

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

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

STATEMENT OF BETTY TAYLOR

Name of Witness:	Betty Taylor
Current address:	[REDACTED]
Occupation:	Chief Executive Officer, Red Rose Foundation
Contact details (phone/email):	[REDACTED] [REDACTED]

I, Betty Taylor, make oath and state as follows:

1. I am the chief executive officer of the Red Rose Foundation. The Red Rose Foundation is a national, not for profit organisation based in Brisbane with a strong focus on the specific issues surrounding domestic violence deaths. In particular, the focus of the foundation is two-fold: to provide direct support to survivors of high risk, high harm domestic violence and address systemic gaps in service systems through training, education and research.
2. On 8 July 2022, I provided a submission to the Commission of Inquiry into Queensland Police Service responses to domestic and family violence. That submission is attached to this statement. I am prepared to give evidence about the matters set out in that submission.
3. On page 5 of the submission, I acknowledge there are many police officers who respond everyday with respect and due diligence to victims' safety, and that many go above and beyond in their responses to domestic and family violence victims. However, I also state that "there are also many officers who fail victims by dismissing their complaints, ignoring their safety concerns, not taking action to hold perpetrators accountable for the violence and thereby placing lives at risk. We believe this inconsistency is not limited to one station or one district but is problematic across the State". The source of my knowledge about that comes from reports from survivors of strangulation who have been assisted by our organisation across the state over many years.

OATHS ACT 1867 (DECLARATION)

I Betty Taylor do solemnly and sincerely declare that:

- (1) This written statement by me 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.

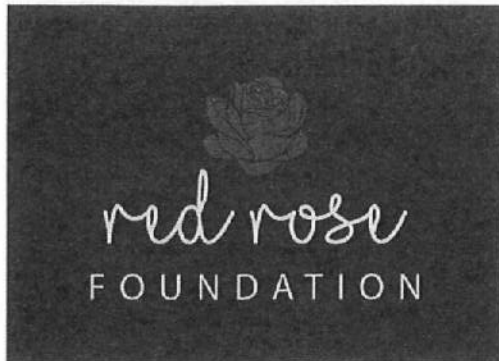
And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

Taken and declared before me at

.....2022.

Taken By

Justice of the Peace / Commissioner for Declarations / Lawyer



7th July 2022



www.redrosefoundation.com.au

SUBMISSION

TO

Commission of Inquiry into Police Responses to

Domestic & Family Violence

Via email documents@qpsdfvinquiry.qld.gov.au

Written by Betty Taylor On Behalf of the Red Rose Foundation

Permission for publication

The Red Rose Foundation congratulates the Queensland Government on embarking on an important reform process by adopting the recommendation of Hear Her Speak, the first report of the Women's Safety and Justice Taskforce.

While the Taskforce was predominately focused on the options for the criminalizing of coercive control within domestic violence relationships, many submissions received by the Taskforce also articulated a range of issues regarding the Queensland Police Service and their responses to domestic and family violence.

Despite the efforts of government, the QPS leadership and the many dedicated officers who respond effectively to domestic violence, a Queensland woman seeking police help to stay safe from a perpetrator enters a raffle - she may get excellent assistance, or she may be turned away. Queensland women tell us that is not good enough. Police are the gatekeepers to our domestic violence protection system. A widespread failure to assist women seeking to escape domestic violence is apt to erode public confidence in the delivery of justice in Queensland. The Taskforce, by majority with one dissent, recommends that the Queensland Government establish an independent commission of inquiry to examine these issues within QPS.
Justice Margaret Mc Murdo. Taskforce Chair 2022

A Commission of Inquiry to examine Queensland Police Service responses to domestic and family violence has been established with Justice Deborah Richards leading this inquiry.

The Terms of Reference:

1. whether there is, and if so, the extent and nature of, any cultural issues within the Queensland Police Service (QPS) relating to the investigation of domestic and family violence.
2. examine how any cultural issues identified within the QPS relating to the investigation of domestic and family violence have contributed to the overrepresentation of First Nations people in the criminal justice system.
3. assess the capability, capacity and structure of the QPS to respond to domestic and family violence, having regard to initiatives undertaken by the QPS in responses to previous reports and events.
4. examine the adequacy of the current conduct and complaints handling processes against officers to ensure community confidence in the QPS; and any other matter the Commission considers relevant for consideration to deliver its Report.

The Red Rose Foundation

The Red Rose Foundation Australia is a national, not for profit organisation based in Brisbane. Through our work, we maintain a strong focus on addressing the specific issues surrounding domestic violence deaths including homicide, suicide, premature deaths from domestic violence related injuries and accidental deaths arising from incidents and or / histories of domestic violence. Research informs that the majority of domestic violence deaths are predictable and preventable. The focus of the foundation is two fold: provide direct support to survivors of high risk -high harm domestic violence and address systemic gaps in service systems through training, education and research.

To further the mission of the Red Rose Foundation, we have:

- Established the Australian Strangulation Prevention Institute to further advance research and training on non-lethal strangulation.
- Opened Australia's first Strangulation Trauma Centre to provide a range of therapeutic supports for women experiencing high harm domestic violence.
- Delivers a range of training on high risk high harm domestic in diverse professional settings including training to Queensland Police Service.

The Red Rose Foundation has always maintained a respectful professional working relationship with QPS with senior members holding a position on the board of the Red Rose Foundation. These officers being former Assistant Commissioner Brett Pointing, Chief Superintendent Ben Martain and current board member A/Inspector Mel Dwyer. It is our position that a respectful and collaborative relationship with QPS will lead to better outcomes for domestic violence victims.

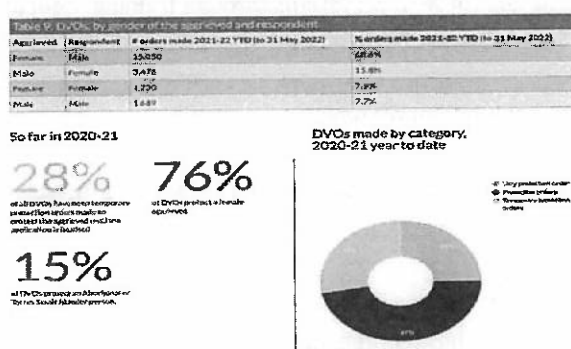
The CEO of the Red Rose Foundation, Betty Taylor, is a founding member of the Queensland Domestic & Family Violence Death Review Board and has sat on various police consultative committees over many years. The relationship Red Rose Foundation has with QPS is one of working collaboratively at every opportunity possible while also taking a strong advocacy role both individually and systemically when victim's safety, access to legal protection and human rights are compromised.

Further information www.redrosefoundation.com.au

Domestic Violence in Queensland

There is no doubt that domestic violence is a serious issue in Queensland. Court data for July 2021 to May 2022 shows there were 26,232 applications lodged with Queensland Courts under the Domestic & Family Violence Protection Act 2012.

89% of these applications were lodged by Police
72.3% of applications involved intimate partners



15% of application were lodged to protect ATSI victims

Queensland Police respond to 295 domestic violence call a day accounting for 40% of their time.

Brisbane Times August 2021

During the same period, there were 17,137 convictions recorded for breaching domestic violence orders.

Table 11 is a count of defendants convicted of contravention of a DVO. One defendant can be convicted of more than one offence. Table 11 shows the most serious penalty imposed on a defendant at the time they are sentenced for their charges.

Table 11: Defendants convicted of contravention DVO offences, listed by penalty imposed

Penalty	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22 YTD (to 31 May 2022)
Imprisonment (Detention)	4,173	4,542	4,835	4,852	4,763	6,185	5,819
Custody in the Community	56	163	171	52	52	80	55
Community Service Order	329	403	352	279	250	410	267
Probation	2,280	2,944	2,735	2,842	2,269	3,887	3,397
Monetary Order	3,763	4,049	4,132	3,986	3,330	6,023	5,392
Good behaviour/Recognition	693	933	890	899	1,637	1,080	1,026
Other	479	598	730	790	733	1,854	1,261
Total	11,873	13,532	13,745	13,700	12,834	18,629	17,137

<https://www.courts.qld.gov.au/court-users/researchers-and-public/stats>

Responding to the Terms of Reference

- **Introductory Statement**

The Red Rose Foundation has made a submission to the Women's Safety and Justice Taskforce and believes the Commission of Enquiry has access to these submissions however, the terms of reference and the focus of both inquiries are quite different. A more widely published call for submissions over a longer time frame could have allowed for more people / agencies to respond.

The Red Rose Foundation acknowledges there are many currently serving officers who respond everyday with respect and due diligence to victims safety. Many go above and beyond in their responses to domestic violence victims. We know the difference this makes. However, we also acknowledge there are also many officers who fail victims by dismissing their complaints, ignoring their safety concerns, not taking action to hold perpetrators accountable for their violence and thereby placing lives at risk. We believe this inconsistency is not limited to one station or one district but is problematic across the State.

- **Systemic Failures**

The Stated Vision of Queensland Police Service.

Delivering safe and secure communities through collaboration, innovation and best practice.

This vision statement should be what underpins all policy, programs and operations within QPS. It is what all officers should aspire to. Sadly the reality falls a long way short.

So many victims of domestic and family violence are let down when the entire operation of QPS is not in sync with the values espoused in the vision and mission of QPS. As we have seen with recent Coronial Inquiries, there is something seriously wrong when victims reach out on multiple occasions and their pleas for assistance fall on deaf ears. The failings of QPS in not responding to domestic violence in a heightened, domestic violence informed and timely manner can have catastrophic consequences.

The importance of understanding domestic violence lethality indicators is a critical element of all domestic violence responses. It should be a core element of policy, procedures and training.

Domestic violence fatalities are considered to be the most preventable of all homicides.

In Australia in 2018–19, intimate partner violence (IPV) homicides accounted for 21 per cent of all homicides and for 62 per cent of all domestic homicides, according to the Australian Institute of Criminology. A significant proportion of domestic homicides occur in a context of domestic and

family violence, meaning there is an identifiable history of abuse between the parties that precedes the fatal episode. (ANROWS 2022)

The diverse range of abusive tactics identified in the ANROWS Report included physical, emotional, social, financial, sexual violence and stalking, suggesting any relationship that exhibits domestic violence, whether physical or non-physical, is embedded with a risk of lethality.

There is a misconception both within QPS and the wider community that non-physical abuse is less serious. The introduction of coercive control legislation, training and community awareness will go some way to correct this.

However current police practices need to change now to ensure that every front line officer respond to domestic violence with the goal of enhancing safety and reducing risks.

Learning for Homicides: Identifying Systemic Failures

The key mechanisms for understanding systemic failures are looking to the recommendations of Coronial Reports and the Annual Report of the Queensland Domestic and Family Death Review Board.

- **Doreen Langham 49 years**

https://www.courts.qld.gov.au/data/assets/pdf_file/0006/723372/cif-langham-and-helv.pdf

The death of Doreen Langham was subject to both a Coronial Inquest and report from the DFV Review Board. There were 20 lethality indicators identified prior to Doreens Death. There were multiple contacts with police, multiple opportunities to identify and respond to the heightened and escalating risk.

QPS use a well developed risk assessment process called DV PAF. If officers are adequately trained in identifying and responding to high risk domestic violence utilising DV PAF, failings on the magnitude of those that occurred in the case of Doreen Lambert should not have occurred.

- **Hannah Clarke and her children Aaliyah, Laianah and Trey**

https://www.courts.qld.gov.au/data/assets/pdf_file/0010/723664/cif-hannah-clarke-aaliyah-baxter-laianah-baxter-trey-baxter-and-rowan-baxter.pdf

There were 29 lethality indicators were present prior to the deaths of Hannah and her children

Again, there were failures to recognise high risk indicators and potential for lethality. Significant high risk indicators including, strangulation, stalking, sexual coercion, child endangerment, breaches of a domestic violence and threatening behavior all should have resulted in an escalation of responses with a referral to a high risk team and senior officer oversight.

The failure to recognise and respond to high risk fatality indicators, poor communication and lack of collaboration across agencies, lack of information sharing, lack of escalation to high risk teams, lack of oversight by senior officers.

Addressing these failures goes beyond more training (although this is certainly needed). A review of how high risk domestic violence cases are managed, reviewed and followed up is needed.

What is of concern is how any improvements in policing domestic violence are sustained and maintained.

Raising issues of policing domestic violence was first documented in 1988 with Beyond These Walls. This watershed report shone the spotlight on domestic violence for the first time. Victims were able to give insight into living with violence and abuse behind closed doors. Legislative and policy reform followed as did funding for shelters and other programs.

The issues with poor police responses was again raised in 2005. The Crime and Misconduct Commission undertook an inquiry and released a report Policing Domestic Violence in Qld. <https://www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CMC/Policing-domestic-violence-in-qld-Report-summary-2005.pdf>

Once again victims of domestic violence voiced their concerns.

Victims' expectations of police and their actual experience with them seldom corresponded. CMC 2005

The report stated Police are often the first line of response for victims, and their actions can affect future victimisation risks.

And now we come to 2022 and once again victims are again voicing their concerns of failures from QPS. Hundreds of victims have written to the Women's Safety and Justice Taskforce and we understand this Inquiry has access to those submissions. For 34 years women have been writing, lobbying and crying out to be heard. We at the Red Rose Foundation also know that women have written on numerous occasions to politicians, courts, complaint tribunal including QCAT.

Now is the time for them to be heard. Change needs to happen. It needs to be well considered, no more quick fixes, it needs to be sustainable, it needs to be transparent and processes need to be put in place to enhance accountability.

As stated, the Red Rose Foundations provides a range of counselling, health and justice services to women who have experienced domestic violence strangulation. Strangulation is considered an extremely high risk factor with victims 700 times more likely to be murdered. Other victims are often left with lifetime injuries including brain injury.

The Queensland Sentencing Council advises that 98.3% of strangling offenders were male. 49% of the strangulation offense occurred as a breach of a domestic violence order. (Queensland Sentencing Council 2019)

The Red Rose Foundation were the key group who lobbied for a separate offence of strangulation in a domestic violence setting. 315A of the Criminal Code was enacted in 2015.

Over the last 7 years, QPS has participated in several significant training events with strangulation experts from the US brought to Australia by the Red Rose Foundation. QPS have since developed their own training and resources to enable first responder to recognise and respond to strangulation a high risk high harm violence.

However, response to strangulation are still very inconsistent: Some of the comments made to us by our clients include:

I cant see any injuries so you are ok

The strangulation wasn't taken seriously

I wasn't told how serious it was or that I need to be checked medically

No action was taken at all

It took too long to respond

They didn't listen

They believed the perpetrator based on his demeanor

They took out a protection order but no criminal charges

Following up with Police was as traumatic as the original assault.

Case Study...Red Rose Foundation Client K

After police failed to take out a DV order on my behalf on the night of the strangulation, and as a means to try and regain some form of control and a sense of security, I made the choice to take out a request for a DV application myself. This started a roller coaster of system failures and police shortcomings, not the least of which was the fact that as police had failed to take out the order on my behalf on the night of the assault, I (the victim) was left personally trying to navigate a DV system I knew nothing about.

At the hearing for the DV application, the female Magistrate was extremely perturbed after seeing photographic evidence of my injuries and medical reports from the hospital and doctors. She requested the Police Prosecutor who had been in the room for the previous matter become involved and overview the file which was provided to her by the Magistrate. After granting the prosecutor time to check her records, and the file handed to her from the Magistrate, the Prosecutor was asked by the Magistrate, why she felt Police had failed to take out the order on the night of the assault and whether she felt this case should be something police should be involved in? The Police Prosecutor agreed that it should have been taken out on the night of the assault and that they would be able to assist in the case from here on in. This however, was only to create a minefield of issues in the DV process through the courts as well as police failures that left me as a victim feeling isolated, and unsupported.

After the DV Order being granted a few months down the track, I received a late night call from my ex on the Eve of his birthday. I had been advised not to delete his number in case he attempted to contact me and breach the order. I did not answer the call but did call police, only to be told it was only an administrative breach of the order and not really worth reporting, but if I really wanted to report it, I should go to my local station the next day and make a statement.

I did so and when I arrived at the station was greeted by a female officer who asked me why I was choosing to report the breach as it was only something that the Respondent would most likely either try to write off as a butt dial, or someone utilising his phone as a joke! I responded by saying that I had been told that any breach should be reported and that I wanted it noted on the record that he had tried to contact me. The officer responded by saying that it wasn't really a significant breach but a simple administrative one. She reiterated that it was my prerogative to report the breach, however it would mean they would need to take a statement and they were not sufficiently staffed to do that at the point in time. She asked me to go away and potentially come back (if I still wanted to do it), the next day when they should have more staff to handle taking the statement. I returned to the station the next day and insisted on going ahead with the complaint and statement, as I thought was appropriate process under the DV Order. I was disillusioned and frustrated as a result of the experience and it only heightened my concerns that no-one was taking my case seriously, and that I was just as vulnerable at that point as I had been on the night of the strangulation.

Client K still does not have her strangulation matter resolved in the District Court, 2.5 years since the strangulation assault.

Recommendations

1. The systemic issues within QPS relating to the policy, procedures, programs, training, supervision, investigation, prosecution of domestic violence needs a whole of service review involving the Commissioner and Senior Officers.
2. A whole of service review needs to occur before the implementation of specific programs and projects.
3. A whole of service review includes looking at recruitment, core induction training, supervision and monitoring of new recruits.
4. Increased budget. If 40% of police time is spent responding to domestic violence, there should be a significant increase in budget and resources to match this.
5. Recruitment and retention of QPS personnel includes ensuring their personal beliefs and values are congruent with those of the QPS. Attitudes which undermine QPS response to domestic violence should be noted and addressed at each point of performance review and should certainly be a point for consideration in promotions.
6. Inclusiveness: Available data on QPS demographic would be useful for clients to especially those seeking support from ATSI and culturally diverse background.
7. A specific service response should be developed to address domestic and family violence in ATSI communities.
8. A management response to police officers who have domestic violence orders made against them. Such responses need to be timely, ethical and transparent taking into regard victim safety.
9. A management response to police officers who collude with perpetrators through accessing and passing information to perpetrators which could seriously compromise victim safety.
10. A review of current domestic violence policies, training and procedures is urgently undertaken to include;
 - Understanding and responding to Predominant Aggressor. Such procedures should give clear direction of how to determine predominant aggressor, questions to ask and how to escalate too senior officers is unclear of who the predominant aggressor is.
 - Enhanced oversight of high risk domestic violence cases with removal of discretionary powers for new junior officers. Cases to be escalated to domestic violence informed senior officers.
 - Understanding of why victims recant prior truthful statements.

- Understanding of coercive control as the context in which domestic violence occurs not as something that is separate to it.
11. Enhanced involvement of Vulnerable Person's Unit to have the powers to review cases referred to them.
 12. Domestic violence training to be co-designed, co-delivered and externally evaluated as an optimal.
 13. Adequate resources be allocated to domestic violence training.
 14. Time to be visionary: QPS to work with the Queensland Government and key external agencies to co-design and establish 2 Family Justice Centres in the Greater Brisbane area. Board members of the Red Rose Foundation have extensive knowledge of the Family Justice Centres which began in San Diego more than 20 years ago. The Family Justice Centres provide extensive wrap around services across domestic violence, sexual assault, elder abuse and child protection. We have been lobbying for such a centre in Qld for many years.. The newest Centre is California, One Safe Place, has 70 agencies co-located in some form within the centre. Family Justice Centers are capable of meeting client needs, reducing homicides, increasing victim safety, making victims more autonomous and empowered, reducing fear and anxiety among victims and their children, helping victims avoid recanting or minimizing their experiences, making service providers more efficient and collaborative, making offenders more likely to be prosecuted, and connecting victims and their children with support services."
 15. Implement further roll-out of Focused Deterrence programs across Qld to address high risk offenders known to police. A pilot of focused deterrence, Tango Alessa, was implemented and introduced. This could be expanded to include optimal components of crime prevention as developed in the US. (Centre for Court Innovation)
 16. No watch-house bail for high risk domestic violence offenders as was the case prior to the homicide of Kelly Wilkinson.
 17. The Red Rose Foundation supports the establishment of an Office of Domestic Violence & Sexual Violence Commissioner similar to the Children's Commission to provide external oversight, policy direction, research and victim safety advocacy.

References

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