

# **COMMISSION OF INQUIRY INTO QUEENSLAND POLICE SERVICE RESPONSES TO DOMESTIC AND FAMILY VIOLENCE**

## **From WWILD Sexual Violence Prevention Association on behalf of Women with Intellectual, Cognitive and Learning Disabilities.**

**June, 2022**

WWILD Sexual Violence Prevention Association Inc. has been operating since 1998 and have supported young people and adults with intellectual disabilities who have experienced violence, abuse and exploitation, with a particular focus on sexual violence (SV) and domestic and family violence (DFV).

WWILD has two main programs funded by the Department of Justice and Attorney General; the Sexual Assault Service and the Victim of Crime – Disability Training Program. The Sexual Assault Service is accessible for people of all genders with an intellectual disability who have experienced sexual violence (SV) or are at significant risk of experiencing SV, providing specialist trauma recovery counselling and community education programs. Our Victims of Crime - Disability Training Program provides specialist counselling to people with intellectual disability who have been victims of crime across three locations in Greater Brisbane, outreach case management across Greater Brisbane, state-wide information, advice and referral, and state-wide community education and professional training. WWILD is currently subcontracted by Micah Projects to provide counselling and support to people with intellectual disability who are affected by the Disability Royal Commission. WWILD also has several projects at the moment, including a Department of Social Services funded Community-Based Violence Against Women Prevention Project, called Listen Up!

WWILD has participated in systematic advocacy to address the issues contributing to the overrepresentation of people with intellectual disabilities as victims of SV, DFV and other crimes, including representation in the Women’s Safety and Justice Taskforce. We have highlighted the barriers faced by people with intellectual disability in reporting crimes to the police and how the justice system often fails to hold perpetrators accountable. Many of these issues stem from pervasive negative community attitudes and stereotypes about this cohort. WWILD advocates strongly for the improvement of mainstream service responses to better support this cohort to recover from abuse and neglect.

WWILD recognises the gendered nature of DFV and as such when speaking about the experiences of people with disabilities. In light of this, we will mostly refer to ‘women’ as victims-survivors of DFV within this document. However, we would like to acknowledge that men with disabilities are more likely to be survivors of DFV than men without disabilities and as such, many of these points are applicable to men with disabilities as well. Gender diverse people with intellectual disability are at even higher risk.

WWILD recognises the wisdom gained from lived experience and aims to highlight the voices of people with intellectual disability who have experienced SV, DFV and other crimes. In this document, we had included WWILD case studies, quotes from women with intellectual disabilities and WWILD workers to give examples of the challenges our clients face in regards to police systems. All client and worker stories have been de-identified. All clients identify with having an intellectual and learning disability.

**Cultural issues within QPS that negatively affect police investigations of DFV**

While WWILD has had some excellent experiences working alongside Queensland Police Service detectives in the Child Protection Investigation Units and Criminal Investigation Branches, we have serious concerns about the responses given to women with intellectual disability who have experienced domestic and family violence, and sexual assault. We have shared some of the experiences and concerns of clients and staff below:

#### Issues with identifying women with intellectual disabilities

WWILD workers provide ongoing training to QPS detectives as part of the QPS iSACURE training. We also have in the past contributed to the ICARE training, which contains no unit on interviewing adults with intellectual impairments, until this became financially unsustainable for us to continue.

QPS staff at these training sessions have given feedback that identifying women with intellectual disabilities can sometimes be difficult and they often are not aware of the signs to look for or what questions to ask. Many of our clients have highlighted barriers they face in disclosing their disability to police, as well as suggestions for police about how to identify intellectual disability.

*'I think ask them. But to be honest, I don't always feel comfortable telling people I have a disability. I think I would be more comfortable if they were kind and friendly. Maybe they should just be checking in with everyone; not singling people out. If the person says yes, then they could offer them the 93a, if they say they don't, you could offer them the normal way of reporting. Once I understood what a 93a was, I felt more comfortable saying I had a disability.'*

*'Some people with a disability might talk a little slower than others, they might be a bit shy, they might find it hard to say what they want, they might have a support worker. Everyone is different though. I think it's ok to ask if someone has a disability. I would be ok to say I had one. But I know others would find it hard to say they had a disability. The police could always talk to the person's support workers if they felt someone had a disability'*

*'Maybe the police could ask the person are you comfortable telling me about your disability or is there someone we could talk to find out more. Some people don't like telling people about their disability. If it's a bit of a two-way conversation it's easier to open up. If the police officer could make some conversation first that would be helpful. I think people would be more comfortable saying they had a disability if they knew more about the 93a interview. I don't think people with a disability know this is an option. Some people are not with an organization like WWILD, so they not know.'*

Comments made by women with intellectual disabilities show the diversity of experiences, with some women being completely comfortable disclosing their disability while others are not. Reasons women with intellectual disabilities chose not to disclose their disability include:

- Fear of being treated poorly or ridiculed due to their intellectual disability
- Fear of being judged due to their intellectual disability
- Fear of people making assumptions about them due to their intellectual disability
- Negative experiences in the past when they disclosed their intellectual disability

As seen above, some of these barriers can be overcome if police:

- present as friendly and kind
- make conversation before asking
- give the reasons they are asking
- make it clear there is a benefit for the client to share (such as being able to access the 93a interview)

Police identification of intellectual disability may be challenging due to impacts of an intellectual disability that present similarly to aspects of mental health issues, alcohol and drug misuse, trauma responses and other developmental or learning delays. However, we would like to further urge recognition that many women with intellectual disabilities face high rates of dual diagnoses and as such are often impacted by more than one presenting condition or issue at one time. This can lead to a woman's intellectual disability being missed, and in turn to police not knowing when to offer additional support or adjust their approaches. Underlying beliefs about a need for intellectual disability to be plainly and easily distinguishable from other presenting issues, and for women with intellectual disability to self-disclose and account for these distinctions, is a major barrier contributing to the experiences of people with intellectual disability in the justice system.

*'Not many people know much about intellectual disability. Because of this, people perceive us differently. For example, if we don't look like we have a disability, people think we don't have one.'*

*'Everyone is different. Some people you can see, some have visible intellectual disabilities and some are invisible. Mine is invisible, people don't always know unless I say I have one. In the groups we did, some of the people there didn't know I had an intellectual disability until I said I did. That's the same for lots of people. Some people with intellectual disabilities will try to hide it because of bad experiences. But letting them know that it's okay to say that they have an intellectual disability, that they're not going to be looked down on. Because that's how people with intellectual disabilities are seen. We are seen as worthless. It could help if police say why they need to know. Knowing that there is a police officer that deals with people with ID [intellectual disability], might help people come out with the fact they have an ID sooner.'*

Women with intellectual disability who are First Nations or are culturally or linguistically diverse face even further barriers in having their disability recognized and responded to appropriately.

In our training with QPS detectives, WWILD workers advocate for police to use skills of observation, discretion and interpersonal skills to confirm whether a person has an intellectual disability in a less direct way. Many women with intellectual disabilities have said they would find it confronting and upsetting to be asked if they have a disability, or that they would feel like they are "in trouble" or have "done something wrong". Due to this WWILD workers advocate that police use questioning around the following:

- Asking questions around what supports a person has in their life, what kind of things they help with
- Asking questions about Centrelink payments or a pension
- Asking questions about a person's support worker if they have one

WWILD workers recommend that police phrase this type of questioning in a way that an honest answer does not place the woman with an intellectual disability in a position to feel inferior, shame or embarrassed.

This training is not available for frontline officers, who are often responding to complaints before they are assigned to a detective. The ICARE training also continues to have no element regarding interviewing adults with impairments, despite these interviews being available for children and adults with impairments.

### **Recommendations:**

- Training for frontline police that focuses on identifying intellectual disabilities and additional support needs so police know what to look out for, in order to refer them to the correct police unit who have officers trained in ICARE.
- ICARE training to include information on identifying and interviewing adults with intellectual disability
- Police should be provided with a disability liaison officer who can support them to identify and respond appropriately to people who have an intellectual disability, and build relationships between police, disability advocacy organisations and disability services.
- Improved police awareness around what additional services can be provided for women with intellectual disabilities once that need has been identified.

### Limited understanding of women with intellectual disabilities and domestic and family violence

Women with intellectual disabilities are known to be overrepresented as victims of DFV than women without disabilities and thus have a significantly greater need for support (McCarthy, et al, 2017). Approximately 22% of women with a disability have experienced DFV from a current or previous intimate partner (AIHW, 2019), but this rate is likely to be higher due to underreporting of DFV to police.

*'I believe that women with a disability experience violence more than people who don't have a disability. We feel like we don't belong – because we are different we get treated differently. We don't have a place, I feel like we are trying to find a place in the world.'*

Women with intellectual disabilities experience unique forms of DFV, particularly coercive control, that are not as common within the general population and this needs to be better understood by police to these unique types of abuse do not stay hidden. In addition, it can be difficult for women with intellectual disabilities to distinguish forms of DFV and some forms take prevalence when reporting to police, such as reporting physical or sexual abuse but not identifying financial abuse.

#### Physical abuse:

- Withholding disability equipment or ensuring it cannot be accessed, such as not charging an electric wheelchair
- Withholding medication
- Withholding care needs or using a caring role as a way to perpetrate violence, such as heating a person's bath too hot or too cold

#### Sexual abuse:

- Unwanted touching by caregivers
- Demands for sexual activity in return for assistance, transport assistance or daily care

#### Financial abuse:

- Using a person's disability as an excuse to control their finances
- Accessing a carers payment and not providing care for the person
- Manipulating a person's NDIS plan for financial gain

#### Psychological abuse

- Forced social isolation from friends and family

- Using fear of institutionalization as a means of control
- Using threats to withdraw disability services or support to control
- Restricting access and support from intervention services or police
- Providing incorrect information about the person's mental health history to discredit her

#### Reproductive abuse

- Forced sterilization
- Forced abortions or forced choices around pregnancy options
- Forcing a person to use or not use contraception

It is important for police to have a good understanding of the dynamics of DFV for women with intellectual disabilities and how the violence and coercion they experience relates to their disability. Women with intellectual disabilities are often targeted by perpetrators who assume they can be overpowered, controlled and manipulated (McCarthy et al, 2017).

#### **Recommendations:**

- Improved police understanding of the intersectionality of women with intellectual disabilities and DFV and the unique types of violence they experience
- Improved understanding of DFV techniques perpetrators use specific to a person's disability and additional supports needs

#### Attitudes towards disability, victim blaming and rape myths

Myths about women with intellectual disability and sexual assault and domestic violence are common in the general community (Bollier et al. 2021) and in the police service (Dowse et al, 2021). Research has shown that professionals in the criminal justice system treat women with intellectual disabilities differently than other victims of sexual and domestic violence (Keilty and Connelly, 2001).

Common myths regarding women with intellectual disabilities include:

- Women with intellectual disabilities are either asexual or sexually promiscuous
- Women with intellectual disabilities frequently lie and make up stories
- Less impacted by trauma
- Not credible witnesses
- Cannot consent to sexual or romantic relationships
- Easily identifiable
- Need to be/are protected in the community

These myths intersect with rape myths, victim blaming and attitudes towards women in general in the following ways:

- Police question the credibility of the women making the complaint due to how she presents when speaking to police, if she chooses to remain in contact with the person using violence or if she chooses to remain in a DFV relationship.
- Police assuming a person is making up the complaint as they wrongly believe that people with intellectual disability are prone to fantasy, getting confused about what happened or 'making things up'

- Police speaking or making decisions with support person/family member without gaining consent from the woman with an intellectual disability.
- Police making assumptions about decision making capacity and capacity to consent.
- Police taking action against an offender without the victim's consent.
- Poor identification of disability or belief of a disability, leading to 93A interviews not being offered or refused on request by the women or a WWILD staff member.
- Police demanding evidence of disability before providing a 93A interview, causing further delay to interviews.

These myths and attitudes combined with many women with intellectual disabilities having poor experiences with police create the following barriers to reporting, such as:

- Distrust, feeling intimidated or scared of police

*"I have felt scared about going to the police station. I have felt really tiny and small. I have felt really uncomfortable. The way that police have spoken to me has made me feel tiny and small."*

- Lack of understanding of rights or what constitutes a crime as women with intellectual disabilities often do not have adequate education around sex, consent and relationships

*"I didn't know I had rights. I knew I shouldn't be hit and I had the right to use my own money but I didn't know about anything else".*

- Not having support when reporting to police

*"I think it's important for a support worker to come to. They police might use big words and the support worker can help the person understand what the police officer is trying to say. Support workers can also help calm the person down if they feel frustrated. I've been to police without a support worker and this was hard. The police officer wasn't really explaining things very well, they were using big words. This made me feel upset and a lot of tension."*

- Having a poor experience with the police in the past and not wanting to have the same experience repeated

*'I think they should learn more about respecting people who have an intellectual disability. I have often gone to report things that have happened to me and have felt like I had done the wrong things. I think that police should also know that there are a lot of people with communication barriers – like people who use symbols and signs or people who have trouble with big words.'*

- Not being believed or listened to when reporting

*"I've also had a time where I didn't feel believed. I had a message on my phone from someone who was doing the wrong thing, and the police didn't believe that it came from that person. I felt this was really unfair. How much clearer does it have to be?"*

- Concerns around safety for themselves once they have reported

Recommendations:

- Increased police understanding and awareness of rape myths and disability stereotypes that can affect professional judgment when working with women with intellectual disabilities.

Through police being more aware of outside values and assumptions, police may be able to be more mindful when interacting with people affected by sexual abuse and DFV

### Women with intellectual disabilities feeling believed by police

Clients have frequently expressed frustration and a sense of feeling hurt and disempowered by a lack of institutional belief from QPS about their experiences of violence. There is increasing public awareness about the need to support and believe women coming forward with allegations of gendered violence. However, barriers are still present, particularly for women with intellectual disabilities. Women with intellectual disabilities often have had many previous experiences of being told that they 'do not understand' situations or that they have 'made things up' when they have disclosed abuse. There are barriers within the justice system that promote the idea that women with an intellectual disability are unreliable witnesses, which is often exploited by the criminal defence. While many of these factors are beyond the scope of interactions with police, women with disability who experience disbelief or undue scrutiny by police are likely to have these feelings significantly compounded and amplified from previous experiences.

Many women with intellectual disability will experience more than one instance of sexual violence in their lifetime, but may feel discouraged from reporting later incidents due to past experiences of not being believed. Additionally, some clients report being less likely to be believed due to having reported multiple experiences of sexual violence previously.

*"I've also had an officer who did believe me. He made me feel like I would be ok; he followed up on the lines of investigation; he followed up right till the end; he would call me and update me. He said I could call him if I wanted to find out updates. He didn't ever requestion me. He came to court with me. When he rang me to tell me there wasn't enough evidence, he did this nicely. All of these things made me feel like he believed me."*

It is important women with intellectual disability are believed each and every time they report a crime. All their statements to police should be welcomed and validated. This improves their experience of procedural fairness, as well as feeling a sense of confidence in proceeding to court.

*"The officer I had believed what I said – he believed it straight away. He literally turned around and said 'I am sorry that happened to you, I don't want you to think I don't believe you because I do believe you'. If I needed to take a break, he let me take a break, I called the shots in the interview. If I needed to take so many breaks, I needed to take so many breaks. He gave me the option – if I didn't want to do it at the police station, I could do it where I felt comfortable. That was good."*

### **Recommendations:**

- Emphasis on procedural justice in investigation crimes of violence, abuse and exploitation of people with disabilities, particularly in the instance of sexual assault and DFV. Many people understand the difficulty in prosecuting a sexual offence, but they need to feel like they were offered a respectful process that to the full extent police investigated their report and starts from a place of believing

### Lack of knowledge and skills that impact QPS delivery of services

WWILD workers support women with intellectual disabilities to access police support when needed but this is often a difficult process. WWILD workers have noted the following as needing

improvement within QPS for women with intellectual disabilities to receive the service and support they deserve from the police system.

### **Improving Communication**

*“I think everyone should have training about people who have an intellectual disability. The police should learn how to interview someone with an ID. Police should learn how to communicate with someone and some general information about disabilities. There are a lot of different types of disability. People with a disability can learn new things. I think police should know more about this.”*

Women with intellectual disabilities can find it difficult understanding abstract concepts and difficult language. Much of the work WWILD workers do is try to break down difficult concepts and ideas to make them “easy read” or more easily understood. This can be difficult when engaging with the police systems as many of the words and processes are abstract and can be hard to break down.

The following are small communication changes WWILD recommends:

- Establishing rapport and feeling of safety with the person

*“Showing respect is important. I have found that male officers are respectful. When reporting an assault, I like it when they say ‘I’m sorry, but I’m going to have to ask exactly where they touched you. I liked this; it’s respectful. This shows that they understand it’s hard. “*

*“It is harder for people with a disability to trust people, more than people who don’t have a disability”.*

- Allow for more time than is normally required

*“I felt really nervous when I spoke to the police. I felt angry, very upset, because the police didn’t help me. I wanted to feel safe at my home and I didn’t feel safe. He believed me. That was good.”*

- Take regular breaks if they are needed and let the person know they are entitled to take breaks when they need.

*“It’s also important to let people know they can have a break. I wasn’t offered a break when I did my interview and I would have really liked one. The lady who interviewed me was a little pushy. She just kept asking the same question. “*

- Offer a private place or room to provide a sense of privacy

*“The officer I worked with, he told me that I needed to look at the room we were in as a safe place, that no one could hurt me or get to me. That helped. I felt really scared when I came in. If I got emotional, he just let go, let me cry. He took time, he didn’t rush the interview.”*

- Discuss with the person what you or they can do if they don’t understand something
- Slow and simply your speech while remaining respectful
- Let the person tell their story in their own words and time and then clarify with them

*“I think the police could help people to feel calm. Sometimes I need help to calm down”*

- Avoid jargon or specialized language and concepts
- If one approach isn't working, reset and try something different. WWILD have seen police use drawings or objects to allow people different ways of telling their story



*'It's important to speak to someone like they are human; not a child and not something they wiped their feet on. Use short language, like short sentences. If the person doesn't understand try and explain it another way. A support worker might be able to help as well.'*

This can make navigating police systems extremely difficult for women with intellectual disabilities, especially those who do not have an advocate or support person.

*'I have had some good experiences with police, I have also had some bad experiences with police. The good experiences happened when I could understand what they were saying, if I couldn't understand something this made me feel like it was a bad experience. I asked if they could explain it again, and I felt that they used a tone that was a bit rude a nasty.'*

In our Listen Up! group, some people spoke about how they accidentally answered things wrong or didn't say much because they didn't understand the questions. Communicating well not only provides victim-survivors experiences, but also enables police to collect better evidence.

*'It's important to put words in a simple language. I have had people say mumbo jumbo that I don't understand. It's important not to assume people are dumb or don't know what they are talking about. I think it's also important to call the person who has made them complaint to update them, not their support worker; this makes them feel like they can speak up for themselves. I had an officer that would always call me first. I really liked this about him.'*

#### **Recommendations:**

- Increased training and awareness within police of appropriate trauma-informed and respectful communication with people with intellectual disabilities who have experienced trauma
- Emphasis on spending time with a person before an interview. This will assist people with an intellectual disability to feel more comfortable and assist them to share if they are not understanding questioning during the interview process
- Police processes that cater to all needs and disabilities including those who are nonverbal
- Improved use of the Queensland Intermediaries Program to assist with interviewing people with intellectual impairments who have experienced sexual or domestic violence offences (currently only available for child and adult victims of child sexual abuse, we are advocating for this to be expanded).

#### **The capability, capacity and structure of QPS to respond to DFV**

##### Lack of offering 93A interviews

Throughout the course of supporting women with intellectual disabilities to access the criminal justice system, WWILD have been advocating for and supporting access to 93A interviews.

*'I think the 93a is easier than the written statement. Because you do a written statement are just in a room with tables and chairs, its plain and clinical. I think you can give a better statement when you are comfortable.'*

Through this work WWILD workers are concerned that women with intellectual disabilities are not regularly or consistently being given access to 93A interviews when reporting eligible offences.

*'Police officers need to offer this more. If a woman comes in and says I have a disability, they need to offer one (speaking about a 93A). A support worker should be allowed to come in. They don't bring it up unless you ask for it. That has been my experience. Police have wanted proof of my disability. This really upset me. I believe this is unfair.'*

Research shows that many women with intellectual disabilities can have struggles with memories, sequencing of events and timelines which presents a significant barrier when trying to report a crime. We also know that many women with intellectual disabilities try to minimize or "mask" their disabilities due to a number of reasons listed previously, which can lead to police not identifying a need for a 93A or a change to their communication style throughout the police process.

*'I have done a written statement at the police station. Sometimes this is hard. Some of the words were a bit hard to understand. Remembering that happened is a bit hard too. It was a bit full on. They kept hitting me with lots of questions. I felt really confused.'*

In addition to this many of our clients have told us they have struggled with the written interview process due to issues with reading and comprehension or their story recorded in words that are not their own, not to mention many have had problematic interactions with police which can increase the difficulty in making a report.

*'Writing statements down might make them feel they're not valued enough and they aren't being listened to and understood. Writing it can make them very insecure in themselves. Because they might not know how to put it in the right words. It's hard to write down hard things – like emotional things. For people with intellectual disabilities, it's making them re-live it. I think it's important police give the option for the interview. 9 times out of 10 people with ID don't know that's available. I didn't even know before the groups and people in the groups telling me. I was like 'what is that?'. I have always had mine written up by the police. It would have been better for me to do this instead. I wish they had offered it.'*

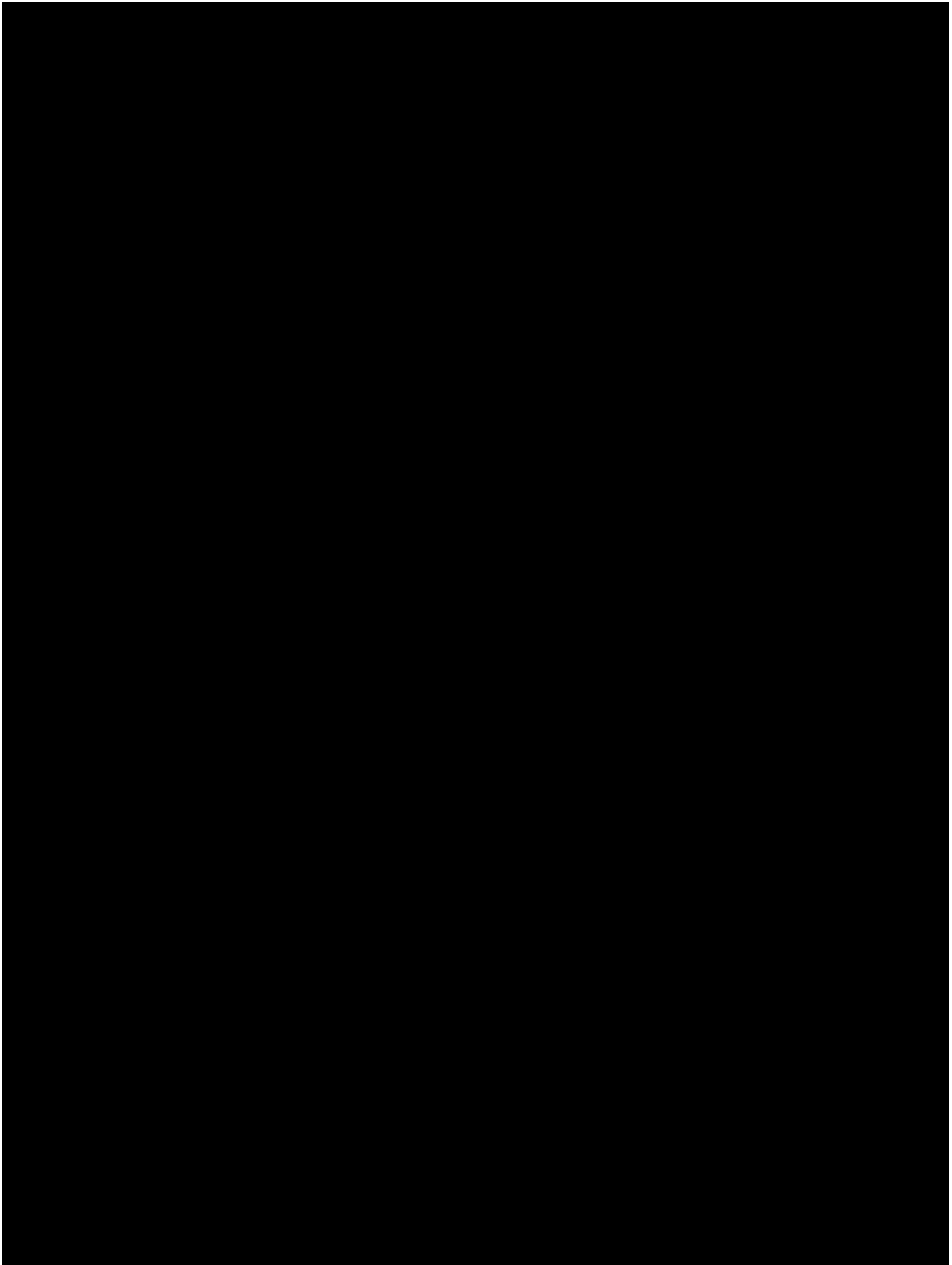
WWILD know that 93A interviews provide the best evidence for court and as such we advocate for them to be provided every time. 93A's eliminate the need for a victim to retell their evidence at court and having to re-read their written statement, both of which can be extremely difficult for a woman with an intellectual disability. This can significantly improve a person's court experience and can greatly reduce re-traumatisation.

*'The room where I did the 93a interview was comfortable. I felt ok in there. I think it's a bit scary to have the camera so visible. I could see it at the police station I went to. I think they should move it so you can't see it.'*

We have had many experiences of women with intellectual disabilities who were denied access to a 93A interview for a multitude of reasons and we have included the below case studies. Each of these case studies was a different woman but each of situations has occurred more than once over the course of WWILD's work in this space.

#### Case Study 1:

*'I went to the police station. I was really upset because of what happened. They made me sit in the waiting room and wait my turn. By the time I got to go in to be interviewed, I was that frazzled. They were telling me that didn't understand me, they cut you off, they then told me that it wasn't going to go anywhere. I feel like I won't go to the police if something has happened to me. I've had a cop tell me whether I need to go to a psych unit, because I was having trouble explaining what has happened. This sort of stuff happens all the time to people who have a disability.'*



*Case Study 3:*

*“if you don’t understand the questions, you can give the wrong information - ‘sometimes they ask questions and you think ‘wahh I don’t know’ and then you answer it incorrectly and then they think it’s not true’. “*

*Case Study 4:*

*‘The client had completed a written statement in the past, so the detective was reluctant to allow her to access a video interview, even though due to her intellectual disability she was eligible. After making an initial complaint about an assault, the police attended the client’s house without warning which made her feel very uncomfortable. This is a common story we have heard from our clients.’*

The above case study is a regular experience for many women that WWILD supports. This year alone we have had multiple experiences of police refusing a woman, who was eligible and reporting an eligible offence, a 93A on the reasoning that they had “done a written statement in the past”.

A WWILD worker had an experience this year working with a client in which they were advocating with police to offer a woman a 93A. The worker had multiple conversations with police about why a 93A was in the best interest of both the client and the police, as the client had both an intellectual disability and significant memory struggles, which made recalling events in sequence extremely difficult. While on the phone with the worker the police agreed that they would provide a 93A for this client however, it was not until the worker checked in with the client at a later date that the woman said the police had been around to her address and done a written statement with her in person, no mention of a 93A or what her options were to her at all.

**Recommendations:**

- Clear direction in police policy and procedures for QPS to err on the side of granting access to special provisions like 93A interviews. These provisions provide best evidence for people with intellectual impairments and should be used accordingly
- Additional training for police around eligibility of 93A’s and how to easily make this happen for people who are eligible

Lack of informing women with intellectual disability about their rights

WWILD provides information to women with intellectual disabilities about their rights. Many women with intellectual disabilities are not aware of their rights within the police and criminal justice system, which places them at a disadvantage.

*'We got a slow learner disability; the police have to understand our rights'.*

Victim-survivors have a right to have a support worker present when reporting a crime. Many women with intellectual disabilities who are connected with WWILD who have reported to police before said that having a support person was really helpful. Not only does having a support worker present help the person remain calmer, it also improves the likelihood of getting better information from the person.

*"I went to the police by myself. It would have been easier with a support worker... Support workers can help me to understand – just to be there with me."*

*"I reckon you should be able to have whoever you want in the interview that you know is going to help you. Support people are important. It might calm a person down that has an intellectual disability. They know how to help explain it more better".*

*"I think people should always be able to have a support worker with them if they want to. It will make them feel more comfortable and there will be more of a chance of them going through with reporting. I had someone with me when I reported. I found this really helpful. They came in with me to do the 93a, but they had to sit behind me so I wasn't distracted. Just having them in the room was helpful."*

However, police often do not tell clients they can have a support worker present and/or discourage clients from having their support worker there. WWILD workers often face barriers when advocating for this right to be upheld. WWILD is aware that the preliminary witness cannot be present, but many WWILD workers have been refused despite not being a preliminary witness. Many WWILD clients have spoken of the inconsistencies in being allowed a support worker present.

*"I have had times where I was allowed a support worker and other times I wasn't. This made it really confusing. I believe if the person with a disability wants a support worker to come in, they should let them. I felt a lot calmer when I had my support worker there, especially because I was speaking to a man, I liked having another woman with me. They should ask you 'do you want a support worker to come in with you?' I didn't look at my support worker once, I concentrated on the officer; but having that support there made it much easier."*

#### **Recommendations:**

- Greater police understanding of women with intellectual disabilities rights within the police and court systems so they are able to better communicate these rights when needed

#### **Respect towards other professionals**

Collaboration between across professions provides the best responses for victim-survivors of violence with intellectual disabilities. WWILD workers have frequent contact with police of varying roles at all stations throughout Brisbane. Throughout WWILD's time working with police we have had many extremely positive experiences. Workers have been supported by police who have been appreciative of the knowledge and skills WWILD workers can bring to the process. Through working together, we were often able to get the best outcome for the client.

However, many WWILD workers have also experienced difficulties in working together with police and have felt that certain police officers have not respected or valued their knowledge and expertise in this area of work. WWILD workers have experienced police using disrespectful language and being called names by police. This has occurred in front of a woman with an intellectual disability a WWILD worker has been supporting. This is not only difficult for the worker but also can make clients feel unsafe or hesitant to work with police.

#### Case Study

*'Earlier this year a WWILD worker was supporting a woman to report a sexual assault to police. This woman had an intellectual disability and a history of sexual and domestic violence. The WWILD worker supported this woman to call police link to make an initial report which both worker and client were told would be followed up. It took the police a significant time, over 10 business days, to get in touch with the client, which was distressing for the client as during this timeframe she had physical evidence relating to the case in her bedroom which police link had told her not to remove or touch. This information was provided by a CIB officer as during this time the WWILD worker had attempted to contact the investigating officer multiple times with no success.*

*Finally, the investing officer contacted the client and told her she would need to attend the station to provide a statement. The woman advised the officer that she knew she was able to have a video recorded statement however was met with the response that "this was only for children". The client said she felt pressured by the officer to attending the station without WWILD support and advised the officer to call her worker. The officer did not speak to the WWILD worker until they were able to get in contact with them 4 days following this.*

*The WWILD worker was able to speak to the investigating officer over the phone with the client on speakerphone. The worker asked if a 93A interview could be arranged and for when and the officer again replied "this type of interview is only for juveniles". The worker then referenced the 93A in the police procedures manual and the client's disability and that it was her right to a 93A. The officer met this discussion with disrespect and was questioning the worker around "how did they hear this" and "were they a lawyer or not". Even with the WWILD worker explaining their role and supporting 93A's for clients the officer continued to speak over the worker and at one point during the phone call, the officer raised their voice which was all witnessed by the client. The officer then asked "Why can't she do a written statement? She has done them in the past why can't she do one again, has something changed?". The worker attempted to explain about the client's disability and that in the past she did not have the support or knowledge about her rights when speaking to the police. The officer then said they "did not know much about 93A's and would have to speak to a higher up about it". Following this phone call the woman told the worker "she didn't think he would talk to anyone" and "I don't think he will let me have one, he's being really nasty".'*

WWILD workers have had many instances of police providing incorrect information about police systems or procedures, which makes it difficult for workers to best support their clients. It is often part of a worker's role to support a woman with an intellectual disability make choices around reporting to police and when workers don't have correct knowledge to pass on to clients. Some WWILD workers have also been subjected to physical and verbal intimidation tactics by police, also at times in front of clients they are supporting.

*A WWILD worker remembers a time where a police officer stood over her and spoke down to her saying "little miss support worker". The WWILD worker recalls the officer being significantly taller and larger than her and he was using his stature to intimidate her while she was attempting to*

*advocate on a client's behalf. The worker recalls feeling "spoken down to" and "like my opinion or knowledge was not important".*

**Recommendations:**

- Improved responses from QPS to complaints, enforcement of guidelines of treatment of community members and other professionals, trauma-informed processes with victim-survivors.

Inconsistency regarding police processes

Inconsistencies in police process and responses make it difficult for WWILD workers to best support our clients. WWILD workers have found they often receive different advice from police depending on the station they call or the officer that they speak to. This can be extremely frustrating when trying to make police processes easy to understand for our clients. In times when police intervention needs to be accessed urgently, this issue can slow down the process significantly.

*'One WWILD worker has recently had multiple experiences with the same police station. It was this worker's experience that different officers would tell her different things when asking the same questions about the best way to report to police. One officer at the station informed the worker that they could attend the station with a woman with an intellectual disability and someone would be able to help with an initial report. The same worker was told to support a client to make an online report when supporting a different client to report and when the worker asked the officer about the previous time they were informed "no one would have told you to do that. That's not the way we do things".'*

**Recommendations:**

- Improved communication between police and support services, like WWILD, about current police procedures to enable both parties to work together more seamlessly
- Improved police communication when a police system has changed or been updated so support services are up to date and able to better support clients

Difficulties with domestic violence orders

Many WWILD clients have had or attempted to acquire Domestic Violence Orders (DVO). Given the aforementioned difficulties in understanding, for women with intellectual disabilities, DVO's can be hard to understand. Understanding conditions on a DVO and what this means can be extremely confusing and many have felt that police did explain the conditions.

*"I don't think a DVO is easy to understand. Police could make the information short, and with pictures would be helpful. Short words not big words. Someone needs to go through the DVO; not just hand it to people. Ask them if there is anyone who can help you read through this. Someone needs to explain exactly what it is."*

*"I tried doing it on my own once and I got stuck on a few questions. Some of it was hard to understand. When I have gone to police station, they have always helped me fill it out. I think this is great. I think it would be hard if they tell you just to go to the court house to do the application. They need to be there to help."*

Given the many barriers experienced by women with intellectual disabilities, WWILD workers advocate strongly that when it is appropriate to do so, police apply for a DVOs on the client's behalf, rather than advising the client to take out a private application.

*"I went to the police station. He said I had to go to the court to get a DV order. I said, 'how rude that police officer was!'. Because when I asked him nicely, 'can I get a DV order', he said I had to go to court... I have disadvantage, I need extra help. They should have told him to stay away from me."*

*"They should help you take out a DVO. They should be helpful. Make sure I don't get hurt anymore. They should have locked my ex-partner away for good. He hit me and he stole money from me. I told the police officer that. When I went they didn't arrest him. I was upset with this. My ex is still stalking me. The police didn't do anything about that. They should say 'what can I do for you?'. They should listen to what we say. They should ask if we want to them arrested. I thought the police officer believed me but he didn't do anything about it. I didn't understand the police officer – he was using really big words."*

Police issued DVO's remove several barriers for women with intellectual disabilities accessing DVO's as the client does not have to go to court, listen and understand the magistrate, be in the same court room as the perpetrator of violence and fill out confusing private DVO forms.

*"I had a DVO and the police took it out. It was good that the police took it out. It would have been really hard to do by myself. Lots of people with an intellectual disability would find it hard to do themselves. Some of the forms are really hard to understand. Another good part if the police do it, is that you don't have to come to court. Court can be scary. It is harder when you have an intellectual disability because people with intellectual disability feel like they are not being believed. The judges use difficult words. It's really confusing."*

However, there has been some issues with misidentification of a DFV perpetrator in police issues orders. We know that women with intellectual disabilities are at a greater risk of DFV as they are specifically targeted by perpetrators. WWILD have known clients who have been "identified as the respondent" when police have been called out to an address, as they have been heightened and verbally irate while the perpetrator has appeared calm. Difficulty in calming can be a part of someone's disability and this can be used by the perpetrator of violence, by indicating the victim's heightened state as "proof they are violent". We are aware that it can be difficult to get a full understanding of a DFV situation during a police call out. However, we hope that police can be more mindful when being called out to situations when involving a woman with an intellectual disability.

#### **Recommendations:**

- Greater police understanding of the intersectionality of women with intellectual disabilities and DFV and the different ways this could present
- Further police training around perpetrators of DFV and how they use police call outs and DVO's to further control their partner to decrease the number of women with disabilities who are misidentified as perpetrators of violence
- Clear direction for police to enable them to provide people with intellectual disabilities a better understanding of a DVO and what the conditions mean

#### **Adequacy of the Current Conduct and Complaints Handling Processes Against Police Officers**



Many of our clients have said they felt their complaints about police were not listened to and were not taken seriously.

*“I’ve made complaints and nothing happens. They should follow up the complaint. They don’t tell you anything. Once you make the complaint you get cut out. They don’t tell you what’s happening. They should let the person know what’s going on”.*

Clients are often not aware of the process of making a complaint and not informed of their right to make a complaint. WWILD workers often inform clients of this right and support clients and their families to make complaints to QPS. A case study and some examples are provided below:

#### Case Study:

*A WWILD client made a complaint against a detective at her local station that she had made an initial sexual assault report with. This client had an intellectual disability and had been open in telling police this. The client said she told the police she needed extra help understanding forms but could not read them herself. The client said “the police didn’t make themselves easier to understand, they just didn’t care” in regards to her disability. The client had already made this complaint before beginning work with a WWILD worker.*

*The client wrote out the complaint herself and was supported by her to submit it. She was worried about making the complaint as she said “I wouldn’t want to pass any of those police officers in the street because I’m scared I’ll be harassed. They know my face and they have my driver’s license on file. I’ve been to that police station multiple times”. Following making the complaint this client had no communication with QPS about the result of this complaint. When a WWILD worker began to support around this matter, the client had no understanding of what was going to happen next about her complaint other than she was told to wait. She also said “they know I’ve made complaints about them and I’m scared. I have a fair reason to be scared of repercussions from the police right now”. Since making this complaint this client has chosen not to speak to the police out of fear of what will happen.*

*The WWILD worker reached out to QPS to follow up regarding the complaint. QPS were not able to give a timeframe or offer any information about what would happen next to the worker. The client got told she would hear back soon. The client said it “has been a very long time now and I haven’t heard anything back”. The client had made the complaint in January 2022 and as of June 2022 has had no contact from QPS other than a complaint reference number emailed to her inbox. The WWILD worker has had no further information provided by QPS other than they will contact the client when they do. When asked what she wanted to happen from the complaint, the client said she wanted the police to get better training so they could do better next time and “to give me a formal apology”.*

*Since making this QPS complaint this client’s mental health has been impacted greatly, “I have nightmares about it every night – of the police and him (perpetrator). It shouldn’t be happening you know. I thought I’d only have to deal with him but I have to deal with him and the police, and combined it’s like a massive storm in my head I can’t get rid of”.*

A client made a complaint directly to the police and a Senior Constable came out to the client’s mother house to speak to them. The Constable was “very intimidating and judgemental”.

An example of a complaint process with an inappropriate outcome was when a woman made a complaint, she received a letter that she could not understand.

WWILD workers expressed concerns for people who are not supported by WWILD and do not have advocates who can assist and support people through making a QPS complaint and the process of receiving an outcome.

**Recommendations:**

- Improvement to complaint procedure and information provided to people including timeframes and what they can expect following making a complaint about police
- Improved response when a person who has made a complaint wishes to enquire about their complaint and what action has been taken

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