

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

*Commissions of Inquiry Act 1950
Section 5(1)(d)*

STATEMENT OF DANIELLE HULIN

Name of Witness:	Danielle Hulin
Date of birth:	[REDACTED]
Current address:	[REDACTED]
Occupation:	Sergeant of Police Police Prosecutor – Pine Rivers
Contact details (phone/email):	[REDACTED]

I Danielle Hulin make oath and state as follows:

1. I am a current Sergeant of Police with Queensland Police Service. I have 11 years' experience as a police officer. For the last almost seven years I have been a police prosecutor. I am also an admitted solicitor and have completed a graduate certificate in domestic violence.
2. In 2015 I completed the required six month prosecution course in Brisbane and Townsville and then commenced working at Brisbane Prosecution between October 2015 and April 2021. I am now working at Pine Rivers Prosecution. I have been involved with the prosecution of multiple domestic violence matters, including being in charge of the domestic violence module at Brisbane for approximately two years between 2017-2018. During that time, I predominantly appeared on DV applications and related hearings. I have had a large involvement with reviewing full briefs of evidence in relation to applications for orders, and criminal offences.
3. Whilst I acknowledge there are a large amount of police officers who can adequately investigate and assist victims, I have experienced a large amount of culture within the police to not proceed with matters when there is sufficient evidence, and what I feel is that it is easier to finalise a file than prosecute. From reviewing BWC, there appears to be a rush at jobs to get it finished and leave. I regularly hear police have "DV fatigue" however it appears from the footage and comments that it is more a waste of time with attitudes that the victim will just stay with the perpetrator.
4. On a few occasions when I have attempted to progress matters, I have been met with resistance and hostility, including being stood over by a senior officer who wanted me to

withdraw a police application against a QC despite there being more than sufficient evidence for serious allegations. Some officers are extremely reluctant to accept or even consider advice about sufficient evidence from a prosecutor and prefer to conform to the culture not to commence proceedings.

5. My main concerns in relation to police culture have been:-

Officers failing to commence proceedings due to lack of understanding of s632 of the Criminal Code, and there not being a need for corroboration.

6. I have reviewed multiple occurrences where officers have finalised matters because it is a 'he said she said' situation (and on some occasions there has even been supporting evidence). There appears to be lack of education around the fact that corroboration is not needed for domestic violence offences, and that the majority of the time these offences occur behind closed doors. I believe a large number of charges are not commenced with, and perpetrators not held accountable because police are not properly educated on what they need to prove a charge and think it will fail unless they have something to support the victim. I have heard comments from detectives that they would rather spend time investigating/prosecuting a matter where they have supporting evidence.
7. On one occasion an aggrieved reported serious violent allegations including strangulation, and there was evidence to support the perpetrators version was not credible, and after advice from prosecution, police declined to charge despite the aggrieved wanting the perpetrator charged. The aggrieved had participated in a hearing for the related dv application and was credible and willing.

Officers failing to commence proceedings for DVO applications, breaches and serious criminal offences

8. I have reviewed multiple occurrences where charges have not been commenced, despite there being corroborative evidence including a full body worn camera statement of the victim, medical reports, photos of injuries, independent witnesses. The circumstances that will lead me to reviewing these occurrences include if I am required to appear on a DV application, bail application, or preparing a sentence where the defendant has history.
9. I located an aggrieved in the safe room at court one day with significant facial injuries and medical scans in relation to injuries from a strangulation. When I asked why she didn't want to make a complaint she said she felt guilty, and police told her the court process would be long and stressful, and she would have to remain in Queensland despite wanting to return home. When I outlined the need for accountability and keep others safe, and what could be put in place at court, she went and made a complaint, and the perpetrator was charged and remanded.
10. I have reviewed BWC in which very little, if any, support was offered to victims, or encouragement. I have reviewed BWC where officers put making a complaint on the victim and have them sign their notebook to say they don't want to make a complaint, or they

want time to consider it. It has been evident from these interactions that the victim is in a position where they can't make a complaint or are hesitant. This process is generally always rushed with no time taken to support and encourage the victim, and then no further investigation is undertaken by criminal investigation should a complaint be later 'forthcoming'. It appears that the crew wants to finalise the job and get back onto the road. In other circumstances, the victim does want to make a complaint however no formal written statement is taken until they are then stuck back in the cycle and the perpetrator has pressured them and they no longer want to make a statement.

11. Generally, when I raise with officers that they don't need a complaint, they believe that they do (except for a GBH or wounding charge), and that DPP will just withdraw the charge anyway. This appears to be a widespread culture that a complaint is needed except for GBH/wounding and I recall being taught it when I joined the police. A first year confirmed with me within the last month that this is still taught.
12. I am unable to locate any QPS policy that states we require a complaint, particularly for strangulation offences. By not charging, perpetrators of serious violent offences are not being held accountable and victims are not being protected. In my view, if there is sufficient evidence for a criminal domestic violence offence, generally a proceeding should be commenced. On some occasions where I have provided advice to commence proceedings, I have been told they will not without a complaint and the matters remained finalised. There is a culture to not be willing to charge, and that it is easier to just get the withdrawal and not commence proceedings.
13. I accept that there are cases which cannot proceed to trial without a complainant to give evidence of lack of consent or breathing being hindered. However, in one instance, I located an occurrence in regard to a high-risk offender who had violently assaulted a pregnant aggrieved. She provided a BWC statement to police but signed a withdrawal. I recommended to police they commence proceedings, and I received an abusive phone call from their senior officer stating that they would not be commencing proceedings. I updated the report outlining my position, and another officer has agreed to charge the perpetrator. He plead guilty to the violent assault and was sentenced to a term of actual imprisonment. This shows the issue of whether or not the aggrieved will attend court is only an issue should the matter proceed to hearing, and then there is a process to either encourage that victim or have them declared hostile.
14. When attending a dv application incident, police should also ensure they investigate and proffer any related criminal charges to ensure accountability of perpetrators. I regularly see domestic violence applications with multiple uncharged criminal offences..

Matters being withdrawn, or proceedings not commenced with based on the matter being 'trivial' 'minor' 'technical' and not in the public interest

15. I have reviewed multiple matters where charges have not been commenced or have been withdrawn by prosecutions because it is considered 'trivial' despite the victim wishing for the charge/s to proceed.

16. Currently, chapter 9 of the OPM includes a section on the prosecution of statutory offences, which includes a public interest test. Currently OPM 3.4.3 includes factors to consider when deciding to prosecute including the public interest test. This test includes terms 'triviality' and 'technical'. There is no definition included for these terms. Research indicates that a 'minor' breach can have a significant impact on an aggrieved when put into context of the history of domestic violence. I have also experienced a lack of consideration of the history of domestic violence in matters. The process for obtaining the history of domestic violence can also be very lengthy, with an officer having to go through every occurrence report as well as obtaining interstate records.
17. Often police and the courts refer to a no contact breach as 'technical'. This often minimises the offending, and comments are often made sentencing magistrates about this. Recently I read correspondence between a senior prosecutor and defence solicitor where the prosecutor conceded the breach was 'minor' and 'technical'. The breach included contact via text message where the perpetrator was attempting to manipulate the aggrieved back into a relationship. He was on parole after spending actual time in custody for strangulation.

Inadequate conditions applied for in domestic violence applications & referring aggrieveds to complete a private application

18. A number of applications have been identified where police seek mandatory conditions only due to the wishes of the aggrieved, despite strangulation being present or significant violence, stalking behaviours. Further, children are often unnamed due to police believing that being present isn't sufficient to warrant them being protected. I have heard police say to that the child did not appear affected by the incident and therefore did not need to be named.
19. I have also located a number of private applications involving serious allegations where the aggrieved attended a police station and was advised to complete a private application.

Prosecution of domestic violence matters

20. The OPM currently requires prosecutors to consult with the arresting officer and victim when involved in case conferencing and considering withdrawing the charge. During my time at Brisbane, I found multiple matters where there was a lack of consultation in the withdrawal of the charge, which lead to the prosecutor not being fully aware of the history of the matter or the victim's position on proceeding. I also found a number of matters that were case conferenced to the point it the penalty would have been different, or completely withdrawn, despite there being sufficient evidence (including video recordings).

Lack of knowledge and training of prosecutors regarding domestic violence

21. There is no compulsory additional training for 'specialist domestic violence prosecutors' or prosecutors dealing with domestic violence. The six-month prosecution course is mandatory for all serving members of the QPS, but not for civilian prosecutors, who have

no face-to-face training. The DV module within the course is only very short (I would estimate perhaps about an hour of content) and does not cover content relating to making DV applications, appearing at DV hearings or the dynamics of DFV. The content relates to the legislation only. I have taught this course to others during my time as a prosecutor. I was approached by the trainers to teach the course and I did not require any specific training in order to do so. I was provided with out-of-date materials to teach the course. I find that when trainee prosecutors complete the course, they exit with no training in relation to the prosecution of a domestic violence application, particularly regarding hearings and applications to protect the aggrieved during court proceedings.

22. In 2018 I completed a Graduate Certificate in Domestic Violence through Queensland University of Technology. It was an optional course and Prosecution Services sent around expressions of interests to do the course for which I applied and was successful. The course was funded by the Prosecution Services, with funds from the specialist DV courts. I believe it was conducted over two years however is no longer offered. It took a year part time to complete. The course was to be undertaken in my own time, I did not receive any leave from the QPS to complete it and accessed my own recreational leave to complete assessments. The certificate was not prosecution specific but rather focused on topics like the dynamics of DFV. I found the course to be helpful to my work as it assisted me in better understanding the complexities of DFV.
23. Matters identified in both Pine Rivers and Brisbane Prosecutions show that some prosecutors were not making applications for special witnesses during criminal and civil hearings, or they are being made on the morning of the hearing, delaying proceedings. Currently the OPM places the responsibility on the arresting officer to ensure that appropriate arrangements are made for special witnesses when attending court and giving evidence. However, often this does not occur and there is no communication until the morning of the hearing and material has not been prepared to support the application. I find a number of aggrieveds contact prosecution seeking information due to being unable to speak with the investigating police.
24. Further training is required to ensure police are aware of the protection available to victims at court and ensure relevant documentation is obtained to assist the prosecutor in an application. By police communicating what measures can be put in place during a proceeding, may assist the victim in feeling supported and able to attend to provide evidence. The QPS requires further focus on victim engagement to ensure support is provided throughout the court process, encouraging victims to provide evidence in proceedings.
25. I have also identified issues with senior prosecutors with extensive domestic violence knowledge, being replaced by junior staff with no handover or training. I have seen this have a negative impact on a number of aggrieveds appearing in court, including adequate conditions not being sought or maintained, and applications being missed and not put before the court at all.

Police officers named as respondents

26. Currently police officers continue to work with police despite having a DVO against them, or being convicted of breaching the order. Police prosecutors who are named as a respondent in a domestic violence order have no limitations on being involved in the prosecution of domestic violence matters, unless there are specific conditions imposed. Prosecutors are exempt from carrying a firearm whilst on duty, and therefore prosecution is an option for a respondent to be placed whilst subject to an order. This can essentially mean that a police officer named as a respondent can appear on domestic violence applications, engage in case conferencing, and make submissions on sentencing.
27. Whilst in prosecutions I have worked with officers who currently had a DVO against them. These officers were involved in the prosecution, and case conferencing of domestic violence matters.
28. A police bulletin regularly posts outcomes of matters involving police including breaching orders, where officers received minor disciplinary sanctions including having to complete online learning products and a minor fine/deduction in pay. There are no specific domestic violence programs they must undertake such as behavioural change programs that I am aware of.



Police officers misidentifying parties for DVOs

29. I have seen police officers misidentify an aggrieved as a respondent when making an application for a DVO. Some of the issues that contribute to that misidentification include:
 - (a) When an aggrieved suffers from mental health issues or addictions like drug or alcoholism, which might contribute to their behaviour that police consider to be aggressive
 - (b) Seeing injuries on the actual respondent and not clarifying how or why those injuries were sustained and then believing because they are the injured party, they must be the aggrieved
 - (c) Racism
30. One example I recall is when a woman had armed herself with a knife and police identified her as the respondent. When asked why she had a knife she told police when he would get angry with her and would frequently strangle her. She believed he was about to strangle her again, so she armed herself with the knife. When I asked why the application was made against police, they advised they were directed to by senior officers. This is a common comment I hear.
31. The misidentification by police can at times be clear just from a review of the BWC or the application itself. At times when I have requested an officer to withdraw their application where I considered the respondent to be misidentified I have received push back. I have been told before that police do not withdraw applications surrounding domestic violence and I consider this to be because they are trying to protect themselves from any possible future scrutiny.

32. Although I can apply to have the application withdrawn, the prosecutor must liaise with the applicant officer about the decision, and they need to speak to their Inspector. If the decision is not supported by the Inspector, it can be difficult to have the application withdrawn by my OIC.

Code of Practice

33. During 2018 I conducted a DV death review after a charge was withdrawn and the aggrieved committed suicide. Part of that review included reviewing interstate counter parts policy in relation to investigating and prosecuting domestic violence. I found that Victoria had the most extensive and adequate policy.
34. I am able to produce the current version of the Victorian 'Code of Practice for the Investigation of Family Violence', which is attached.

OATHS ACT 1867 (DECLARATION)	
I Danielle Hulin do solemnly and sincerely declare that:	
(1)	This written statement by me dated 8 July 2022 is true to the best of my knowledge and belief; and
(2)	I make this statement knowing that if it were admitted as evidence, I may be liable to prosecution for stating in it anything I know to be false.
And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the <i>Oaths Act 1867</i> .	
<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;">  </div> <div style="width: 10%; text-align: center;">Signature</div> </div>	
Taken and declared before me at <u>Dnr Raper</u> this <u>8th</u> day of <u>July</u> 2022.	
<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> Taken By <u>Jahnee Wilkes</u> </div> <div style="width: 10%; text-align: center;">  </div> </div>	
Justice of the Peace / Commissioner for Declarations / Lawyer	

