



**QUEENSLAND POLICE SERVICE  
STATEMENT OF WITNESS**



Occurrence #: \_\_\_\_\_

Statement no.: 1 Date: 16/07/2022

Statement of

Name of witness: HABERLAND Danny

Date of birth: \_\_\_\_\_ Age: \_\_\_\_\_ Occupation: Police Officer

Police officer taking statement

Name: HABERLAND Danny

Rank: Acting Senior Sergeant Reg. no.: 31423

Region/Command/Division: FNR Station: Yarrabah

Statement:

Danny Haberland states:

1. I am currently employed as a police officer by the Queensland Police Service (QPS) where I have worked since 2012. My substantive position is Sergeant – Shift Supervisor where I have been since April 2021. I am currently relieving as Acting Senior Sergeant – Officer-in-Charge of Yarrabah Police Station.
2. All of my service has been in Far North Queensland including approximately 18 months in Aurukun and approximately six months in Coen. I have worked in several stations and continue to perform duties in various locations which provides me with

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preparing statement)

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several opportunities to speak with officers from across the region.

3. Prior to joining QPS I was employed as a Senior Industrial Engineer for an international corporation, before which I worked for the same company as an Operations Manager. This organisation was heavily focused on operational efficiency and my last role involved investigating and facilitating operational and procedural improvements, a role that I enjoyed and performed to a high standard.
4. I hold a BA (Hons) degree in Business Administration, a Postgraduate Certificate in Management and a Masters of Business Administration.
5. My current and substantive role leads me to have contact with Domestic and Family Violence as part of every shift. It is a combination of my varied experience and current position that leads me to complete this statement. I make this statement purely with positive intent to provide feedback to attempt to improve DV processes for police and thereby improve the ability of police to successfully complete DV procedures. I hope any improvements made will assist police in doing their job and continue to serve the community to the best of their ability.
6. I have seen several iterations of dv procedures and legislation in my time as a police officer. In my experience, and anecdotally, the changes are received by police as being to the detriment of front-line officers which make their job harder, with no apparent benefit to the aggrieved. Again anecdotally, most general duties police officers that I have interacted with feel immense pressure and stress when investigating dv which stems from the overly complex procedures that police officers are required to comply with. I also believe from anecdotal interactions that there is widespread sentiment that first



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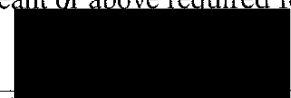
response officers are being held ultimately accountable for the actions of all other parties involved in the matter and work in fear of making a mistake. I also regularly observe police officers working hard to comply with all requirements to avoid making mistakes and do a thorough job. These are my personal and honest observations.

- 7. From my personal observations and experience in Far North Queensland, I believe that first response officers do a fantastic job of attending to and investigating calls for service to dv incidents. The pain points commence with the convoluted and complex procedures that officers are required to follow after the event that absorb hours of a first response crew's shift. These processes come at significant opportunity cost to the QPS and therefore to the community.
- 8. With my experience including that as an Industrial Engineer, I am a proponent of the widely-used KISS principle noted by the U.S. Navy – Keep It Simple, Stupid. A simple and efficient process is far more likely to result in greater acceptance and fewer errors or omissions.
- 9. The first point I will raise is the initial application process. Currently there are three documents that police use relating to DV Orders – Police Protection Notice (PPN), DV Application and DV Application to Vary. These documents are all substantially the same except for the title and consist of naming the parties, an account of the incident and required conditions. The use of and approvals for these substantially similar documents is complex and inconsistent and, in my experience, creates unnecessary complexity for police officers with no benefit to the aggrieved.
- 10. For a police officer to issue a respondent with a PPN, they require the approval of an independent officer of the rank of Sergeant or above, with a Senior Sergeant or above required for



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ouster and no contact conditions. These notices can be issued to a respondent without any need for custody and are effective once served.

11. A DV Application serves essentially the same purpose however requires no approval. In addition, a DV application requires a respondent to be taken into custody to apply release conditions to the respondent. This goes against the aim of minimising custody and the associated risks. In remote locations, it is likely the same officers that manage custody and release responded to the initial job, effectively negating the need for any approval as required by a PPN.

12. My first suggestion is to remove the requirement to obtain approval to issue a police protection notice. This is particularly impractical as most of the time the approval comes from a single officer (the District Duty Officer), who has overall responsibility for the entire district and is not always available, causing delay. In remote areas, there are still several locations where neither phone nor radio reception is available, making it impossible to obtain this approval.

13. A particular pain point arises when cross-orders are involved as police officers cannot issue a PPN in these circumstances. This effectively forces the police officers to take the respondent into custody to complete a DV Application and allow release conditions to be applied to provide immediate protection to the aggrieved.

14. In-custody DV procedures have also become unnecessarily complicated. I have attached a job-aid which is used to assist watchhouse managers with the process.

**I am able to produce a copy of the above-mentioned job aid marked as exhibit .....**

15. If the respondent is in custody for a new DV matter with no cross-orders, the applicant officer is required to complete and

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submit both a PPN and a DV01 for the same matter and the respondent is released subject to the conditions of the PPN. If, however, the respondent is an aggrieved on a current order and the police officer is applying for cross-orders, the applicant officer completes a DV01 and the respondent is released subject to release conditions. This provides unnecessary confusion, complexity and delay to what should be a simple process of applying for a DV order. The beginning and end points are the same, the content of the application is the same, the documents are substantially similar yet the processes differ and cause trip-points for police officers to potentially jeopardise the application. None of these differing processes do anything to assist the aggrieved.

16. In relation to applications to vary, there is again no requirement for police officers to obtain any approval to complete a DV Application to Vary. The difference here is in the transfer process. There is no electronic transfer of DV Applications to Vary to the relevant court. Instead, informal processes exist which differ from station to station, generally with those in physical proximity to courthouses physically giving these applications to the court, and remote locations sending them by email. This again creates a tripping point that I have experienced where a court has declined to hear an application to vary as they did not receive it before the day of court.

17. The difficulty I have had in articulating these procedures underlines the complexity first response officers face every shift.

18. My suggestion to points 8 to 14 are as follows:

- Provide police with one mechanism for applying for DV Orders – the PPN – for all in-custody and in-field matters.

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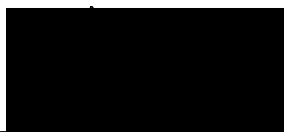
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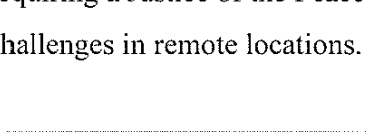
- Reduce the requirement for approvals for PPNs. No approval should be required for a mandatory condition only PPN. For additional conditions, an independent officer of the rank of Sergeant or above can approve, with a mechanism for post-dated approvals in remote areas.
- Remove the need for police to make an application to vary an existing order. Police officers should be able to complete a PPN with new conditions, and if the order is granted, it replaces the existing order.

19. The second major pain point in relation to domestic violence for police relates to document service. Police officers spend a significant amount of time serving and re-serving respondents documents relating to the same matter. I know of an individual in Yarrabah that police have had to attempt to locate and serve temporary protection orders and notices of adjournment ten times for the same matter. In remote locations especially, it can be extremely difficult to locate a person that doesn't want to be found with police officers directed from house to house around the community. Some divisions in remote communities stretch across vast areas, such as Coen which comprises of approximately 32,000 square kilometres patrolled by four officers. This is compounded by several anecdotal incidents where courts have insisted on personal service of documents instead of accepting legislated substituted service options, as well as requiring personal service of documents on the aggrieved over and above what I understand to be the legislative requirements.

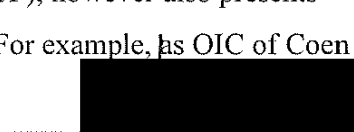
20. Requiring a senior officer to witness the signature of an officer on a statement of service was a huge improvement over requiring a Justice of the Peace (JP), however also presents challenges in remote locations. For example, as OIC of Coen I



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was the senior officer with no other police within three hours in any direction. I had to take opportunities to serve DV documents as locating people can be impossible and opportunities need to be seized as they present. Consideration should be given as to whether this second signature is required, or whether it can be any other officer, which still presents a challenge in single-officer stations which are also often remote. Officer statements such as this one does not require a witness signature, it should be a consistent process for DV document service.

21. The internal process for serving of documents involves several steps. After locating a person and serving a DV document, police officers are required to:

- Produce a statement of service
- Sign the statement in front of a senior officer
- Scan the statement and email to themselves
- Import the scanned document into Qprime
- Expire document service flags relating to the subject person
- Locate the served document in Qprime and mark the document as current
- Complete the 'served by' field
- Complete the 'explained by' field
- Print the served document(s)
- Attach the statement of service to the served document(s) and provide to the court

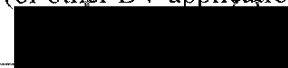
22. Management of document service in the station also requires investment of supervisor time to ensure that all DV documents are served where subject people can be located.

23. In order to simplify this process, consideration could be given to moving towards a 'serve once' process. When a respondent is located, they are served with a PPN (or other DV application



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document) which contains the details of the court appearance, with the onus placed on the respondent to follow the process through. This would be the one and only document served on the respondent. Should a respondent elect not to monitor the process, any order made would take immediate effect as explained on the PPN document. This would release a substantial amount of police resources which would be better spent in prevention and disruption activities or in follow-up investigation of other matters. As per current procedures, the aggrieved would be advised of the condition sought at the conclusion of her interaction and the subsequent court process would determine which conditions would be on the order if one is made.

24. If a respondent fails to attend court and has not provided notice in advance that they will not be attending for a genuine reason, it should be deemed there is no dispute to the facts and the matter should be finalised at that point. Matters should not be repeatedly adjourned when parties fail to attend court.

25. Of interim assistance would be to empower police liaison officers to be able to serve domestic violence documents and complete statements of service under current procedures.

26. Reporting non-DV matters is another area that requires review. As well as investigating when domestic violence does happen, front-line police officers spend a significant amount of time reporting on when domestic violence doesn't happen. This relates particularly to No DV occurrences and unfounded DV breaches. Again anecdotally, it seems to me that most front-line police officers recognise the value in completing DV-Other occurrences that assist in building grounds for a DV Application / PPN at a later date. The pain points arise when front-line police officers are required to complete No DV occurrences, or to furnish DV breach occurrences only to

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unfound them after obtaining OIC approval when no DV has occurred. Again the opportunity cost here is that these same officers could be deployed to prevent crime from occurring or to investigate offences that have already occurred, instead of about an hour reporting on something that didn't happen. These occurrences also require the approval of an independent Sergeant.

27. I believe most operational officers understand the need for a 'safety net' in the form of an approval in these circumstances, however the over-reporting is something that I believe needs to be considered. In cases where the incident does not constitute domestic violence police officers should not be required to report unless other offences are identified. Examples are disturbances involving children that are reported as DV, or occasions where an aggrieved reports events which do not constitute a breach, for example the respondent has been drinking and the aggrieved does not want the respondent at the house and wants police to remove them.

28. In Yarrabah I experience these calls for service regularly. A particular address in Yarrabah has had police attend over thirty times in 2022 alone with such complaints. Similarly many hours are spent furnishing DV-Other occurrences for children misbehaving in the community, or where offences have been committed but DV legislation does not apply due to age etc. Opportunity cost again. A recent example was that a mother called police to report her teenage children arguing over takeaway. Police attended this job in a DV context.

29. Compiling a Brief of Evidence for a DV application also presents a challenge to police officers, in particular the requirement for affidavits as opposed to statements. For example, if a respondent has been issued with a PPN / DV Application and charged with assault for the same incident and

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elects to contest both matters, the aggrieved is required to provide an affidavit for the DV application and a statement for the assault charge. To add to the complexity the requirement for a JP to endorse the affidavit which is often a challenge in a major centre and can be impossible in a small, remote community. In the interests of keep it simple, the most often complaint I hear from police officers in these situations is that they want to follow one process and obtain our regular police statements that contain the same information.

- 30. This is also a challenge when it comes to private DV applications which are often lacking in content and lead to a brief of evidence request which is usually allocated to the officer who served the application and has no other involvement.
- 31. Charging offenders with domestic violence breaches presents investigating officers with another set of challenges. In my experience, sometimes the aggrieved simply wants the immediate situation resolved and co-operation from the aggrieved is withdrawn when officers re-visit to attempt to obtain a statement. I am aware that the use of police body-worn camera footage as evidence is being considered which would negate this hurdle.
- 32. A further pain point is the requirement for police officers to include a Notice of Intention to Allege Previous Convictions for DV offences. Amongst the complexity of dealing with the aftermath of a DV incident this additional requirement can be overlooked and, in my experience, remains a bone of contention amongst police officers. It is yet another document that needs to be produced and served personally on the defendant. This applies equally to all offences that require this document to be completed and served, especially where a Notice to Appear is served in the field. It presents yet another

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tripping point where if the document is missed amongst the myriad of procedures, it is to the detriment of the victim especially if the offender receives a reduced sentence due to missing a single document.

33. My final point in relation to DV processes relates to bail objections, which again also applies generally. In my experience, it takes between one to two hours to complete a bail objection due to the seemingly increasing need to include more and more information. This again keeps a first response crew off the road for this time and again creates an opportunity cost. In my opinion, the bail objection process needs to be streamlined and simplified. Ideally the document would be auto-generated and consist of the current incident and a list of outstanding matters and offender history.

34. Working in a remote area presents different challenges to being in a major centre. Although Yarrabah is not particularly remote compared to other communities in which I have served, there are still similarities.

35. Policing Domestic Violence in communities exposes police officers to a wide spectrum of behaviour, from simple name-calling to serious injury offences. Upon receiving a call for service, attending officers never know what to expect as reports are often over-played to get police to attend, frequently with a claim that a knife is being used. Several such DV calls for service relate to nothing more than an occupant of the house wants police to remove one of the other occupants for example. Liquor intoxication features frequently in my experience. Despite there being no offences for police to investigate, the officers are still required to ascertain who the parties are and whether a relationship as defined by the DV Act exists, and if so to complete reporting as described above. I estimate that it

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takes an hour of a crew's time to complete a report to report that nothing happened.

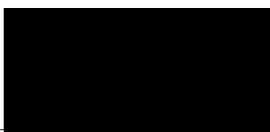
36. In instances where attending officers do encounter a serious situation, I believe the police officers do a good and thorough job and manage the incidents professionally.

37. Qlite use in remote communities is largely subject to the quality of the Telstra service available. In Yarrabah we seem to have a slow connection with some service interruptions, and a Telstra network that does not cover the entire community.

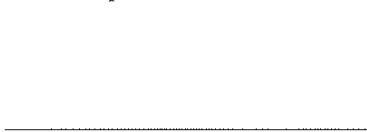
38. Qlite is currently going through a transition to new software which is still being developed. The Qlite has, in my opinion, become the most important tool a front-line officer has. When in an area that it cannot be used the police officer's job is made significantly more difficult. In my opinion, continued investment in this tool is essential and should be a priority.

39. There are also potential improvements to be made in the DV Application process in Qprime. One complaint that I hear frequently relates to the entry screen, in particular how the window where the facts are entered is so small. In addition, police officers are required to print out a hard-copy of the application to physically sign it to then scan it back into Qprime in pdf format. On occasion the pdf file is too large to be uploaded which creates delay in attempting to re-size the file to meet system requirements. Electronic signature would overcome this.

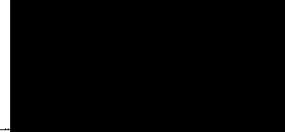
40. I have attempted to explain what I believe are the main challenges that police officers face and the red tape that surrounds the issue of DV. I provide this statement in the hope that these points are considered, and police can spend less time



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in front of a computer and more time keeping the community safe.

*Justices Act 1886*

I acknowledge by virtue of section 110A(6C)(c) of the *Justices Act 1886* that:

- (1) This written statement by me dated **22/07/2022** and contained in the pages numbered 1 to 13 is true to the best of my knowledge and belief; and
- (2) I make this statement knowing that I may be liable to prosecution for stating in it anything that I know is false

..........Signature

Signed at YARRABAH this 22nd day of JULY 2022



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