Professor Heather Douglas: Report to The Commission of Inquiry into Queensland Police Service Responses to Domestic and Family Violence

To: Jane Moynihan
Executive Director,
The Commission of Inquiry into Queensland Police Service
Responses to Domestic and Family Violence,
Parliament of Queensland,
PO Box 12264, George Street,
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Dear Ms. Moynihan,

Thank you for the opportunity to provide an expert report. I am a Professor of Law at the University of Melbourne. I have been involved in gender-based violence research for the past 20 years, focusing primarily on domestic and family violence (DFV). During my career I have published over 100 papers describing the findings from DFV research on a range of topics. Between 2015-2018 I undertook interviews with 65 women, on multiple occasions, to explore their experience of DFV and the role of the legal system in response (Douglas, 2021). In the context of that research, I asked women about their experience of police (specifically addressed in Chapter six). I am also the coordinator of the National Domestic and Family Violence Bench Book (AIJA: 2022), an online resource developed to support judicial officers responding to DFV.

I have been asked to address the following (based on emails from Stephanie Gallagher dated 30 June 2022):

1. Themes identified by women in relation to policing in domestic and family violence cases: Information relating to chapter six of *Women, Intimate Partner Violence and the Law* and the study I conducted underpinning the book - themes identified as relevant, beyond the three identified in the book.
2. Good policing practices particularly surrounding policing coercive control: What practices constitute good policing in relation to DFV, with reference to your research in other jurisdictions where things can get missed or go wrong or where improvements might be made by police in that area. What do other jurisdictions do well when policing coercive control?
3. Multidisciplinary DFV stations/teams: Explain whether in favour and why, what you think works well/does not work well
4. The DV-PAF: When it should be administered (eg at the call out, after the callout is finished by police and they're back at the station), how it should be administered and things that could be improved.

I have addressed these topics in turn below.

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1. Issues identified with policing intimate partner violence (Ch. 3), *Women, Intimate Partner Violence and the Law*

In my interviews with 65 women who had experienced DFV I found that nearly all of them (n59) had at least some contact with the police during the course of the three-year study.

The study included 24 women who had moved to Australia from overseas as an adult and for whom English was not their first language and six Aboriginal and Torres Strait Islander women. All participants had accessed legal services to respond to DFV in Southeast Queensland over the past twelve months before the first interview.

In speaking with the women, I identified three key themes of concern regarding their reported experience with police. These were that police often did not understand the dynamics of DFV, that women often perceived police to be aligning with male perpetrators and that police would often refuse to become involved where there were children of the relationship. I discuss these themes in turn below. I note there were some positive aspects of police engagement identified by the women I interviewed, and I discuss these points below also.

- **Lack of understanding of the dynamics of DFV**

A common issue raised by the women I interviewed was that police sometimes misunderstood the context of IPV and minimised women's experiences of abuse, especially when the reported abuse was not physical abuse (Douglas, 2021: 124). In effect police often failed to take DFV, as coercive control, seriously.

Stark (2013: 18) has defined coercive control as a pattern of behaviour 'typically characterized by frequent, but low-level physical abuse and sexual coercion in combination with tactics to intimidate, degrade, isolate, and control victims'. Boxall and Morgan highlighted that coercive and controlling behaviours reported by family violence victims coalesced around several themes: jealousy, monitoring of movements, financial abuse, social restriction, emotional abuse and threatening behaviours (Boxall and Morgan, 2021: 6).

For example, women I interviewed reported that they received multiple text messages but unless the messages were overtly threatening it was difficult to get a police response (Douglas, 2021: 125; 127). Women said that police officers described text messages as 'technical' or 'soft' breaches of protection orders (Douglas, 2021: 125).

Police failure to take non-physical abuse seriously has been identified in other studies (eg: Li, Levick, Eichman & Chang, 2015; Myhill, 2019, p. 60; Gover, Paul & Dodge, 2011). A recent English study found that in determining whether DFV was 'serious', police most often mentioned physical assaults and injuries rather than harassment or breach of a protection order (Myhill 2017, 9). In an Australian online survey of 493 lawyers and community advocates, 52 per cent of respondents

reported that they had submitted one or more written complaints about police in the past two years (Goodman-Delahunty and Corbo Crehan 2016, 1011). The authors identified that in a 'substantial' number of cases, police justified their refusal to act in response to DFV on the basis that the alleged victim had no visible physical injuries (Goodman-Delahunty and Corbo Crehan 2016, 1016).

A recent Queensland example of police not taking non-physical abuse seriously is seen in the Langham and Hely (2022: 66) inquest where Langham made multiple reports to police about stalking type behaviour to police prior to her death and these reports were largely not acted upon.

Patterns of coercive control and incidents of non-physical abuse are already recognised as DFV in protection order legislation in Queensland in relation to protection orders (*Domestic and Family Violence Protection Act, 2012,* (Qld), s8), for bail (Bail Act 1980 (Qld), s16(2)(f)) and sentencing purposes (Queensland Criminal Code, s1; Penalties and Sentences Act 1992 (Qld), s9(10A)) and DFV related offences. A failure to take non-physical forms of abuse seriously or understand coercive control has implications for how police gather evidence to support criminal charges and associated bail and sentencing submissions, protection orders and referrals. In the United Kingdom, the Home Office (2015: 12-13) has developed statutory guidance for the Crown Prosecution Service around the types of evidence that might be helpful in case-building in relation to the coercive control offence. This document provides helpful information around how to collect evidence, what to look for, and potential barriers and needs regarding victims of coercive control.

Regardless of future law reform, it is important that all police are trained regularly about coercive and controlling behaviour and non-physical forms of abuse in the context of DFV. The Home Office (2015) Statutory Guidance document could be usefully adapted to the Queensland context for training and support for police given that coercive and controlling behaviour is already relevant in the context of the protection order system and in sentencing submissions regarding DFV related offending.

Women in the study I undertook also found there was an expectation from police officers that they should leave the abusive relationship and felt that if they did not leave, they were judged harshly by police (Douglas, 2021: 135). I spend a chapter of my book discussing this issue in more depth (Douglas, 2021: chapter 9) but it is important that police understand that part of the dynamic of DFV is that women have often been threatened with many actions should they leave, they often know leaving at that moment may be more dangerous for them or their children than staying and they may be concerned about their children and what will happen to them if they leave, they may also be concerned about their financial or housing circumstances or their visa status.

In their survey of United States (US) police officers, Gover and colleagues (2011, 627) found that 71 per cent of police agreed that 'many DV victims could easily leave their relationships but

don't'. Research has shown that women who leave a violent relationship often take a long time to do so and may call on police many times before finally ending the relationship (Meyer 2011, 276; Strang, Neyroud and Sherman 2014, 227).

It is important that all police are trained regularly about the myths and misunderstandings surrounding DFV and generally about the dynamics of DFV and coercive control (AIJA: 2022, [4.1]; [3.2])

- **Aligning with abusers**

Increasingly research is identifying abusers' use of systems (including police and courts) in their efforts to control their partners' lives. In some cases, these strategies may result in police misidentification of the person who is most in need of protection (for literature reviews see AIJA, 2022: [3.1.11]; [4.4.15]). Misidentification can have far-reaching effects including people in need of protection missing out on protection orders or having them made against them, losing contact with children, facing criminal charges and disengagement from the legal system (Douglas, 2021: 68-69, 102-106; 132-133; Reeves, 2021: 49)

A further factor contributing to misidentification may result from police expectations of how victims usually behave. For example, a woman I interviewed explicitly identified this issue. She said she was not 'meek and mild' and therefore she was 'not the right kind of victim' (Douglas, 2021: 40).

Women I interviewed who called the police said they often did so in a state of distress while, from their perspective, their abusive partner appeared to present as rational and in control of himself and the situation (Douglas, 2021: 131). For example, Frieda said that the police told her that her partner 'felt nagged in the relationship' and Frieda felt blamed by the police (Douglas, 2021: 131). Monica said that her partner acted like 'the perfect gentleman' whenever the police arrived and Vera's partner pretended he had a disability when the police arrived (Douglas, 2021: 131-133). While women said that being highly stressed meant they were sometimes viewed as 'overreacting' by police, women 'underreacting' might be a problem too. Lisa explained that when she called the police she spoke very quietly as she didn't want her abuser, who was outside the house, to hear her fear but she felt she wasn't believed by police (Douglas, 2021: 133).

Again, the recent inquest findings regarding Langham and Hely (2022) highlight some police expectations of how victims should behave and the kind of image management that perpetrators may engage in. Langham's claims were dismissed by police because Langham was laughing and joking with police about the threats and property damage she reported, while when Hely told police he was leaving town, police did not further investigate- presumably believing him (Langham and Hely, 2022: [275]). Perpetrator image management was also highlighted in the Clatke and Baxter (2022) inquest findings.

People do not always respond in the same way to fear. In *R v Skey* [2020] QDC 27 Cash DCJ pointed to research underscoring the unreliability of demeanour in determining who is lying. This has implications for determining who most needs protection and whether a person is a reliable witness. Goodmark (2009) has identified the diversity of victims of DFV pointing to the stereotype that victims are passive and powerless.

Notably, the biases and stereotypes that some police may carry with them may make them less amenable to training and education. As Miles-Johnson (2022: 5) observes:

> Transcending personal viewpoints or cultural practices in policing, as well as overcoming police bias, is challenging for some police officers, particularly those whose background characteristics or occupational attitudes may shape their perception of police work, citizen engagement, and policing of different types of crime.

The recent announcement based on research by Nancarrow et al. (2020: 10) from the Queensland Government that guidance will be created for police and courts to help them identify the person most in need of protection is important and timely.

It is important for police to undertake implicit bias training to help ameliorate issues around stereotyped expectations about victims and to challenge their assumptions about perpetrators (AIJA, [5.10]).

- **Thinking about children**

Some of the women I spoke to expressed frustration about the lack of support provided to them in circumstances where there were children of the relationship (Douglas, 2021: 139-141). Even in cases where children were fully breastfed (Douglas, 2021: 140) women claimed that police had refused to intervene to have the child returned to their care in circumstances where the child had been removed by the father and not returned to them. Underlying the police response to these issues was a suggestion that fathers, even violent fathers, have a right to have contact with their children.

There is an ever-increasing evidence base about the impact of DFV exposure - both direct and indirect - on children (AIJA, 2022: [3.1.8]). In circumstances where there is DFV and there is evidence children have been exposed to it, applications for protection orders should identify children as protected under the application. Police are potentially well-placed to collect the requisite evidence of this in their preparations for a protection order application and such evidence can underpin submissions about appropriate and clear conditions relating to child contact prior to the parties engaging with the family law system. After a protection order is made the parties may obtain family court orders. Even then, however, there is scope for magistrates to vary parenting orders. Police could assist by seeking variations to conditions of protection orders if appropriate (AIJA, 2022, [10.1.6]; Family Law Act 1975 (Cth) esp. ss68R).

A woman I interviewed, Sandra, (Douglas, 2021:141) expressed her frustration with this aspect of the police response, but had some ideas for change:

> Police seem to pass the buck now there's a family court order in place. I see that the family court order needs to put conditions in that order relating to domestic violence and make it a combined one order. It will make police be able to do their job.

Obviously, the approach suggested by Sandra regarding family law intervention is beyond the scope of this reference but in her case, it would have been possible for police to assist Sandra to apply through the state courts for a variation of her protection order with a view to encouraging the magistrate to consider exercising their powers pursuant to the Family Law Act.

The failure to assess the risk for children in the police response was highlighted in the recent Clarke and Baxter (2022: 160) inquest findings. I note and support the recommendation, accepted by in principle by the Department of Justice and the Attorney General, and highlighted by the coroner that evidence-based questions that specifically assess the risks for children exposed to DFV will be included in the CRASF (Clarke and Baxter, 2022: 161).

Where there is a parent who is able and available to care for and protect the children involving child protection is not a helpful response. In some cases, as women in my study observed (Douglas, 2021, generally chapter 5), the concern that police worked closely with child protection services was a reason why they sometimes did not call the police. As others have noted (Langton, et al., 2021: 15) this is a very real concern particularly for Aboriginal and Torres Strait Islander people.

It may be useful to provide guidance for police and police prosecutors (and associated education and training) regarding state magistrates' powers regarding varying the conditions of protection orders, especially pursuant to the *Family Law Act 1975* (Cth).

2. Good policing practices particularly surrounding policing coercive control

In identifying positive police actions, many of the women I interviewed pointed to police actions that are part of standard police operations. These included explaining her options to her, taking her statement, investigating the incident of reported violence as a potential criminal matter – including taking photos of property damage and injuries, arrest and removal of the abuser, charging the abuser, and/ or taking the woman to safety (Douglas, 2021:145).

Other positive practical actions the women identified, that went beyond the basic requirements of standard police operations, included police assistance and supervision when she packed up her belongings after leaving, staying with the woman until she felt safe and following up to make sure she was not in danger in the days and even months after the initial police attendance (Douglas, 221: 146).

For example, Sandra said that her involvement with police has, overall, been 'excellent'. In her second interview she reported that 'the police have been working very closely with me in a sense.

They've been ringing me... six weeks would go by – "Sandra, are you alright? We haven't heard from you. We haven't seen you." So they were very - quite concerned ...' Similarly, at her third interview and two years after she had separated from her partner, Skye reported that a police officer still does half year check-ins to 'make sure nothing is going on' (Douglas, 221: 146).

Some women became deeply engaged with particular police officers over time and developed rapport with individual police officers and police stations. For some this built their sense of safety. Melissa (an Aboriginal woman) said:

> I actually formed a bond with one police officer ... He was a good bloke, because he followed through, and it was like, you know, because he's seen the history. I travelled to [his] Police Station... and he wasn't even in my area...and I travelled over to [the new station he was moved to] because he just followed through. I trusted him. (Douglas, 2021: 146).

Many women reported frustration that they were always dealing with different police officers and having to retell their story. Fiona recommended there should be 'one point or two points of contact ... at your local police station. Not talking to 10 different people... you get transferred to someone else and they don't know your background and your story' (Douglas, 221: 146).

Other researchers have explored this question of good policing of DFV. In an English study (before the offence of coercive control was introduced there) Kelly and colleagues (2014) asked 100 DFV survivors about safety (rather than policing). The authors found that one quarter of their respondents found police helpful while they were still with the perpetrator when they came quickly, took her seriously, made her feel safe and provided details of support organisations (Kelly et al, 2014: 42).

Specifically relating to policing coercive control, Myhill (2017: 14) interviewed police officers in England and Wales, prior to the introduction of the coercive control offence, he observed that for police to identify coercive control it 'may involve a complete shift in mindset for some officers who, at present, reflect an incident-specific focus and place injurious physical assault at the top of a hierarchy of evidence.'

Wiener's (2017: 512) research conducted after the coercive control offence was introduced in England and Wales identified that 'national-level compulsory training' needs to be implemented. Wiener identified that the stations most in need of the training that are 'short of time and resources' might miss it and this was a concern.

There is evidence that appropriate training can make a difference, improving police empathy with victims, their understanding of victims and the need for intervention to ensure safety (Dowling et al., 2018: 15). In one study of arrests pursuant to the England and Wales coercive control offence made between January 2016 to September 2019 researchers found that pre-registration, force-wide in-person training relating to coercive control was associated with an increase in the rate of arrest for the crime of controlling or coercive behaviour (Brennan and colleagues, 2021:1163). The researchers observed that training police force members to 'understand the context as well as the procedure surrounding coercive control was effective in increasing use of this new police

power' (Brennan et al, 2021: 1165). However, the same study found the effect of training had an impact for only about 8 months post training (Brennan et al, 2021: 1163), suggesting that regular refresher training is necessary. Given that coercive control is already a part of Queensland law, this training should be implemented across the QPS.

Research identifies that DFV is common part of work for first year constables. In his interviews with 46 first year constables Miles-Johnson (2022:7) identified several key themes including:

1. Domestic violence policing dominates police work and general-duties response.
2. First-year constables intensely dislike responding to domestic violence offences.
3. First-year constables use their discretion and apply previous interpretations of DV incidences and 'successful' tactics to respond to DV, rather than recognising and responding to the nuances of each DV incident.
4. Many first-year constables expressed frustration regarding police engagement with female victims of domestic violence during DV policing, due to inequitable expectations of treatment from police or perceived outcomes of justice.
5. First-year constables associate domestic violence with low socio-economic status, low education levels, and with specific groups of people.
6. First-year constables are frustrated by the lack of time they can spend responding to domestic violence in public, and at the station.

In response to these findings Miles-Johnson (2022: 15) observed:

> Given the frequency of DV policing that first-year constables undertake, it is clear that there needs to be less focus on aspects of police training and police skills that are not typically utilised during the working week (such as driver-response training, which is often held over a three to four-week training period) and more focus or emphasis in training recruits on the skills that are consistently utilised by all first-year constables across the state on a daily/weekly basis (such as DV recognition and response training). This would help prepare and equip first-year constables for the reality of policing work. There also needs to be a balance between academy training and field placement or station duty.

Training about DFV should be strengthened for police cadets. Police at all levels of the QPS should receive training about the dynamics of DFV and coercive control, such training should be in-person and repeated regularly.

Some researchers have suggested that the highly masculine culture of the police service might explain why the issues highlighted in this Report so far continue (Hoyle & Sanders, 2000; Westmarland, 2001). The overrepresentation of men among QPS recruits has been recognised by the QPS for years and efforts to recruit women (and gender diverse, culturally and racially diverse people in general) in necessary proportions has proved difficult (Crime and Corruption Commission, 2021) although I note efforts are still underway to address these imbalances.

US research suggests that there may be some differences in the way female versus male police officers do their job. Morin et al. (2017, 9, 26) surveyed police and found that more male (35 per cent) than female (22 per cent) police reported physically struggling with or fighting a suspect who resisted arrest, and that male (30 per cent) officers were about three times more likely than female (11 per cent) officers to report firing their weapon while on duty. Research by (Andrews & Miller, 2013: 1010-1011) suggest that 'the quality of life for women, as victims of domestic violence, can be greatly improved if there is greater representation of women within the police service' and 'female police officers with greater authority and more opportunity to exercise discretion actively represented women'. This might also have positive implications for women's experience as a police officer and support better retention (here I note the recent reports of Smee (2022) on sexism within the police service.) It may be that addressing gender balance within the police service may assist in encouraging cultural change and improved responses to DFV.

While I do advocate efforts to improve the gender (and cultural/racial) diversity of the police service, this is not to suggest that simply adding more women (and gender, culturally and racially diverse people generally) will be enough. As Smee's reporting (2022) indicates and as research has found (Angehrn et al, 2021) the police service can be a very unhealthy environment for women. It may be that expanded opportunities to work in multidisciplinary teams (discussed below) would prove appealing to some who may be attracted to work in teams that would presumably be less hierarchical, and male dominated than other parts of the police service.

I note that QPS has made a commitment to continued delivery of the 'Culturally and Linguistically Diverse Recruit Preparation Program' to provide police recruit positions for men and women from diverse backgrounds to increase diversity of the QPS workforce (Queensland Government, 2019).

There is a continued need to address gender, cultural and racial diversity in the Queensland Police Service.

A recent plan to accept 17-year-olds into the QPS (Queensland Police, 2022) may further entrench the concerning behaviours identified by the women I interviewed and may exacerbate the sexism experienced by women officers.

Notably the Fitzgerald Inquiry Report (1989: 250) which had much more time and evidence before it than this inquiry, expressed concern about the youthfulness of police recruits noting that lack of education is associated with police being isolated from the community, the development of an 'anti-intellectual sub-culture' and corruption is more likely to flourish. The Fitzgerald Inquiry Report observed: 'Police need a deeper appreciation of social, psychological and legal issues which are intrinsic to their work – an understanding that can only come from higher education.' (Fitzgerald Inquiry, 1989: 250).

The views expressed in the Fitzgerald Inquiry Report were highlighted in a 1996 review of police training and selection conducted by the (then) Criminal Justice Commission and the Queensland Police Force (1996:40) which added:

> There is general agreement that educational levels should form part of the police selection process. Most of the extensive literature concerning the professionalisation of the police advocates increasing levels of educational attainment as essential to that goal. ...[researchers] reviewed supportive evidence which suggests increased educational attainment is associated with greater job satisfaction, higher personal involvement in the job, greater emphasis on achieving self-actualisation, and more open-minded, less authoritarian or punitive attitudes of police officers...more educated police will receive fewer complaints concerning their work performance and attitude.

Given the complexity of the police role and the complexity of the social problems they are routinely tasked to intervene in, police recruitment strategies should be based on evidence about best practice regarding recruitment.

3. Multidisciplinary DV stations/teams.

Women's Police Stations have been highlighted (Carrington et al, 2020) as a way forward for QPS. I review the debates about these briefly before discussing multidisciplinary teams more broadly.

- 'Women's Police Stations'

While 'Women's Police Stations' (WPS) have become increasingly prevalent in many countries, there are a variety of models (Perova & Reynolds, 2017). First introduced in India in the 1970s, as Carrington notes they have also been introduced in Nicaragua, Sierra Leone, The Philippines, Uganda, Argentina and Peru (Carrington, 2020: 43, 48). In essence, WPS are police stations designed to respond to gendered forms of violence such as sexual assault and DFV (Kavanaugh et al, 2018).

Carrington's research has focused on Argentina (and more specifically Buenos Aires) where police work with psychologists, social workers and lawyers (Carrington et al, 2020: 48) but in some other places other services are also provided, for example in Peru medical services are also provided (Kavanaugh, 2018). Some WPS employ only women, while some are predominantly staffed by women (Jassal,2020: 1038; Carrington et al., 2020: 45; Kavanaugh et al, 2018: 445).

Carrington highlights three key ways in which WPS are different. They are: multi-disciplinary, involved in community prevention and provide support regardless of a formal report (Carrington et al, 2020: 48, 52). A key point about the multi-disciplinary professionals working in WPS seems also to be that they are often co-located.

There is significant discussion about whether or not the WPS model works, although ultimately there is relatively limited evidence about this question (Jubb et al., 2010: 39). In the Queensland context debate has been led by Carrington and colleagues (2020).

Importantly, research tends to highlight the importance of context in underpinning the introduction of WPS in the countries where they have developed (Delandes et al., forthcoming).

On the positive side, Perova and Reynolds (2017) report on quantitative findings, from research conducted in Brazil, that a WPS in a metropolitan municipality is associated with a 17% reduction in the female homicide rate (1.23 deaths per 100,000) with an especially strong effect for younger women aged 15 to 24 years (a reduction of 5.57 deaths per 100,000). In their study of public opinion data from 100 municipalities in Brazil, Córdova and Kras, (2020) report that WPS increase public trust and this increases the legitimacy of police. A study in India suggests that WPS have led to increased reporting rates (Skri et al, 2021: 10) and that along with increased reporting women shift away from general police stations to WPS in India where they are available (Amaral, Nishith & Bhalotra, 2018).

There have been some negatives, or at least ambivalence, identified regarding WPS. For example, Jubb and colleagues (2010: 40-43) found that studies were mixed regarding reduction and elimination of violence, access to justice, women's exercise of their rights and quality of service. For example, of the 20,268 petitions made to WPS in the Indian city of Chennai during 2004-2008, only 1.6 per cent led to a formal investigation (Natarajan & Babu, 2020: 445-446). Studies do point to significant under-resourcing and the implications for this, for example:

> The triple-cocktail of all-women police, all-women complainants, and attending exclusively to violence against women has proven itself to be a powerful symbolic and political formula for simultaneous interventions in the masculinist gendering of police cultures and a concomitant normalization of male-to-female domestic violence in broader, surrounding cultures. However, these purist separatisms can create unnecessary rigidities and unforeseen consequences: institutional ghettoization and backlog, impediments to police women who are uninterested in specialization and to police men with such interest, and getting conventional police stations off the hook by suggesting conventional stations need demonstrate no accountability to women citizens. (Hautzinger, 2016: 586 quoted in Deslandes et al, 4).

Importantly there is almost no research about WPS and Aboriginal and Torres Strait Islander people and there is no evidence that WPS can do anything to address many Aboriginal and Torres Strait Islander people's reluctance to seek police assistance.

- Multidisciplinary teams:

'Multiagency responses', 'multi-disciplinary service delivery', 'integrated responses' or 'wraparound support' (Zmudzki, et al., 2018: 2; Breckenridge et al, 2016; Rodgers et al, 2022;

Reuland, 2006) to DFV have been recommended for years (Meyer, 2011: 283-285) and there have been many experiments in approach. There is an increasing (although still limited) evidence base for this approach (Meyer, 2011; Breckenridge et al., 2016 – both pointing to various reports). QPS officers are also historically supportive of this approach. A 2005 report found that QPS 'officers believe that the complex social and health issues involved in domestic violence mean that police can only be effective in conjunction with assistance from other community agencies' (Crime and Misconduct Commission, 2005: x). Recent information sharing efforts are a version of this kind of response.

A key issue is that the agencies and services that police need to work with (shelters and ongoing housing, counselling, behaviour change programs, mental health, and legal services) continue to be chronically underfunded. This was made very clear in relation to at least two recent coronial enquiries (Langham and Hely, 2022; Clarke and Baxter, 2022). It is these services, for which there seems clear evidence of their positive impact on DFV, that funding needs to be directed.

Recent research about the needs of Aboriginal and Torres Strait islander victims of violence in Victoria by Langton and colleagues (2020: 13) specifically highlights the need for safe accommodation for v ctims including afterhours refuge care. A NSW DFV service highlighted similar concerns noting that specialist DFV services are not meeting current demand, there is a lack of funding for family therapy after DFV and a funding focus on prisons and corrective services rather than preventive measures and support services for all (reported in Langton et al, 2020: 14). Lynch (2022) also points out severe and unmet demand for legal support.

Similar conclusions were reached by Kelly and colleagues (2014) in the UK, they followed a group of 100 women, who had experienced DFV, over a four-year period and made a range of recommendations. Notably they recommended that all women and children who have experienced domestic violence should be able to access support for a minimum of two years after separation, and this should include:

- refuge and floating support;
- legal advice and advocacy;
- short courses on understanding domestic violence;
- specialist counselling and group work for women and for children;
- skills and confidence building workshops; and
- workshops and individual support orientated to (re)entering employment (Kelly et al., 2014: 8).

Notably in Australia, current service provision does not get close to fulfilling this level of support.

Prioritise funding for shelters and ongoing housing, counselling, behaviour change programs, mental health, and legal aid in the response to DFV.

Regarding multidisciplinary teams, Breckenridge and her team (2016) provided an overview of the limited evidence base around integrated responses and the use of multi-disciplinary service delivery for DFV in Australia. In their study they identified 48 evaluations about 33 initiatives,

most of which included police – 24 of 33 (Breckenridge, 2016: 4; 16). Breckenridge and colleagues (2016: 28) found that most of the programs were not physically co-located and:

> The most common service approach is an interagency model, whereby participating agencies maintain their existing practices, location, and personnel; and work in partnership with other agencies similarly maintaining existing structures. These interagency responses are often supported by a coordinating position or role.

Their literature review identified (Breckenridge, 2016: 3):

> .... common benefits, include[e]:
>
> - a broader range of services that are offered beyond the initial crisis period;
> - improvement of the professional knowledge base and service provider relationships;
> - facilitation of responsive and prompt decision-making;
> - increased cross-program or agency collaboration on case management; and
> - provision of multiple entry points for clients to access support.
>
> The review and mapping also revealed some significant implementation challenges with integrated responses, including:
>
> - power imbalances between agencies;
> - lack of common ground between perspectives and disciplines;
> - individual (client) perceptions of cross-agency control;
> - communication problems between and across services are a cause of frustration for clients and staff (these vary by jurisdiction/geographical area and include issues such as information sharing concerns);
> - unsustainability due to resource limitations; and
> - loss of specialisation and tailored responses.

In their review Breckenridge and colleagues (2016) identified two response models where police were part of the multi-disciplinary co-located team. These are highlighted below.

Family and Domestic Violence Response Team (FDVRT) (Breckenridge et al., 2016: 301-)

Co-located: Department for Child Protection and Family Support, WA Police, NGO CRS DV services (Anglicare WA, Lucy Saw Centre, Mission Australia, Patricia Giles Centre, Ruah Community Centres, Koolkuna; Share and Care Community Services, Waratah, and Women's Health and Family Services). Generally, the site of co-location - a police station.

Positive aspects: "The third monitoring report for the FDVRTs demonstrates significant improvements in the collaborative processes between partner agencies including increased commitment to, and practice of joint assessment, triage, joint responses and multi-agency case management. The effect of this improvement has been an increase in the quantity and quality of service responses offered to adult and child victims of family and domestic violence" (Quote from Breckenridge et al, 2016: 305).

SOCIT-MDC model (Sexual Offence and Child Abuse Investigation Teams - Multidisciplinary Centres) Vic (Breckenridge et al., 2016: 228 -232)

Co-located: Victoria Police; Centres against Sexual Assault; Department of Human Services; Victorian Institute of Forensic Medicine.

Positive aspects: more accessible, efficient, user-friendly service, increased specialisation of police, organisational commitment and support; better briefs higher prosecution/conviction rates.

Concerns: location issues, funding, respect and communication issues between disciplines, perspectives about witness credibility differed, perspective some disciplines tried to take control. Review noted: Co-location can only address those barriers to collaboration that normally arise from the existence of parallel independent service sites (e.g., increased travel time, lower levels of familiarity between professionals). Co-location of services at the MDCs facilitated collaboration related to case management, conflicts and tensions still arose between professionals.

Powell and Cauchi (2011: 239) interviewed victims of sexual assault who had accessed the service. Their participants appreciated the neutral and openminded response of the professionals who interviewed them; specialised, streamlined and timely response and the co-location at an independent site (addressing their needs for accessible and non-stigmatising service delivery).

A common refrain from studies is that co-location in itself is not a pivotal factor. Rather clear communication within and between partner agencies and 'sustained preparatory work with partner/stakeholder agencies in clarifying objectives and core roles/responsibilities in the team' (Frost and Robinson, 2007: 197) is crucial. Frost and Robinson (2007: 197) highlight that:

- Time needs to be invested in activities encouraging a sharing of explanatory ideas about service users and the creation of a commonly understood language.
- Team members need to understand and communicate about the impact of changes in roles/responsibilities on professional identities and the implications of changes in working practices for service users.
- Leadership is crucially important.

Regarding co-location of police with other services, in smaller communities (AIJA, 2022: [4.4.11]) there may be particular concerns about confidentiality, and while some people might be comfortable with being seen entering a counselling or housing service, they may be less comfortable being seen entering a police station. Co-location for some may result in them choosing not to access any services.

Langton et al (2020: 15) highlighted, as others have done, that reporting to police may not be practical as this may place Aboriginal people, in particular, at significant risk of homelessness

because women may rely on their partner and having their children removed. The complex and tense relationship between police and Aboriginal and Torres Strait Islander people in Australia may result in Indigenous victims of DFV being even less willing to seek support where it is co-located with police (AIJA, 2022: [4.4.10]).

In relation to programs for Aboriginal and Torres Strait Islander people Blagg's (2000) review of literature about community controlled services found that interventions were more likely to be successful where: they were needs based, included community consultations, respected local traditions, and were multidisciplinary, interagency, and holistic. In effect designed from the ground up. This would be the same case for DFV multidisciplinary teams regarding DFV support and intervention. Decisions about how police should be involved in multi-disciplinary teams needs to come from consultation with communities.

Police need to work collaboratively with other agencies to ensure awareness, respect and understanding about relevant support and referral options for the people they respond to and to improve safety for women and children. There is no evidence that teams need to be co-located under the one roof and there may be dangers with this approach.

- Multi-disciplinary teams need to be truly collaborative and context specific and developed from local consultation.
- A co-ordinating position should be supported.
- Time needs to be spent in establishing relationships and policies for the specific group of service providers in the team.
- All agencies need to be properly funded.

4. The DV-PAF

Risk assessments should be done as close as possible in time to when the information is gathered, that is it should be completed at the incident, not later back at the station:

> Increasing the time between receiving the information from the offender or victim and when this information is documented increases the likelihood of inaccurate recording that can result from delayed recall. The normal cognitive processes that occur as time increases between an event and its recall include: retrospective bias, the availability heuristic and the fundamental attribution error (Richardson and Norris, 2020: 797).

I note that the QPS Operational Procedures Manual instructs police to 'conduct a protective assessment at all incidents or reports of domestic violence and utilise information gathered on risk factors in conjunction with their investigative skills, knowledge and experience to make an informed decision' (Queensland Police Service, 2022:10). This advice appears to be consistent with best practice. However currently Queensland police rely on taking details in their notebooks and returning to complete an online form at the office (Women's Safety and Justice Taskforce, 2021: 31). The police are trialling a new approach from 3 August 2021 which will enable completion of the DV-PAF report at the scene and this is promising (Women's Safety and Justice Taskforce, 2021: 31).

Notably the DV-PAF is described as 'a decision-making framework designed to assist officers in assessing the protective needs of an aggrieved. Identifying the presence of risk factors and assessing the aggrieved's level of fear will assist in determining the required response' (Queensland Police Service, 2022: 10). One of the items in the DV-PAF includes an assessment of the aggrieved' s fear. The only way this can realistically be assessed is for police to ask about the victim's own understanding of their level of fear and this question should be asked at each point where the assessment is administered. The research identifies that the person's perception of her own risk is at least as accurate as many of the tools claiming a predictive capacity (Barlow & Walklate 2022: 889; Day et al, 2014). It is important that police understand the importance of the aggrieved' s view of her circumstances and ask the question about fear (cf Langham and Hely, 2022).

Embedded in the DV-PAF is an assumption that the police officer has already identified the person most in need of protection. Research has identified reliance on cross-orders by police suggesting that police at least sometimes do not make the assessment (Nancarrow et al, 202; Douglas and Fitzgerald, 2013). Based on recommendations from a report of the Queensland Death Review and Advisory Board and Nancarrow and colleagues (2020) the government has recently committed to creating guidance for police and courts on identifying the person most in need of protection that is informed by international models and approaches in other jurisdictions. This is a positive step forward.

In their analysis of risk assessment in Queensland Nancarrow and colleagues (2020) mirrored some of comments made by women I interviewed (and discussed earlier) finding:

- Police tend to consider only single acts of violence [and]
- Police hold stereotypical assumptions about women and victim behaviour which also affects policing practice.

The authors recommended that improved police guidance on identifying patterns of coercive control are needed (also noted in Robinson et al., 2016; McCulloch et al., 2016; Nancarrow et al., 2020).

Notably the police focus on physical violence (and criminal standards of proof) was highlighted in the Langham and Hely (2022, [214]) Inquest findings.

The DV-PAF requires further testing predictive validity, in the Queensland context, one issue to determine would be whether relevant items are included and / or need to be included. Richardson and Norris (2020: 797) observe that factors such as whether the offender has received a jail term of over 30 days, the number of the children in the relationship and whether the offender minimises or denies the abuse are predictive of high risk and these are not included in the DV-PAF. They also note that a large number of risk assessment items has implications for the efficient completion by police and for victims spending too much time recalling distressing behaviours and therefore for the effectiveness of the tools (Richardson and Norris, 2020: 797). This latter point was reflected in an assessment of an ACT tool where researchers found that the

predictive validity was improved when it was confined to the ten most important factors (Dowling and Morgan, 2019).

There are questions about whether the same tools are useful across different populations (eg LGBTIQ, Aboriginal and Torres Strait Islander people, children and adolescents (McCulloch et al, 2016: 19-20)).

Risk assessment tools are necessarily shorthand predictions of future violence. A recent study by Barlow and Walklate (2021: 890; also Ariza et al, 2016) challenges many of the assumptions about the value of any risk assessment tool in the context of DFV. Specifically regarding coercive control they point out that:

> ...coercive control demands that practitioners, and the tools at their disposal, take account of a course of conduct. In other words, it makes clear the need to focus on the cumulative effect of the minutiae of everyday behaviours, some visible, some not, the total effect of which are abusively controlling...

and they question whether the tools will be able to effectively identify the presence of coercive control (Barlow and Walklate, 2021: 892). In their survey of police in England (following the introduction of the coercive control offence) they found that police identified coercive control cases as 'being more likely to be assessed as high risk (25.6 per cent compared to 15.8 per cent for Assault Bodily Harm, Assault Bodily Harm cases were more likely to result in an arrest and be charged' (Barlow and Walklate, 2021: 895). They concluded that,

> ... police officers understand risk through an incident and physical violence-focussed approach (the here and now). This informs their understanding of threat for all kinds of violence(s) not just IPV and, consequently, influences the kinds of arrest decisions and case outcomes that may result. Their focus is on what is visible, measurable and actionable... incidentalism (Barlow and Walklate, 2021: 898).

- Risk assessments should combine professional judgement with actuarial/variable driven approaches and require significant training on their proper use.
- The risk assessment tool should prioritise the safety needs of the aggrieved and should be completed at the incident.
- Consideration should be given to prioritising the fear question, moving it towards the top of the assessment.
- Further consideration should be given as to whether the risk tool is appropriate for all groups. Consideration should be given to ongoing testing of the predictive validity of the tool in the Queensland context, with special consideration of unique populations, including First Nations people, gender diverse populations, people with disabilities.
- Consideration should be given to how (and whether) coercive control can properly be assessed in risk assessment tools.
- Further guidance to police about the person most in need of protection is needed.

Thank you for the opportunity to provide this Report.

Yours sincerely,

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(Thanks to Associate Professor Robin Fitzgerald and Madison Lloyd for assistance with literature. All errors are my own.)

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