimination of Discrimination against Women (CEDAW),2012). The impact of delay is defined as a grave human rights concern, and Jamaica's harshly critiqued the judicial system as being overwhelmed, under-resourced and defective, which impedes justice (Amnesty International,2016); Home Office,2017). The system is characterized as being fraught with trials being delayed for years and dismissed due to the excessive protraction of cases and witness absenteeism (Amnesty International,2016); Home Office,2017).

The United States made a year-on-year report on Jamaica's human rights practices. In 2017 long delays in bringing the matter to trial spanning years were noted. Cases were being dismissed due to filibustering of defense lawyers, witness absenteeism, archaic rules of evidence, and inadequate equipment to collect and store evidence, and up

to the end of June 2017, the parish courts only had a 58% disposal rate (US Department of State,2018). The Office of the Director of Public Prosecutions conceded the worsening of backlogged courts but attributed this rise in crime, limited courtrooms, judicial staff, and the Committal Proceedings Act's encumbering the system (US Department of State, 2018).

In 2018 the Ministry of Justice in Jamaica reported that greater than 400,000 criminal cases were awaiting trial for a multiplicity of reasons, including unchanged legal infrastructure such as the number of courtrooms and number of judicial personnel (US Department of State,2019). There is hesitancy to introduce technology to address the backlog, such as teleconference witness testimony or admit telephone recorded videos into the trial (Department of State,2019). Jamaica's statistical office reported the legal system as failing to convict offenders above 90% of murder cases in 2018 (Department of State,2019). However, multiple attempts were made in 2018 to reduce the backlog in courts by tracking and reporting long-delayed cases to the Ministry of Justice (US Department of State,2019).

In 2019 the backlog of criminal cases was described as extreme, reducing access to a fair trial. As in previous years, the same reasons were proffered for the backlog, but legislative reforms were used to expedite cases. As previously pointed out by the US, measures such as teleconferencing witness testimony and admitting telephone videos into evidence were not considered (US Department of State,2020). In 2019 the statistical office again reported that a legal system failed to convict about 50% of homicide cases

(US Department of State,2020). In 2018, tracking and reporting to the Ministry of Justice was the strategy used to combat clogged courts (US Department of State, 2020).

In 2021 Jamaica's courts continued to experience extreme backlogs, denying citizens a fair trial. The reason for the continued status quo from the previous years remained unchanged, and to expedite, the DPP used plea bargaining and settlements (US Department of State, 2021). The US indicated that the Jamaican government needed a legal case management system that would ensure timely recording of new documents and efficient timetabling of cases ((US Department of State,2021). A report from the Supreme Court showed that in 2020 the CJS convict roughly 7% fewer homicide cases than in 2019 and that conviction rates were at a minimum level of 22% in the first quarter of 2020(US Department of State,2021). To address deficiencies in the system, parish justice centers were created alternative dispute resolution approach was promoted, and cases were tracked and reported to the Ministry of Justice (US Department of State,2021).

Delay can have far-reaching consequences for the CJS and the victims. A delay of two to three years can result in victims living in suspense, with no timescale as to when the criminal process will be determined (Burman & Brooks-Hay,2020, p.135-157). This is particularly true in Jamaica, where the administrators of justice are markedly tight-lipped regarding the progress of cases and the reasons for delays.

The effect of "living in limbo" puts the victim at the mercy of the system, with a profound effect on their existence, engendering a pessimistic and no-confidence view of the judicial process (Burman & Brooks-Hay,2020, p.135-157). Moreover, there are unfavorable outcomes to victims occasioned by delays, such as affecting personal and

professional life and physical and mental wellbeing, including night tremors, exacerbation of trauma, suicidal thoughts, anxiety, and depression (Gillen,2019). The impact is particularly poignant for persons troubled with sensory and learning difficulties and pre-existing mental health vulnerabilities because it hinders therapeutic healing (Burman & Brooks-Hay,2020; Gillen,2019; Police Service of Northern Ireland,2019). Given the delay culture in the courts and law enforcement victims disengage from the criminal process and to re-engage victims would want to see cases dealt with expeditiously.

Prosecutors Quick to Dismiss Trials.

Participants indicated that Jamaican prosecutors' approach is to drop cases, as they are fearful that victims may not support the prosecution up to trial. P. 5, a prosecutor, reported:

The complainants will not follow up on these matters. And because of that, and I'm just putting in my own feeling here, is that in prosecution sometimes it's not too keen on pushing the prosecution, because they fear that they will be left without a witness to support their prosecution.

P. 7, a prosecutor, confirmed that:

So, it's not like the first or second time go to court you have a complete file to set a trial date, or you can dispose of the matter one way or another. Although some of them are disposed of the matter before the file is even complete because the complainant say they don't wish to go any further and the case withdrawn or successful mediation.

Victims' reluctance is commonplace in investigating and prosecuting domestic violence incidences, and a prosecutor must continuously contend and confront how or whether to proceed on a case where a complainant is requesting discontinuance.

Prosecutors can pursue one of three strategies in deciding whether to drop a case, namely automatic drop, which is the practice to a large extent, no-drop policy, or adopt a victim informed approach (Healy,2019; Porter,2018, p.493-516). An automatic drop occurs in instances where the prosecutor acquiesces to the victim's appeal (Nichols,2014; Porter,2018). The prosecutor consenting to withdraw the case at the behest of the victim could develop a sense of confidence in the victim to solicit the assistance of the CJS in future abusive situations, in recognition that her voice will be acknowledged (Buzawa et al.,2000).

Adopting the no-drop method requires that matter be perused to trial regardless of the victim's engagement (Nichols,2014). Where the no-drop approach is advanced, the evidential test must be met that there is a realistic prospect of conviction without the victim (Porter,2018, p.493-516). Proponents of the no-drop prosecutions hinge on their opinion on the power imbalance between the abused and the abuser (Nichols,2014). Consistently acceding to the victim to discontinue proceedings will inevitably transmit power to the perpetrator whereby he acts with impunity and uses intimidatory maneuvers and contrite exploitations to pressure the victim into recanting her account to jeopardize the prosecution (Nicholls,2014). Caution is advised regarding the no-drop approach and considered case-by-case basis as coercive methods may have to be used against an already traumatized victim to demand court appearance, such as a witness summons

(Porter,2018). The no-drop design is described as impactful for social change as it disrupts and contradicts the social framework that emboldens violence against the female (Nichols,2014; Singh,2021, p.191-204).

The victim-informed approach is an amalgamation of automatic drop and no-drop policies. The prosecutor must pragmatically balance victims' views and safeguarding concerns against the victims' need for autonomous engagement with the proceedings. Prosecutors and police are mandated to undertake a risk assessment and document this in a retraction statement from the victim (Porter,2018; Walker,2016). This statement should address the reasons for the recantation and whether any coercion can be implicitly or explicitly evidenced (Goodman et al.,2016, p.163-185; Nichols,2014). This method demands close collaboration between the prosecutor and law enforcement, as the police must accurately, unbiasedly, and completely record his observation; as well as the victims' narrative, on which the prosecutor will rely to decide how to manage the case (Catteneo et al.,2009; Goodman et al.,2016; Catteneo et al., 2020).

The automatic drop approach runs, also practiced in Jamaica, runs afoul of the interest of justice and the safety and wellbeing of the victim and ought not to be the blanket policy given the pervasiveness of IPV and the high chance of femicide. The no-drop approach is also problematic, as it removes the discretion of prosecutors to drop cases when there is no evidentiary basis on which to run a trial. The prosecutors in the Jamaican courts would have their discretionary powers fettered in all cases, with the potential for imprudent decisions being made.

The victim informed approach is practiced to a lesser extent on the island, as seen from the comments made by P.8 a prosecutor, who said:

This person has injured you. For example, he then broke your foot, he has beaten you all these times before and you let it slide but if it's the fifth or six times and your foot is broken, you can just not proceed. I said as well when I pack up and go to my home they have to go like in this situation. It's a balance of the assessment, because if is a case when they broke the foot or cut her throat, I am going to say no, you are going to trial because he must be punished, or he must pay for the wrong he has committed.

Although full autonomy of the female victim cannot be entirely acceded to, the third approach comprehends that the victim's voice still needs to be heard and should be considered in the prosecutors' balancing act in determining discontinuance. Moreover, a clear policy on which approach dominates decision-making in Jamaica is not established, which is vital when a victim seeks to withdraw from criminal proceedings.

DV victims and Offenders in Same Space

Participants voiced that both victims and perpetrator are placed in the same crowded area at court to await their names to be called. Fearful victims resorted to staying under trees in the court's courtyard, which is replicated in courts across the island. The wait for a matter to be called on for hearing is not time-sensitive, and the wait is often for protracted periods. This concern was expressed by a prosecutor, P. 7, who said:

They come to court so you have everybody sitting on the same bench outside they don't have a special area for witnesses or complainants. So, there's a long bench. The complainant sits down there and the accused sits down there. When they call the matter the two of them come in and they were sitting beside each other or in close proximity. Sometimes the person who feels so threatened, they probably don't come inside. They would stay under the tree [confidential information removed]. The convenience is not there to separate them. In the family court [confidential information removed] is the same. I've been across the island and that is one of the challenges, where the victim and there is accused and the accuser whether the Supreme court or the magistrate court the family court, I find that they don't separate.

The court process can be daunting, more so for IPV victims susceptible to succumbing to nefarious and surreptitious manipulative tactics by an abuser when corralled in the same space. Research has found that the voice is the principal instrument to communicate emotions and that nonverbal cues such as sighs, gestures, and posture are perceptual vehicles that enable communication that is equated to the voice (Gruber & Grandjean, 2017). Listeners can identify information even when isolated from the situation, including communicating anger or disgust (de Gelder, 2016; Lima et al., 2019; Seinfeld et al., 2018).

To examine how the brain responds to facial expressions, a study was designed where male respondents observed facial expressions and body language, ranging from excessive aggression to pleasure in a virtual environment while undergoing two MRI

scans. During intervals between the scans, participants were exposed to DV imagery from the perspective of a female victim. The respondents' bodies were switched with a full-scale computer-generated female body, moving synchronously with their actual bodies. The cybernetic female watched a virtual male advancing, using abusive language and angry gesticulation. The findings revealed that IPV affects the areas of the brain related to socio-cognitive processing and the perception of emotional utterances even if no words are spoken (Gregory et al.,2017; Seinfeld et al.,2018). Even if abusers do not verbalize the abuse, the victim is caused fear through non-verbal cues bringing into focus the power differential between IPV and the perpetrator. Being in the same space enhances the opportunity for the offender to continue the victimization of the abused through facial expressions, body language, and gestures recognizable only by the abused, even if covertly done.

Courts used Mediation for Serious Offenses

Participants unanimously perceived that mediation is often used for serious offenses. The appropriateness of mediation in DV cases is the subject of controversy. Dissenters point to the power differentiation existing in violent intimate partner relationships. This imbalance compromises the validity of the process, as self-autonomy is a critical determinant to evaluate an evenhanded and high-quality exercise (Hefner et al.,2018; McCutcheon,2021; Nasir et al.,2020, p.621-632). By its very nature DV single-handedly sabotages independency. Mediation is seen as a gateway for the offender not being held accountable for the conduct without being criminally penalized (McCutcheon,2021).

Proponents of the practice suggested safeguards can be implemented for effective mediatory sessions since the process involves an agglomeration of the court, legal professionals, and other personnel with adequate credentials and knowledge on how to safeguard victims (McCutcheon,2021). Even in cases of significant IPV, mediation is proper if the parties' consent, there are robust safety protection protocols in place, and the process is being facilitated by highly qualified individuals in a safe environment, instead of an engagement with the adversarial system (Holtzworth-Munroe et al.,2021).

However, there is no suggestion that mediation should be blanketly applied. In circumstances of severe domestic abuse mediation ought not to be considered to prevent placing the victim's security in jeopardy, and re-victimization by the abuser (Nasir et al.,2020, p.621-632). In Jamaica, the court should weight the need for safety planning, the views of the victim, explicit or implicit coercion, gravity of the offending and likely sentence, and abuser's history of abuse whether prosecuted or not against the need for alternative solution and speeding determination of a case.

Feminist Theory

Underpinned by a radical feminist perspective is that DV against females constitutes a patriarchal crime and explains resistance to this epidemic-scale crime despite diverse contemporary interventions. RF shifted the social focus of DV as a private matter to a public one and dictated how social structures should manage the behavior making DV a criminal offense. This shift in response to DV is an accomplishment of RF. Today many jurisdictions recognize DV as a criminal act with mandatory prosecutions, statutes empowering the granting or protection orders and sanction for breaches.

Mandatory interventions guarantees that CJS involvement in DV cases to protect the victim and hold the offender accountable (Houston,2014, p.217-272). In Jamaica, there is a level of compulsory legal intervention that involves the arrest and prosecution of perpetrators of domestic violence, and this level of intervention is reinforced by feminism.

The feminist ideology recognizes that the pervasiveness of IPV is influenced by an inherited patriarchal legal system, grounded on male superiority and female inferiority. Hence legal principles are unspecified and interpretations are debatable and subjective making its application opened to be choreographed to suit entrenched biases (Carline & Easteal,2016). RF posits that he predominately male legislators, policymakers, law enforcers, and judges, inspired by their societal experiences, unconsciously or otherwise, will interpret the law in a manner congruent to the manifestation of a patriarchal system (Carline & Easteal,2016; White & Easteal,2016).

The starting point to address the deficiencies in the court's response to DV victims, explained by the participants, is for the judicial thought process to be guided by RF. Judicial decisions would be grounded in an understanding of the distinctiveness of the female lived experience, restrictive gender role in families, and the phenomenon of coercive control that perpetuates violence against the female (Hunter & Tyson,2017). Both prosecutors and the judiciary would possess in-depth insight into the difficulty of exiting an abusive relationship, and how an abused woman engages with the CJS (Douglas, 2016; Hunter & Tyson, 2017, p.778-805). Comprehending the complexity of

DV offence prosecutors may be less inclined to discontinue cases at the behest of victims before critical assessment takes place.

Moving away from the patriarchal way demands that both prosecutors and judges engage with the emotions of the victims, instead of taking the conventional stance, that is rigid, unsympathetic, and strictly objective (Douglas & Bartlett, 2016). Alternatively, therapeutic jurisprudence could build into court practices and procedures such that actions taken demonstrate an understanding of the effect of trauma on the victim, and the ricochet effect on family members (Douglas & Bartlett, 2016; Hunter & Tyson, 2017, p.778-805). By employing a feminist judicial design that demonstrates validation and affirmation of the traumatic experiences of the abused woman, and the possibility for the court process to re-victimize her, law enforcement prosecutors and judiciary in Jamaica would unify to address the problems experienced by victims in the courts.

RQ2/Subtheme 4: Police Officers Demonstrate Negative Attitudes to Victims

Overwhelmingly, both groups of participants' perceptions of law enforcement were that their attitude towards victims was concerning. The participants believed that officers frequently acted indifferently towards DV victims, primarily female. This behavior is demonstrable through the insensitive remarks made when taking reports, slowness in responding to prosecutors' requests for evidence, and taking reports but neglect to investigate the unlawful behavior. Also, there is no follow-up on victims after a report is made, and a risk assessment is not undertaken to ensure victims are safe to return home to the perpetrator. The participants narrated that IPV victims lack privacy when making a report which they do

insight and earshot of anyone in the vicinity, and victims are often sent home with the offender.

P.11, a prosecutor, averred that:

I hear victims complain that they go to the police station as I explain to you earlier, they do their, they make the report and nothing they just get a receipt to say that they made a report and the police send them home back into the home of these abusive perpetrators.

Also, P 10, another prosecutor, said:

Victims often complain that they are actually made to feel worse than when they go to make the report, they told to wait they are not given any privacy you know with them giving your reports and the perpetrator is there staring them done.

This impassivity meted out to victims runs counter to the police officers' mandate to protect citizens. DV officers have two distinct and mutually inclusive roles irrespective of the difficulties faced in communicating such roles to victims, ensuring victims' safety, and making referrals for access to resources to enhance their safety (Fulambarker,2020). Research findings suggested that the abused person is often made to feel that law enforcers dismiss their concerns, distrust their account of an abusive incident, negatively critique their account, and demonstrate a lack of empathy, intuitive understanding, and insight (Korkodeilou,2016, p.256-273; Walklate,2008, p.39-54). These deficiencies in the police response are attributable to the patriarchal philosophy and cultural normalization of IPV, resulting in scant regard for victims. The masculism ideology nurtured by law enforcement is capable of causing officers to perceive victims

of IPV from a male-oriented standpoint to the extent that they are viewed with incredulity and skepticism (Myhill et al.,2017, p.33-44; Westmarland,2017, p.1-16).

The patriarchal ideology feeds police culture, so the response to a victim who is methodically controlled and often brainwashed is viewed with cynicism, and police action becomes discriminatory (Myhill et al.,2015, p.33-44). The police engagement with IPV victims has a deficit that prevents victims from supporting investigation and prosecution of familial violence.

Domestic Violence is Not a Crime.

Respondents in the study expressed that police officers do not always view domestic violence as a crime, but instead categorize it as a situation within the family dynamics. P 10, a prosecutor, purported:

so, they are still not at the place where they realize that it is a serious matter, they think it is just a little man and woman argument. Man and woman fight all the while they are soon all right. Then somebody gets hurt.

This viewpoint is shared by family lawyers, as indicated by P 1, who opined that “the police say this is just a man and woman they fight and quarrel and is not been taken as seriously as it should”. The police failure to equate domestic violence to other crimes is well-known in the public arena and familiar to the Government. The former Minister of National Security Robert Montague recognized that femicide was increasing and that officers needed to formulate appropriate responses to the issue.

Robert Montague said:

There is an increase in the number of cases where men are being abused by their spouses, both male, and female, but when they turn up at the police station, they are instead met with derogatory names and so the issue is not properly addressed ((Skyers,2016).

The Minister acknowledged the ineffectual and dangerous practice of officers encouraging the relevant parties to return home and attempt to reconcile, with a possibility that the resultant escalation could end in homicide (Skyers, 2016). The Minister illustrated his point by alluding to the advice given to a couple to work out the differences at home, which led to the offender returning to the police station with the victim's head in a basket (Skyers,2016). International bodies recognized the gravity of the DV problem in Jamaica as being unmatched by government response. DV is not always viewed as criminal due to the social construct of the island placing women in a low social class, and police officers are averse to enforcing DV, causing victims to mistrust the CJS (Inter-American Commission on Human Rights (IACHR),2012). Further, the normalization of asocial conduct, supported by the media and perpetuated by the police reluctance to enforce domestic violence legislation, has led to a law enforcement system viewed with suspicion (Home Office,2017).

Reluctance to take Reports from DV Victims

Both prosecutors and family law practitioners believe that officers are disinclined to take reports from victims in the belief that victims will not support an investigation or prosecution. P 6, a family lawyer, stated:

Sometimes the police they are a little reluctant to get involved in these matters, because they feel like the woman will come around and say that she doesn't want the case to go ahead. It is like they think that it is almost a waste of time.

Taking an impartial view toward policing DV and safeguarding victims demonstrated a deficit in the police understanding of the impact of trauma on an individual, which dictates their actions. Police misunderstandings of the impact of trauma experienced by an abused person can cause officers to expect a certain kind of behavior from a victim of crime (Venema,2016). When these expectations are not met, the police question the necessity of undertaking tasks to support the victim and the veracity and intent to engage with the criminal process (Franklin et al.,2019). The participants believe that officers in Jamaica expect victims to take on a participatory role otherwise, the requirement to take a report is negated. The basis of this assessment is deemed flawed because the police officers are mandated to serve the citizenry, to protect and reassure them that the police will maintain unprejudiced services to all (Jamaica Information Service (JIS) n.d).

Radical Feminist Theory.

RF provides a compelling explanation of why police officers in Jamaica act with impassivity and insensitivity when interacting with victims of IPV, who are mostly females. Law enforcement is recognized worldwide as a masculinized profession, constituted of views and practices disparagingly sexist, where macho traits are endorsed, esteemed, and celebrated (Lockwood & Prohaska,2015, p.77-90). Consequently, stereotypical beliefs and structures create a culture buttressed by conventional gender

roles, and the predominant cultural beliefs implicitly and explicitly impact their manner of engagement with victims of IPV (Lockwood & Prohaska,2015).

Hegemonically, masculism resonates with the imagery of long-established manly traits existing in organizations such as law enforcement institutions, and this visual imagery exists in the representation of females in the police workforce. In England, 30% of officers were females, which is the highest number ever recorded (Home Office,2019), and in the USA, although 67.1% of civil employees in law enforcement are females, only 12.8% of full-time officers are females (Statista,2019). Although statistics relating to the percentage of women in Jamaica's police force could not be located, the logical assumption is that similar to the UK and USA, males are overrepresented in Jamaica's police force. The gender-constituents of Jamaica's law enforcement is evidence of a sociocultural patriarchal ideology supporting female subjugation and gender-stereotypical roles.

Jamaica's social construct is built on gendered superiority-complex favoring males, and the etiology of male ascendancy is apparent in institutions like law enforcement. Police departments are partakers of a system that emphasizes muscularity as an ideal to which an officer should aspire and is a hegemonic vehicle perpetuating male domination (Stark & Flitcraft,1996; Yalley & Olutayo,2020). The masculinized police culture amplifies dangerous stereotyping, negatively impacting how IPV is viewed as a gender-based offense (Yalley &Olutayo,2020). This patriarchal culture within law enforcement is detrimental to how victims are treated, offenses investigated and explains police attitudes towards DV victims in Jamaica. Police are the gatekeepers of justice and

are the first faces that a victim will see on the journey to ultimate justice. This first interaction with CJS ought to be positive to the police should not abuse their power to exploit the victim and erode the victim's trust in CJS. Feminist theorists insist on resolutions that ensure victims of domestic violence are supported by the criminal justice system. Despite the patriarchal ideology, law enforcement is at the forefront of the battle to hold offenders accountable for their conduct. RF argues that if police opinion of victims is contaminated, then the ramifications for the victim could be serious (Delahunty & Crehan, 2016; Mogstad et al., 2016). A persuasive argument is that a shift in the cultural construct of law enforcement in Jamaica is paramount for a change of attitude towards victims.

SLT.

Akers' SLT demystifies and corroborates the explanation provided by radical feminist theory regarding the police indifference to victims of IPV in Jamaica. SLT describes the impact of peer groups in the police force by indicating that the composition of a police department will be members who may have traditional, nontraditional, or deviant points of view (Akers, 2009). As fresh recruits enter the police force, they are drawn into peer groups, with immediate exposure to modes of conduct that influence their worldview and belief system, internalized and acted on (Akers, 2009; Chappell & Piquero, 2004, p.89-108; Opp, 2020, p.144-154). The seminal work on police conduct shows that police behavior can be traced to group rules, incentives, and disincentives and formulate an officer's characteristics, influences, perceptions, and mindset in undertaking tasks (Wilson, 1978). The notion of peer influence is well-fitted with the social

interactions of police officers who perform their duties based on peers' expectations. As such, individual attitudes can be quickly abandoned once team membership is attained, transmitting conduct that can be learned and perpetuated (Ouellet et al., 2019).

The perceptions of both the prosecutors and family lawyers in respect to the attitude of police officers gain significant traction in SLT differential association and differential reinforcement, offering cogent evidence of the underlying drivers for police officers. Differential association denotes an individual being influenced by associates demonstrable by the subculture that exists through peer groups where behaviors are learned and manifested (Carrillo, 2021; Conser, 1980, p.46-54; Myhill, 2017, p.33-44). Peer pressure is intense in the police force, and it is accepted as such by officers; where values, norms, and principles once prevailed, their cogency in the life of the officer may wane as they seek the support and approval of their peers (Conser, 1980; Kappeler et al., 1998). Furthermore, the institutionalized culture in the police force is so powerful that it overrides solidly held opinion, such that there is a transgenerational transfer within law enforcement from one recruit to another, seemingly ad infinitum (Kappeler et al., 1998; Skolnick, 2010, p.15-31).

Differential reinforcement illustrates the significance of approval and acceptance from peers concerning conduct and perception (Conser, 1980, p.46-54). An officer may participate in out-of-character conduct to be esteemed by colleagues, which reinforces the unacceptable conduct in the actor's eyes. The subculture is a potent point of reference for reprehensible conduct, and such behavior is learned through association with others and their feedback when an action is performed (Akers, 2009; Conser, 1980; Ouellet et

al.,2019, p.675-704). Given that officers take their cues from other colleagues as a part of the police's cultural expressions, they may not view DV as a crime, even though physical abuse is present due to significant indifference to victims within the peer group.

Subtheme 5: Law Enforcement Supports Victims

The participants mentioned some support measures offered to DV victims in Jamaica as visiting the home to warn the offender. Arresting the offender can significantly reduce the incidence of IPV and is seen as a very potent deterrent to ensure conformity with the law (Australian Institute of Criminology & Australian Government, 2018). Irrespective of the outcome, the police attendance will reduce the likelihood of a reoccurrence of the maltreatment (Australian Institute of Criminology & Australian Government,2018). Whether the police arrest or warn, their presence provides a prophylactic relief that could reassure the victim that the violence will be abated, even if only in the short term.

The participants also believed that the community branch of the police on the island was quick to respond to reports of domestic violence incidences. Jamaica's community-based policing is a movement away from the paramilitary and bureaucratic style of policing to citizen-focused (Jamaica Constabulary Force (JCF),2017). Community-based policing directs that each member of law enforcement on the island would need to be able to differentiate between "policing the community" and "policing with the community" (United States Agency for International Development (USAID),2017). The objectives of community-based policing in Jamaica are a

collaboration between the police, communities, and stakeholders in ascertaining issues and formulating solutions (JCF,2017), making evident the distinction between “policing the community” and “policing with the community”

The benefits of community-based policing are multifaceted. A single congenial interaction with a police officer can potentially reform attitudes, legitimize police work, and engender a readiness for productive collaboration with the public Lee,2021; Lamin & Teboh,2016; Peyton et al.,2019). This form of policing offers the Jamaican police the flexibility and innovativeness to utilize various strategies in an evolutionary environment to find solutions and initiatives that support DV victims.

The participants were clear in their responses that police have urged victims to apply for protection orders, and not that the police seek such orders on behalf of the victims. However, the respondents did not refer to officers making the order on behalf of the victim, in accordance with to Section 3 Domestic Violence Act 1996 amended 2004, which provides that:

The Court may, on application, grant a protection order or occupation order in accordance with this Act.

- (2) An application for an order referred to in subsection (I), may be made.
 - (a) by the spouse or parent in respect of whom the alleged conduct has been, or is likely to be, engaged in by the respondent;
 - (b) where the alleged conduct is used or threatened against a child or dependant by-

- (i) person with whom the child or dependant normally resides or resides on a regular basis;
 - (ii) a parent or guardian of the child or dependant;
 - (iii) a Constable;
- (3) An application under subsection (2) may be made behalf of a person entitled to apply under paragraph (a) or (c) of that subsection by-
- (a) a Constable; or
 - (b) any other person, whether or not a member of the household, with the leave of the Court.

The respondents stated that Police could refer sexually assaulted DV to the Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA). This arm of policing was created to respond to victims of sexual assaults sensitively and discreetly take reports and to ensure expeditious investigation and prosecution (Global Database on Violence against Women, n.d). Creating a safe space for victims to report this wrongdoing is encouraging, especially if this is triaged with therapeutic support and counseling.

RQ3: Recommendations for Improvement

In addressing this question, I selected perspectives on key reforms proposed by the participants as the best fit to improve CJS support of the victim. Notably, 10 of the 11 participants indicated that the system needed improvements, while the dissenter purported that the system was operating at optimal potential and no change was necessary. The participants with ideas for improvement gave diverse views on

reconstructing the legal framework provided a comprehensive roadmap to reshape the system.

Increase Penalty for Protection Order.

Respondents felt that the penalty for contravention of a protection order needed to be more robust. P. 8, a prosecutor, said: “amendment to domestic violence legislation is necessary to give the breaches of the domestic violence act, particularly occupation and protection order, more teeth in terms of the penalty or sentence for the accused if they breach the order”. A comparative analysis of the penalty imposed in Jamaica, Australia, and the UK found that sentencing in Jamaica is the least punitive. Pursuant to the Domestic Violence Act in Jamaica, violation of a protection order is penalized by a custodial sentence not exceeding six months, a fine of JMD10000 equivalent to under US100, or both. In Queensland, Australia, contravening a DV order carries a maximum sentence of 3 years or a fine of 120 penalty units equivalent to US\$10,000.00 for the first offense and up to five years custodial sentence or a fine of up to US\$20,000.00 ((Douglas & Fitzgerald,2018, p.41-57; Queensland Government Statistician’s Office,2021).

In the UK, the breach of a protection order is a criminal offense and attracts a custodial sentence of a maximum of 5 years (Sentencing Council, 2018). In determining the sentence, UK’s sentencing guide specifies that the sentence should be measured against the accused’s culpability by analyzing the intent and motive when the offense was committed and the harm that emanates from the act, by assessing the physical and emotional harm that flows from the transgression (Sentencing Council,2018). Some may

argue the statutory penalty for violation of an order of protection as a “slap on the wrist” compared to the harm caused.

Have Specialized Domestic Violence Courts.

The respondents’ stance was that the justice system should create specialized courts to prosecute IPV cases. P. 6, a family lawyer stated: “we could have like a special court almost like in-camera sorts of a thing.” In contrast to the conventional court, having a specialized court devoted solely to IPV cases will enable the courts to tailor processes to meet the victim’s primary psychological needs and move from an adversarial to therapeutic court environment. Specialist courts are not a new phenomenon, as they were introduced in the USA as the favored judicial alternative in dealing with perpetrators of IPV. Cases assigned to this may lead to a reduced likelihood that DV victims will be involved in subsequent incidences, and there is a high probability of future engagement with the system (Golestani et al., 2021). Because judges in these courts have significant experience and expertise, judicial decisions are more consistent and improved, reducing the chance of being overturned in the appellant court (Coviello et al., 2018; Golestani et al., 2021).

Enhancing the credibility of specialized courts open up the opportunity to adopt a therapeutic jurisprudence approach as the courts comprise court personnel, prosecutors, and judges as a single established agency, providing an effective response to IPV (Stannard,2021, p.464-477; Stobbs,2020, p.1-30; Yamada,2021). Applying a curative slant to court processes, procedure, practices, interpretation, and application of the law operates as a social agent therapeutically addressing the psychological wellbeing of the

victims (Australian Institute of Judicial Administration, n.d.; Ferrazzi & Krupa,2016, p.42-49; Stobbs et al.,2019; Tsai,2000; Wilson,2021). The adoption of this approach in Jamaica would ensure that the courts can proactively neutralize and impede the continuation of DV as outcomes would be informed from an understanding of the nature of IPV.

The objective of therapeutic jurisprudence is to establish an interface between law, justice, and societal issues by creating a capacity to address the victimology of domestic violence. This approach guarantees an environment of procedural fairness and accountability, which the judiciary monitors to secure satisfactory outcomes for the abused (Gavin & Kawalek,2020). Consequently, legal processes and the interpretation of the law will take on a humanistic feel attributable to actors in the courts operating as therapeutic agents in considering the emotional needs of victims (Wexler,1990; Babb,2014, p.642-647; Gavin,2021). By embracing this role, the judiciary's actions would be perceived as motivational instead of intimidating and assist in reducing psychological turmoil in victims before the court.

Increased use of Victim Care Officers and Social Workers

Respondents in the study have voiced their opinion that more victim care officers and social workers are needed in the courts, and that victims should be referred to social interventions for emotional support. family lawyer, P. 4 a family lawyer, stated:

they don't have enough social workers and when social workers say they are coming around they take forever before they finally turn up and they tell you oh they have so many cases before yours so yours come in at the bottom.

P. 8, a prosecutor indicated that “more in terms of victim care officer need to be rolled on the scheme because again, we’re in a backlog of cases, they need these people to really help the victims”.

Jamaica has a Victim Support Unit island-wide, presided over by the Ministry of Justice, that aims to aid individuals who are victims of specified offenses. Its mandate is to act in the best interest of the abused by offering support, advocating for them, and addressing trauma through mediation and counseling brought on by assaults (Victim Support & Ministry of Justice, n.d.). No data exist to measure the unit’s efficacy to meet the needs of victims, particularly in IPV cases. Studies extraneous to Jamaica have highlighted that support services, such as the victim care officers and social workers, are part of the multiagency approach to dealing with a victim of IPV (Bryce et al., 2016, p.239-255; Laxminarayan, 2015, p.273-286). Such services have at their nuclei the ability to assist victims to convalesce in the aftermath of a traumatizing event, decreasing the probability of secondary victimization (Huang, 2018). Moreover, the receipt of support from these services can positively impact the efficacy of the justice process, providing a voice for the voiceless and a preconception that their views are significant in the determination of a case.

The contribution of victim care and social workers is essential to provide the victim with assistance in a patriarchal system pervaded with a high rate of gender-based violence. The pervasiveness of IPV, and the impact on the victim support unit, was noticeable when the workload of the Victim Support Unit increased by 700 new cases between March and April 2020 (United Nations Development Program (UNDP), 2021).

Training for Administrators of Justice.

There was a definitive consensus of all but one participant, that training of law enforcement, prosecutors, the judiciary, and other court personnel was a prerequisite to sustain permanent change to CJS. P8. a prosecutor stated:

Each police officer at a given time need to be trained to know victim care or counseling the victim etc. So, improved training for all police officers I think is important. Also, give us prosecutors training as well. The majority of the prosecutors in the office are female, but that doesn't mean that every female knows how to deal with victims.

The findings underscore the need for training to educate and bring awareness to the complexities of IPV, deemphasizing the traditional patriarchal perceptions to address the deficiencies in CJS. The findings showed that training should be mandatory, robust, continuous, and cover areas such as understanding victims' plight and de-escalation of DV incidents. Training is the primary tool to ensure that administrators of justice clearly understand the complexities surrounding the dynamics of familial violence. This education will provide the skillsets and mindsets to treat the abused sympathetically, respectfully, and equitably, even in the face of reluctance to support an investigation or prosecution.

After appointments of judges and prosecutors, there is no dedicated training on gender equity and gender-sensitive approaches that can be employed, and the issue of violence against women is pivotal to the discourse regarding enhancing females' access to justice (Duban, & Radačić,2017). Judicial stereotypical views are a customary and

pernicious hindrance to DV survivors, causing judicial decisions to be based on preconceived beliefs instead of specific facts and inquiries with far-reaching consequences (Cusack,2014). A judge's and prosecutors' distorted view of facts impacts their impression of the victim's credibility and jeopardizes the justice system's integrity and impartiality, giving rise to the unfair ruling and the revictimization of victims (Cusack, (2014).

Training will ensure judges, prosecutors, and law enforcement are vigilant in ensuring that their preconceived notions do not impede justice for victims of gender-based violence. This means that reasons for acting in a specific manner will be scrutinized to ensure compliance with good practices and legislative instruments and adhering to the obligation to act impartially unclouded by stereotypical thoughts and distortions. The international convention requires Member States to take appropriate steps to 'modify the social and cultural patterns of conduct of men and women to eliminate practices' based on the idea of the inferiority or the superiority of either of the sexes or stereotyped roles for men and women' (Committee on the Elimination of Discrimination Against Women (CEDAW),2012). The training of CJS administrators plays a pivotal role in modifying socio-cultural norms and values surrounding DV in Jamaica to ensure practices that constitute any discriminatory conduct in the administrator of justice are abolished.

Jamaica has begun the training of police officers, in that in 2016, over 300 police officers and front-line responders were trained in handling victims of, amongst other things, domestic violence (JIS,2016). Also, the Jamaica Constabulary Force indicated that

it would be prioritizing training and education of police officers, on the heels of a case of femicide followed by suicide committed by a member of the Jamaica Defense Force (Canada's Daily African Canadian and Caribbean News Magazine,2020).

Additionally, in 2020, the United Nations Development Program (UNDP) offered to train persons dealing with domestic abuse and sexual gender-based violence victims to strengthen their responses. UNDP has committed itself to formulate training manuals and modules to sensitize judicial agents under its Integrated Governance Program (UNDP, 2020). Also, Jamaica Constabulary Force renewed its dedication to curtail the rate of domestic incidences by educating the populace and investigating reported DV incidences (JCF,2021). In 2021 Domestic Violence Intervention (DVI) centers were opened in the parish of St. Thomas, with others due to open in July 2021. Further, it was touted that over 300 supervisors and managers have received DVI training since 2020 and that recruits received mandatory domestic violence training at the National Police College of Jamaica (JCF,2021).

Any skepticism as to the successful endurance of these initiatives is linked to progress away from the normalization of IPV by the police culture, efforts to dismantle patriarchal structures, and education to prevent the intergenerational transmission of IPV. The programs must be measurable to determine success, unworkable areas, and those that require modification which hinges on the proper collection of comprehensive data for analysis. Jamaica does not possess an enviable reputation for data collection and needs to be changed to evaluate each program.

Create Separate Waiting Areas for Victims and Offenders

Amongst the many recommendations by participants to improve practices and procedures in the courts for victims of IPV, is that separate waiting areas be provided for the abused and the abuser. P 7, stated that:

Because they are bound over to come to court at 10 o'clock and are in the confines of the court. One may be on bail depending on the situation and they are all in the same space. They might be there for two hours, three hours. Courts start at ten, and they are there waiting for their names to be called. So, there is anxiety. I do not think that is a healthy situation. If it is a situation where you really feel threatened, sometimes the report is one where you feel threatened because you want temporary relief. But if it is something where you want permanent relief then this is not a healthy situation. So, the prosecution or the powers that be need to pay more attention to that aspect of it.

Not having separate areas of victims and abuser is not uniquely Jamaica as in the USA, 2010 consistency in ensuring safety measures are put in place by courts to separate parties were lacking. In the USA, 60% of courts did not provide separate seating areas in the court; 50% did not provide escorts in the courthouse; and 40% lacked separate waiting areas (Labriola et al.,2010). The detrimental effect of parties being in the same space is addressed above. It is trite that the relationship between the abused and the abuser is very complex and highly and intensely wrapped up in secrets and voicelessness, all of which are difficult to detangle. Therefore, the imperative is that efforts should be

made to keep the victim safe once the victim is in the confines of the court's environment.

Devising an individualized safety plan while at court to reduce the risk of harm to the victim needs careful consideration. The victim may be under the illusion that being in a public space, surrounded by other court users, court staff, police, and attorneys, amounts to security; and the victim may not be vigilant in employing tried and tested defense mechanisms in the presence of the perpetrator (Zelin,2019). Even if physical violence is reduced, given the realities of the court environs, the offender may still be controlling through coercive tactics, unseen to the eyes of all except the victim (Zelin,2019). It should be the central objective of the court to ensure that it provides facilities to increase victims' safety during court cases, both inside the courtrooms and in waiting areas. Further, the presence of victim advocates can assist in proper safety planning, educating the victim on the court process, providing support during proceedings, accompanying the victim to court, and facilitating counseling for the victim (Gover et al.,2021, p.366-381).

Increase Wages.

The participants believed that administrators of criminal justice needed salary increases, and significant recruitment drive to ensure a reasonable work-life balance. P. 7 stated: "they are overworked and underpaid". Being overworked suggests a considerable impact on the work-life balance of law enforcement and personnel within the court system. The consequential effect of a healthy work-life is reconciling one's personal life with one's professional life, which breeds increased job satisfaction and performance,

commitment to the organization, and healthy family dynamics (Bhende et al.,2020, p.256-265; Mensah & Adjei,2020; Sirgy & Lee,2017, p.229-254). The employee and employer will experience less work-related stress, such as intellectual distress, psychological enervation, anxiousness, and work-related depression (Dirgahayu,2020, p.812-824; Gragnano et al.,2020; Mehak & Siddiqui,2020).

Traveling hand-in-glove with a balanced work-life is higher salaries. Higher pay can potentially intensify work-related performance, and it is among the principal motivators for employees (Beck,2021). Scholars have touted monetary gain as the only motivating factor for good performance (Gerhart & Fang,2015, p.489-521). Moreover, the size of the pecuniary package is an essential extrinsic motivator to entice and retain highly qualified and experienced staff, thereby ensuring excellent work and profitability to the company (Bayo & Ebikebena,2021, p.1-15; Beck, 2021). The impact of lack of reasonable work-life balance and inadequate payment of both law enforcement and court personnel, maybe that the job will less become exhausting and chaotic, which is counterproductive.

Use social media to Educate Victims of Support

The data showed that social media has a pivotal role in educating the populace about the support available to DV victims and how to access this support through law enforcement and the court system. Social media is an impactful platform to reach out and engage individuals over a wide geographical area to effect change. This platform creates a space for the voiceless, such as victims of IPV, whose suffering is often invisible to the public and therefore misrepresented or overlooked.

Also, in a patriarchal system such as Jamaica with domestic violence, the abused viewpoint is marginalized. Ingenious strategies need to be devised to educate and sensitize the citizenry to the DV problem and support fresh initiatives. Social media is vital in disseminating and amplifying information, often the springboard for informal discourse, making it a formidable tool to educate the populace, even those desensitized to society's entrenched patriarchal values and norms.

The efficacy of using social media in Jamaica was tested where it was found that smartphones are valuable tools for registering a protest (Waller,2012), which suggests that in this technological age, social media can be invaluable to the CJS. CJS can imitate the health sector by using social media to effect change. In the health industry, males and females have visited Facebook to glean information on health topics of interest to them, and there are significant searches on the social media platforms used to educate and inform health choices (Carneiro et al. 2019; Liu et al.,2018).

Overcoming Barriers to Improving the CJS in Jamaica

The findings revealed barriers with the potential to impede the implementation legal reforms and development of policies and strategies to direct CJS. These obstructions were lack of political will and parliamentary support; and cultural desensitization to domestic violence.

Political Will and Parliamentary Support

P. 3, a family lawyer, stated:

Political will would be a barrier, political will would definitely be a barrier. We are going to put this on the table, and this is to go forward this is how we are going to do it. The ruling party as well as the opposition they need agree.

It is the will of parliament because the laws are made by parliament and it's parliament's willingness to deal with the matter. If they are not willing to, if they cannot see that this is required even though we are crying out, if they do not make the effort to amend the laws and to put systems in place legally, nothing can be done because they are the law makers of the country. So, it is about the willingness of the parliamentarians and the senate to treat these as real issues and to put proper systems in place.

The importance of political and parliamentary will is notable concerning violence against women. Jamaica is a signatory to and has ratified seven of the nine core international human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination (CEDAW). At the time of joining CEDAW in 1981, and when ratifying the treaty in 1984, the government in Jamaica committed to implementing all the convention's articles, including addressing violence against women and comply with the conventions as ratified (UN Women, n.d.).

Being a Member State in respect to CEDAW, Jamaica was mandated to ensure that the legal and administrative safeguards were implemented to effectively protect victims of IPV (UN Women, n.d). However, it was noted that the propagation of gender-based violence continued unabated and that Jamaica violated its obligations under the convention (CEDAW,2012). In response, Jamaica pointed to legislative reforms to

combat domestic violence and sexual offenses and indicated that the amended Jamaican Constitution (1962) was enforceable from April 2011. Furthermore, it was pointed out that added to the constitution is a Charter of Fundamental Rights and Freedoms, with far-reaching protection over a wide range of human rights issues (CEDAW,2012). Reference was also made to the impact of the Domestic Violence Act, 1995 (Amendment) 2004 and The Sexual Offences Act, 2011, which ensured improved safeguards for victims of intimate partner violence.

The proactiveness of the legislative body and the political will to implement changes despite the inference of enactments and amendments to the constitution is borne out by Amnesty International reports covering 2014/2015, 2015/2016, and 2017/2018. In its 2014/2015 report, Amnesty International pointed out that sexual violence against women and girls was troubling. The report referred to police statistics from the 2013 Economic and Social Survey, published in April 2014 by the Planning Institute of Jamaica, which demonstrated that there were 814 cases of rape recorded in 2013 and that 128 women were murdered in 2013. The report indicated that having reviewed the draft National Strategic Action Plan to Eliminate Gender-Based Violence, the status quo concerning violence against women and girls continued (Amnesty International, 2015). The 2015/16 Amnesty International report again highlighted that a high incidence of domestic violence continued, with a significant number of homicides in intimate partner relationships, with male offenders. The 2017/18 Amnesty report highlighted that the female movement on the island held a public demonstration to protest the impunity of sexual violence against women and girls. The reports of Amnesty International have

suggested a lack of progress in successive years demonstrating the pivotal role that the will of legislators and politicians plays in addressing strategies to eradicate domestic violence.

Cultural Desensitization to Domestic Violence

Cultural desensitization to domestic violence was addressed by a family lawyer, P6, a family lawyer by stating that:

there is a cultural mindset about domestic abuse that it is really a man and woman business, so we have to change that cultural mindset. Also, about the abuse, it is nothing, it is almost like sometimes people are deadened to it. They have probably grown up seeing it, they think it is normal almost. They think you get over it, you will kiss and hug up and get over it. We have to realize that these acts, many times, escalate so if we have to nipped this abuse in the bud. We probably would have a murder later a few months or a few years later. We have to change how we see it to realize that we have to make changes.

The influence of sociocultural norms in shaping the individual for good or bad is profound. A formed value system can protect against violence but encourage asocial behavior when faced with life stressors. Jamaica's response to IPV is founded on sociocultural expressions rooted in patriarchy and are pervasive on the island and interpenetrate all social classes and economic statuses (Smith,2016). The pervasion and stereotypical view of females as subordinates relegate them to a position of inferiority and puts them at risk of violence by their partners. Women play a part in perpetuating the

superiority of men. Females' widespread acceptance that 'proper men' should be 'rough' celebrate and respects machoism (Watson-Williams,2016).

Moreover, maladjusted cultural and social ideologies will enjoy conformity to discriminatory rules if society extols compliance to asocial conduct so that individuals who are dissuaded from socially-healthy practices gain approval (WHO,2009). For example, a male might be persuaded to abuse his partner to be seen as macho, and in the Jamaican vernacular, "he run tings" before his peers to save face. In addressing entrenched discrimination against women, the CJS is complicit in not protecting females; as such, there is little confidence in reporting abusive behavior to the police (World Health Organization,2009). To address the sensitization of the populace in Jamaica, the CJS has a pivotal part to play. Law enforcement's robust application of the laws and the court's proactivity in prosecuting familial violence will send the unadulterated message that DV is intolerable. There seems to be a shift toward sensitizing the citizenry to the detriments of domestic violence as the Minister of Culture, Gender, Entertainment, and Sport, Olivia Grange, announced amendments to the DV to include a new definition of IPV, addressing psychological, emotional, and sexual aspects. In revising the Act, the financial penalty will move from JMD10,000 to JMD1 million (Jamaica Observer,2021).

Limitations

This study examined the support being offered to victims of IPV and provided considerable input to the body of knowledge relating to the criminal justice response to DV victims. However, the reader should bear in mind the limitations of this study,

relating to its trustworthiness, regarding its transferability, credibility, and consistency set out in Chapter 1. Regarding the transferability of the findings, I faced significant difficulty locating scholarly articles on the criminal justice system's response to victims of IPV relative to Jamaica. In fact, despite an extensive search, I could not locate a study that comprehensively addressed the justice system's engagement with the victim. Consequently, reliance was heavily placed on scholarly articles extraneous to the Jamaican experience, which may impact transference of the result to a different situation than the matter explored in the study.

Another limitation regarding the study's credibility relates to triangulation as a corroboration method. The reader will find that reliance was placed on decided cases in the Court of Appeal on the island instead of cases covering all the different kinds of courts. The effect of using only appellant cases was that the offenses were solely femicide and did not address other wrongdoing, which would have been of interest to the study. Notwithstanding that I visited Jamaica and the Supreme Court Library in Kingston, no cases were obtainable. The information received was that unless a case is being appealed, there were no recorded judgments; as such, only rulings from the appellant court were obtained. Although the cases used provided cogent evidence of the workings of the court system, the limitation arose as this was not tested against results in lower courts on the island.

A further limitation is the consistency of the outcome, given that only lawyers were chosen to address the perspective of victims regarding support given by the justice

system. Although the prosecutors and family law practitioners were best placed to assess the courts, law enforcement, and the victim generally due to their proximal position, it would have been beneficial if police officers were also selected to provide their perspective. The reader, therefore, should interpret the findings because not all actors in the CJS were able to voice their perspectives.

Finally, the reader should be cognizant that I practiced as an attorney in Jamaica, prosecutor, and DV advocate in other jurisdictions, is a DV survivor heightened the probability of biases. Having dichotomous ideation of justice has informed my view of the support given to victims of domestic violence in Jamaica and what best practices ought to be. However, the reader can be assured that no confirmation bias existed in the study due to the safeguards implemented.

In summary, the limitations of this study are related to the consistency, transferability, and credibility of the study. These issues may be addressed in future research using a mixed-method research design to compare findings, qualitatively and quantitatively with statistical data from Jamaica or grounded theory if statistical data is lacking.

Recommendations

Based on the strengths of this study, it is recommended that future researchers adopt a grounded theory approach to investigate the criminal justice support of victims in Jamaica. This approach has the flexibility that the researcher needs to formulate Another recommendation for future research is to select one arm of the CJS to study; for example,

the perspective of the police culture that has negatively impacted the interplay between the police and the victim, the evolution of such culture, and whether any governmental or institutional changes enforced are beneficial. Given that law enforcement is the first face of the criminal justice system, the police must be given evidence-based information to demonstrate the impactful nature of their attitude towards victims of IPV and society if this epidemic is to be abated. Addressing the police culture in further research would make an interesting study, as the researcher would need to plan with all assiduity on how to combat the likelihood of having to scale a “wall of silence.”

Implications

The theoretical underpinnings of this study offer insight into the patriarchal system operating in Jamaica, as social structures, impact the way administrators of justice view DV victims. Evidence-based findings show increased knowledge of the intergenerational transmission of familial violence and the social organizations that fed this transference of such violence on the island. This study can significantly transform the social stratification by educating on the culture of male domination, causing a re-evaluation of codes of conduct perceptions of IPV victims CJS, supporting policy decision-making, highlighting socio-cultural constructions surrounding domestic violence.

The most profound question that the CJS in Jamaica needs to address is where to place itself in society as an instrument for change, particularly domestic abuse. This study assists in this regard and provides an understanding of societal response to this wrongdoing and how institutions such as criminal justice feed asocial sociocultural

norms. This study also provides recommendations towards reformation such that the social structure is regulated by the courts expository theory steeped in the phenomenon being studied (Chun Tie et al.,2019). The researcher would conduct qualitative research and watch the emergence of a theory that would be the best fit for the Jamaican context. Therefore, consideration would be given to the peculiarities of the island's social structure and the factors that inform the cultural response to domestic violence, such as its unique kind of music.

and law enforcement, thereby facilitating and maintaining favorable social contracts. Through engendering such change, the rate of DV incidents could be progressively decreased, creating a safe space for victims, cohesion in families, and by extension, communities, and society.

At a policy level, this study provides evidence-based findings that can be used to inform policymaking decisions. This research will equip decision-makers with knowledge for optimal use to transform the legal landscape through the reformation of practices and procedures that guide law enforcement and the courts. Also, accessing empirical data may result in the reshaping of present policies impacting the abused, recognizing the detrimental impact of allowing the current status to exist. Further, the study will serve as an educative instrument for policymakers to evaluate the merits of any change and the effectiveness of strategies employed to bring about a reformed criminal justice system.

Conclusion

Through the perceptions of prosecutors and family law practitioners, this study demonstrated that the conduct of justice in law enforcement and the courts could be understood through the lens of feminist theory. The philosophy of the feminist explains the effect of the inherited patriarchal system to advance male superiority and female subjugation, which is entrenched in Jamaica's cultural DNA. Also, the research explains, through SLT, the intergenerational transmission of violence as learned behavior. This chapter provides in-depth interpretations of the findings from data gleaned from legal professionals on the island. The findings demonstrated that despite the positive role that criminal justice plays in Jamaica, and notwithstanding support offered to victims of IPV, more work is needed to reduce the high rate of familial violence. The findings indicated that victims could be barriers to the support being offered; so are the attitudes of police officers, prosecutors, and the judiciary.

Participants expounded on issues and provided recommendations for improving both the court system and law enforcement. These recommendations were made based on the respondents' experience and their perceptions of strategies to optimize support given to IPV victims by CJS.

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Appendix 1

Statutes and case Law

Jamaica

Domestic Violence (Amendment) Act of 2004

Sexual Offences Act 2009

Evidence (Special Measures) Act 2012

United Kingdom

Domestic Abuse Bill 2020

Domestic Violence, Crime and Victims Act 2004

Family Law Act of 1996

Protection from Harassment Act 1997

The Serious Crime Act 2015

Sexual Offences Act 2003

Youth Justice and Criminal Evidence Act 1999 (YJCEA)

Caselaw

R. v. K.G.K., 2020 SCC 7

R v R [1991] 3 WLR 767

Daniel Robinson v R [2010] JMCA Crim 75

Kevin Reid, Kevin Brown, Sandus Simpson, Andrew Robinson V R [2020] JMCA Crim

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Lescene Edwards v R [2018] JMCA App 48

Micheston Burke v R [2020] JMCA Crim 29

R v Romario Brown [2019] JMCA Crim 1,

Steven Causwell v R [2020] JMCA Crim 41

Tyrone Gillard v R [2019] JMCA Crim 42