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Submission for Police Inquiry into Domestic and Family Violence Responses

Micah Projects welcomes the opportunity to provide a submission to the Commission of Inquiry to Examine Queensland Police Service Responses to Domestic and Family Violence (The Inquiry).

This submission features the voices and experiences of women and children who have experienced or are currently experiencing domestic and family violence (DFV) alongside the views of Micah Projects' Brisbane Domestic Violence Service's (BDVS) practitioners supporting them.

The analysis and recommendations in The Women's Safety and Justice Task Force (The Task Force)—in particular recommendations 32–36— set a course of transformational change for the Queensland Police Service (QPS) to develop consistently effective responses to DFV. This transformational approach, is essential to creating the overall systems and cultural change leading to the accountability that is required.

Across the Queensland Government, including the QPS, leaders have recognised the significance of DFV. This is evident in substantial new investment in DFV; the emergence of new specialist DFV teams; improved collaboration across disciplines and improved responses to DFV by those officers who are committed to saving the lives of women and children in Queensland.

To:
Commissioner Her Honour
Judge Deborah Richards
and members, Commission
of Inquiry to Examine
Queensland Police Service
Responses to Domestic and
Family Violence

From:
Micah Projects — Brisbane
Domestic Violence Service

Date:
27 June 2022

Despite the positive shift, police responses are inconsistent and inadequate in achieving the overall goal of keeping victims/ aggrieved safe and in holding perpetrator/ respondents accountable for their violence is to be achieved.

Leadership at all levels of the QPS must reinforce that DFV is a major crime that requires strategic, relentless and effective policing to reduce harm and prevent its occurrence. Fundamentally victims/aggrieved need to have confidence that they will be believed, respected and assisted to be safe. This needs to occur in the context of accountable systems that ensure accountability of the perpetrator/respondent when crimes are being committed that restrict the freedom and compromise the safety of others especially women and children.

Our experience aligns with some of the Task Force findings in relation to police culture and practice, namely:

Inconsistent and inadequate police responses make DFV support a matter of chance. The Task Force noted that whether police hear the women's voices and act to keep them safe should not be a matter of luck or chance. Our experience supports the Task Force findings and the evidence that the incident-based approach to DFV – which places more importance on the presence of physical violence—is not identifying and addressing the coercive control patterns of abuse that underpin DFV. We know that many high-risk cases are not being identified because the conduct of the perpetrator is not viewed as a risk to the safety of the victim and children and that often his behaviour is not visible. Our experience affirms that the QPS's current response to DFV remains inadequate and inconsistent in keeping victims safe and meeting their justice needs, as well as holding perpetrators accountable. Micah Projects recognises that this is not simply due to culture and support the benefit that will come with new legislation around coercive control. However having a receptive culture to the law reform will be critical.

Too many women are misidentified as perpetrators.

The Task Force also heard that victims are being misidentified as perpetrators/ respondents when they defend themselves or retaliate, or in instances where the primary aggressor is able to successfully manipulate QPS to utilise the system as a tool of abuse against the person most in need of protection. This is our experience and further work is required to ensure this trend does not continue.

A negative culture within the QPS continues to undermine the good work and intentions of QPS change leaders towards DFV.

We agree that there continues to be a culture where police perceptions of victims are shaped by negative and disrespectful attitudes and beliefs about women and race. There are still many examples where police appear to make judgements about whether women are 'real' victims. The male-dominated police culture seems to foster rather than curtail these prejudicial views. These views have significant impact on the ability of some officers to respond in a trauma informed way, which is identified as best practice in building trust, understanding risk and implementing safety actions aligned with women's needs.

Many police also lack the cultural capability to respond to DFV involving First Nations peoples, people of culturally and linguistically diverse backgrounds and people of other diverse identities.

This includes a failure to understand the cultural and historical barriers that marginalised people face in reporting crimes and cooperating with the police. Our work with marginalised people at Micah Projects and BDVS is accurately reflected in the Task Force reports.

Given the precise, yet disturbing findings of the Task Force about the variable police response to DFV in Queensland, dedicated police inquiry is timely and essential. As you requested, we add to our initial submission to the Task Force on matters related to policing of DFV in this submission.

The Inquiry Terms of Reference

We respond to the inquiry's terms of reference that focus on police culture:

- a) whether there is, and if so, the extent and nature of, and cultural issues within the Queensland Police Service (QPS) relating to the investigation of domestic and family violence identified in the Report;
- b) how any cultural issues identified within the QPS relating to the investigation of domestic and family violence have contributed to the over-representation of First Nations people in the criminal justice system;
- c) 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;
- d) the adequacy of the current conduct and complaints handling processes against officers to ensure community confidence in the QPS;
- e) AND any other matter the Commission considers relevant for consideration to deliver its Report.

The Content of our Submission

The submission structure is as follows:

1. About Micah Projects — Brisbane Domestic Violence Service
2. Summary of Recommendations
3. What's working well to improve police culture and respond to DFV?
4. Key Concerns
 - 4.1. Inconsistent responses do not instil confidence in QPS DFV response.
 - 4.2. Avoid misidentification of women as respondents and collusion with male perpetrators.
 - 4.3. DFV must be seen as a major crime like other major crimes — views that DFV is a personal, relationship conflict remain embedded in police culture can lead to

frustration and inaction by police.

- 4.4. Police language that diminishes women and their experiences
 - 4.5. Continuous training and knowledge development to improve responses to Domestic and Family Violence.
 - 4.6. Improve recognition and understanding of adolescent violence in the home.
 - 4.7. Clear communication channels and follow-up with police is needed.
 - 4.8. Improve recruitment of police to assess for attitudes and behaviours related to DFV and personal qualities like empathy and respect for diversity, including understanding of trauma informed responses.
 - 4.9. Improved responses needed to First Nations peoples, people of culturally and linguistically diverse backgrounds (CALD) and others from diverse and/or marginalised groups.
 - 4.10. Strengthening independent complaints models to ensure community / public confidence in QPS DFV responses
 - 4.11. Establish a Victim's Commissioner in Queensland.
5. Conclusion: A Path Forward

1. About Micah Projects — Brisbane Domestic Violence Service

Micah Projects is a community-based, not-for-profit organisation with a vision to create social justice and respond to injustice at the personal, social, and structural levels in the church, government, business and society. We believe every child and adult has the right to a home, an income, healthcare, education, safety, dignity and connection with their community of choice.

Micah Projects provides a range of support and advocacy services to individuals and families according to their needs and capacity. We ensure the immediate needs of participants are met in a supportive, informed and respectful manner for the people we support, and the people that work as part of our organization.

Brisbane Domestic Violence Service (BDVS) is the specialist domestic violence service for the Brisbane metropolitan region. BDVS provides a range of services by a multidisciplinary team, in different locations across Brisbane, and leads the Integrated Service Response for Brisbane.

Safer Triage and Response

Intake, screening and information

Brief intervention

Redbourne Police Referral Responses

Co-location with Vulnerable Persons Unit.

Safer Options and Support

Ongoing risk assessment

Safety planning and upgrades

Case management and service coordination

High Risk service coordination.

Safer Families Initiative

Children's and Young People workers provide age-appropriate group work to children and case management with parents

The RENEW pilot program in collaboration with Carinity: working with adolescent perpetrators of violence against their mothers.

Safe and Accountable Justice

Court support at Holland Park Court and Richlands Court

4 men's behaviour change perpetrator programs including a Women's Advocate.

Safer Communities: Prevention and Cultural Change

Raising awareness of what is Domestic and Family Violence through a gendered lens

Development and promotion of referral pathways

Working with the Brisbane South Primary Health Network to support General Practitioners in understanding DFV to effectively work with women, children and families experiencing DFV

Financial Counselling

Safer Lives Mobile Service

Collaboration with DV Connect to support women and children, any aggrieved person having to leave their home and brokered into hotels

After hours co-response with police and hospitals to engage women in their home, at a hospital or police station (24/7)

The co-response model implemented by BDVS 5 years ago with Queensland Police enables a social worker to address the immediate needs of the woman and provide her with information, while police address the immediate threat with the accused perpetrator.



BDVS has implemented a co-response model with Queensland Police, enabling a social worker to address the immediate needs of the woman and provide her with information, while police address the immediate threat with the accused perpetrator.

In the 2021/2022 financial year...

4,849 individuals were supported by the Brisbane Domestic Violence Service

517 were provided a co-response
This number doesn't include one-off contacts that have been provided information and not come into the service at the time.

3,413 'Redbourne' referrals were received (an average of **70** per week)

'Redbourne' is a system through which QPS send referrals directly to BDVS. This often occurs even if they have contacted us directly by phone for urgent assistance. Police may send multiple referrals for an individual.

2. Summary of Recommendations

Recommendation 1. The continuation of co-location, co-responder and High-Risk team models that foster cross-discipline work need to be scaled up across Queensland. The option of police being positioned in specialist domestic violence services is also important to trial. The need to strengthen the focus of DFV response on a gendered lens and coercive control pattern of behaviour based understanding within a dedicated unit that sits alongside the Vulnerable Persons Unit which has a much broader population scope of work. Acknowledging that not all VPU units share the same operational model.

Recommendation 2. The Queensland Police Service must strive for consistency and excellence in responding to DFV matters. A routine system of regional and state-wide audits of case records with external expertise—including participation of people with lived experience—will provide an important oversight and continuous improvement mechanism.

Recommendation 3. We support the recommendations made in the Women's Safety and Justice Task Force that state-wide training in male-dominated patterns of coercive control are instigated as a priority—especially to accurately assess risks and avoid further misidentification of women as respondents in DFV matters.

Recommendation 4. That the Queensland Police Service leadership at all levels, in all regions transform the male-dominated, insular police culture: (1) to foster an organisational culture in which DFV is elevated and recognised as a major crime that requires strategic, well-trained responsive policing like other major crimes, and (2) to promote gender and race equality, and respect for diversity.

Recommendation 5. That the Queensland Police Service provide an intensive and continuous rolling program of compulsory DFV training, and that the mobilisation of this knowledge into practice be routinely evaluated. The learning objectives are to include:

- Improved understanding of coercive control and the power dynamics that underpin DFV.
- Strategies to avoid misidentification of women as respondents to Domestic Violence Orders.
- Understanding trauma-informed approaches to DFV work – including the impacts of trauma on victims/ survivors and police as responders to severe occurrences of violence.

Recommendation 6. That the Queensland Government health and community support agencies work collaboratively, with DFV services, to ensure that wrap-around support is available to mitigate the harm that results from adolescent violence in the home (AVITH). Police may need to be involved in occurrences of AVITH, but support services must be the first response to avoid criminalising young people.

Recommendation 7. That the Queensland Police Service review current police communication and follow-up contact methods with victims of DFV and stakeholders to ensure consistent and timely communication. All Queensland Police be issued with a QPS phone that is connected to diversion response when individual police are rostered, off or on leave. This would ensure more consistency and timely communication.

Recommendation 8. That Queensland Police Service continue to improve recruitment processes that (1) recognise that reducing DFV is a priority for police and is a major feature of police work in Queensland, and (2) assess police recruits on their personal qualities like empathy and respect for women, and respect for diversity.

Recommendation 9. That the Queensland Police Service continue to recruit a more culturally diverse workforce; continue to provide cultural competency education and training, as well as strengthen partnerships with First Nations, CALD community leaders and other marginalized groups— particularly in cultures where DFV is hidden and taboo. Partnerships with community controlled First Nations organisations to respond to DFV in culturally informed ways are essential especially given the risks of criminalising First Nation’s women through coercive control laws.

Recommendation 10. That independent mechanism/s— with participation from people with lived experience of DFV and DFV specialist workers— be established to review complaints against police, and that this be established in collaboration with the Queensland Public Service Commission as per the Task Force proposal. That a culture of learning from complaints be adopted rather than a defensive approach.

Recommendation 11. That the Queensland Government establish a Victim’s Commissioner similar to the UK model. This Commissioner will ensure victims of crime (including DFV-related crimes) are supported in coping and recovering from the impact of crime, and to champion their rights in all forums where they are at a disadvantage, particularly in the criminal justice and child safety systems.



3. What's working well to improve police culture and respond to Domestic and Family Violence?

The more DFV specialist and generalist staff work alongside police, the more effective we all are in understanding each other's culture and in responding to DFV. Collaborative and co-location responses with police foster information sharing; build an understanding of each other's perspectives and break down cultural barriers between our disciplines and improve access to services for respondents and the aggrieved. By working on collaborative responses together, we are improving police/NGO relationships, understanding of risk, a decision-making, safety planning and accountability for the respondents.

The more we train and learn together with police—through frameworks such as Safe and Together Institute (2020)—the more we understand the dynamics of power in DFV and the impacts on women, children and the men.

It is essential that specialist DFV teams, co-location, co-responder models and High Risk Teams be scaled-up to have greater response capacity and be available in more locations across Queensland. In jurisdictions such as Portland (USA), the Domestic Violence Unit sits alongside the Vulnerable Persons Unit, each with clear roles and responsibilities.

The VPU staff play an important oversight and guidance role in regional DFV matters. The oversight of DFV matters provides the opportunity for senior police with specialist DFV knowledge to monitor and challenge police practice. The co-location of a specialist DFV worker assists in, and improves the sharing of information, knowledge, referral pathways and decision-making whilst also improving access to services for the aggrieved. Co response work is an excellent way of breaking down the power imbalance between police and victims, and can lead to improving how all stakeholders engage through a trauma informed lens.

Each day we experience negative, defensive police attitudes and behaviours, and resistance to external management of complaints, but overall, these collaborative models are leading to positive change. Given the positive outcomes we are achieving in collaboration with police (see examples 1-2 below) we support the Task Force recommendations 32-36 that are related specifically to innovative, specialist DFV responses and the transformation of operational procedures and training.

Example 1

The co-location of a DFV Specialist Social Worker from BDVS in a Vulnerable Persons Unit has had a positive impact on the understanding of DFV and coercive control for those police officers on rotation. In working alongside each other, BDVS staff and police build good relationships, share information and knowledge routinely, and promote understanding with a wider group of police officers when on a new rotation. This helps to open-up a police culture to new influences. We also better understand the police role and perspectives through this co-location.

The challenge is the limited capacity we have with so few DFV and police staff. These positive co-location models need to be scaled-up across Brisbane and Queensland. Continuous improvement of how joint work is implemented needs to be a recognised and ongoing process.

Example 2

In our co-responder work, Police can contact the BDVS 24-hour mobile service to co-respond and support women when it is safe to do so. This model also improves information-sharing, risk assessment and decision-making. From our observations the work alongside specialist DFV practitioners, exposes the police to external relationships that have the positive effective of opening up the police culture to new ways of thinking; being less defensive and less prone to disrespect for women and victim-blaming. We all learn and benefit from this cross-discipline exchange. Importantly women and children subject to DFV benefit.

The challenge is capacity. There is just one team of two workers servicing metropolitan Brisbane. Access to this opportunity, while leading to better outcomes for women and children, is limited to such a small number of victims/survivors. Co responder work when done well ensures greater safety planning with victims, and greater understanding of the patterns of abuse, control and behaviour of the perpetrator. The dual approach achieves better outcomes.

There are clear differences between domestic violence and mental health responses and these differences need to be more visible and valued within the overall police response. Bundling these responses all into a VPU is not necessarily the most effective model.

Domestic violence expertise needs to be focused on the diversity of intimate partner relationships and how a gendered lens of power and control, dominance and oppression are at play. Increased co-response opportunities would better support police to perform their role in enacting the law while supported by a specialist DFV worker who can support and inform the woman. This would ensure accountability of the person using violence, which is most often men, lead to increased knowledge and understanding within Queensland Police, and a cultural shift.

The integrated service responses have created better opportunities to understand and manage risk whilst increasing safety for women through enabling increased information sharing and collaborative responses to managing risk. Training for service providers operating within the system does help, although needs to occur more regularly to ensure the day-to-day operational knowledge and understanding of working within the model.

Case study: Co-response**Identified Needs**

Aggrieved identified with many High Risk indicators including—to attempt/threat of fuel dousing, arson, strangulation, deprivation of liberty, physical assaults, no current order against the Respondent,

short term relationship. Safety planning Concerns around the safety of petrol poured over the carpet, flooring, furniture and the health/wellbeing of remaining in the house. It was identified that the Aggrieved—if she provides consent to (BDVS) Brisbane Domestic Violence Service—would need on going case management support and advocacy.

Support Provided

- » Co-ordinated response with Vulnerable Persons Unit North, Senior Constables and Brisbane Domestic Violence Service embedded worker to Boondall Queensland Police Station
- » Introduced Brisbane Domestic Violence Service, consent explained including exclusion to consent
- » Introduced the attending Senior/Constable from the Vulnerable Persons Unit, explaining the supportive role they provide and how they can assist the aggrieved
- » Identified aggrieveds phone/laptop may be at risk and assisted with setting up a safe phone and new email
- » Discussed not using her own phone until Brisbane Domestic Violence Service could advocate for a security sweep
- » Discussed that the petrol being in the carpet, may be a safety hazard for aggrieve and children, advised that BDVS would provide advocacy to our management around if we may be able to assist her
- » Discussed safe accommodation through DVConnect if respondent was released
- » Discussed safety planning
- » Provided Brisbane Domestic Violence Service 24/7 phone number and encouraged to call - Discussion around housing—if planning to move, and or security upgrades
- » Discussion around counselling support
- » Practical/Emotional Support: Embedded worker was able to provide a supported non-judgmental environment were the Aggrieved felt comfortable to accept support from our service.

Outcomes

- » Respondent was (EEA) Emergency Examination Authority by the arresting police officers, on the day of the incident where he was taken to the hospital, then taken to the watch house served and explained the (PPN) Police Protection Notice before being arrested on criminal charges relating to this incident.
- » Worker was able to coordinate and build safe engagement between the aggrieved and Vulnerable Police Unit -North police officers
- » Risk and Safety Assessment complete. Score: 106
- » Aggrieved was supported to link in with Brisbane Domestic. Violence Service where she was allocated a case manager

In recent years far more police and leaders within QPS have actively supported community events, public awareness campaigns and cross-sector training aimed at alleviating DFV. This is a positive step in breaking down the “us and them” view. It exposes police and community organisation members to different influences on their organisational cultures.

Recommendation 1. The continuation of co-location, co-responder and High-Risk team models that foster cross-discipline work need to be scaled up across Queensland. The option of police being positioned in specialist domestic violence services is also important to trial. The need to strengthen the focus of DFV response on a gendered lens and coercive control pattern of behaviour based understanding within a dedicated unit that sits alongside the Vulnerable Persons Unit which has a much broader population scope of work. Acknowledging that not all VPU units share the same operational model.

This will foster better practice with trained police and co-responders on DFV who have an in-depth understanding of the gendered and intersectional nature of domestic violence.

4. Key Concerns

4.1 Inconsistent responses do not instil confidence in QPS DFV response.

The Task Force analysis of DFV in Queensland is comprehensive and accurate. We agree that police responses to DFV are inconsistent and are therefore manifestly inadequate. There are many well-informed, empathetic police, yet many others who are disrespectful of women and dismissive of DFV. We and the victims/survivors and children we support cannot have confidence that on any given day, at any given police station with any particular police officer, women and children will be supported effectively. One survivor expressed this inconsistent experience as:

The police need to understand that arriving at the doorstep is scary for victims of DFV. Their help and empathy is needed. But women can often feel further intimidated...one time my husband appeared charming and I was emotional and left to feel he was believed and I wasn't...On another occasion, my husband told the police there is nothing to see here, but the police didn't believe him. They were good next time they came. They even showed the kids their police car to help the kids feel okay. At times they are really helpful and offer a human response – they seem to go out of their way to be helpful.

Staff and participants with lived experience expressed the view that it can't be based on chance depending on which police you get – the response to DFV has to be based in operational guidelines, a human response, an ethical response, and be consistent.

Women with lived experience and BDVS staff contributing to this submission said that inconsistent and at times ineffective police response has consequences for women and children. These include:

- » Police fail to identify the perpetrator correctly in a situation and too often misidentify the woman as a respondent to an order.

- » Police not understanding the dynamics of DFV and basing their judgement on an incident rather than a pattern of abuse and intimidation.
- » Failure to focus on the perpetrator and hold him accountable.
- » Police being too "officious" when they arrive at cases—speaking to the victim like they are to blame, not checking to see if they are OK
- » Perpetrators using 'charm and calm' when women appear distraught and overly emotional to empower themselves with police against the victim.

A survivor-advocate described an incident that dis-empowered her when a police officer took more time to talk to the perpetrator about rugby than the DFV matter, then no action was taken. This survivor described another occurrence where police refused to tell the victim when the perpetrator was appearing in court for a DFV breach. This caused additional duress and risk for the victim.

Case example 1 describes an inadequate response from police in which subjective judgement (apparent negative judgment of the woman) may have influenced their ineffective response.

Case example 2 describes the beneficial outcomes that arise when the DFV worker has the opportunity to question the police response and work collaboratively with police to take more effective action.

Case Example 1

Lack of consistency in police responses

The aggrieved contacted a domestic violence service as her ex-partner (who she was recently separated from) was attempting to break into her house.

The aggrieved had previously been subject to escalating patterns of behaviour including coercive control, threats, and recent physical violence.

While one worker remained on the phone with the aggrieved, another contacted QPS with permission from the aggrieved.

Her ex-partner succeeded in breaking into the house and physically assaulted the aggrieved including an incident of strangulation. The ex-partner then fled prior to police arrival. When police arrived, both the DV worker and aggrieved spoke to the police, identifying the severity of the assault and advocating for charges and a DVO with conditions of no approach/no contact.

The aggrieved identified the officers in attendance were initially supportive, however she was not supported to access medical assistance and while they did apply for a DVO, they did not request conditions other than good behaviour, citing to the aggrieved “lack of evidence” (the aggrieved had an audio recording and photographs of injuries).

The aggrieved expressed confusion and frustration as she continued through the court process and did not feel the police response was clear

DFV Advocate coordinated with the aggrieved to link in with specialist DFV court support worker in the safe room, who would support her to link with the duty lawyer.

DFV Advocate safety court form sent on her behalf to access the safe room.

Based on no police referral and only mandatory conditions on the initial protection notice from police, the attending officer may not have recognized the high-risk factors or met the aggrieved woman’s need for greater protection and support.

DFV Service was able to utilise established pathways for information sharing with police and within the court to gain advice from police which aided in additional protection. The aggrieved reflected overall satisfaction at the response and result.

Case Example 2

Collaboration and good communication with police can overcome inconsistent responses

The aggrieved called through to DFV Specialist Service requesting support after an incident. Aggrieved identified she has had a previous domestic violence order - now expired. Police attended the domestic violence occurrence—Police Protection Notice with mandatory conditions only issued and no offer to the aggrieved for a supported referral. The aggrieved is experiencing coercive control, financial abuse, sexual abuse, stalking, and threats by the Respondent to suicide.

DFV Advocate requested further information from police regarding the incident that had occurred and to share key high-risk information and confirm the additional information about the Respondent. Concern was expressed that the mandatory conditions weren’t sufficient to protect the aggrieved, however, the police officer provided advice to support the aggrieved to attend court and liaise with the duty lawyer to seek amended and additional conditions.

Recommendation 2. The Queensland Police Service must strive for consistency and excellence in responding to DFV matters. A routine system of regional and state-wide audits of case records with external expertise—including participation of people with lived experience—will provide an important oversight and continuous improvement mechanism.

4.2 Avoid misidentification of women as respondents and collusion with male perpetrators.

The Task Force analysis of DFV in Queensland is comprehensive and accurate. We agree that police responses to DFV are inconsistent and are therefore manifestly inadequate. There are many well-informed, empathetic police, yet many others who do not demonstrate respect for women and often are dismissive of DFV. We and the victims/survivors and children we support cannot have confidence that on any given day, at any given police station with any particular police officer, women and children will be supported effectively. One survivor expressed this inconsistent experience as..

"The police need to understand that arriving at the doorstep is scary for victims of DFV. Their help and empathy is needed. But women can often feel further intimidated...one time my husband appeared charming and I was emotional and left to feel he was believed and I wasn't...On another occasion, my husband told the police there is nothing to see here, but the police didn't believe him. They were good next time they came. They even showed the kids their police car to help the kids feel okay. At times they are really helpful and offer a human response – they seem to go out of their way to be helpful."

By applying an incident lens women are often misidentified as perpetrators of violence, rather than being identified as the person most in need of protection (See case example 3). Police may see women in a highly emotional state, they may have 'lashed out' at a perpetrator in self-defence or frustration, while male perpetrators can appear calmer and in control. Survivors have stated that the male-dominated police culture can lead police to 'buddy-up' or side with men to the detriment of the safety of women and children.

BDVS Case Example 3

Misidentifying the Person Most in Need of Protection

High Risk Team (HRT) example of QPS naming aggrieved as respondent despite being open to HRT

Aggrieved contacted our service and advised she had been listed as a respondent in a domestic violence order, however, disclosed prior to Police attending her home she had been strangled by her partner. The aggrieved advised she had scratched at her partner's face and arms when he was strangling her to try and stop him as she was struggling to breathe. The aggrieved advised a neighbour must have heard screaming and called 000, then Police attended and spoke with both her and her partner separately.

The aggrieved advised when she spoke with an officer, she was extremely distressed and fearful after his assault therefore was aware she was struggling to articulate a timeline of events to the

officer and was heightened when disclosing what he had done to her, which she felt the officer was becoming impatient with her.

The aggrieved advised she informed the officer she had been strangled by the partner, however, she felt the officer did not believe her and kept stating to her that if she had been strangled she would have marks all over her neck. She advised her partner had strangled her multiple times previously and knew how to commit the assault without leaving marks.

The aggrieved advised that she could hear the perpetrator and the other officer laughing close by which caused her great distress. The aggrieved advised QPS stated that due to "scratch mark injuries" she would be listed as the respondent and would have to attend court.

In their interviews with Canadian police, Saxton, Jaffe, Dawson, Straatman and Olszowy (2022) reported that police themselves identified inconsistency in Intimate Partner Violence (IPV) occurs and impacts on outcomes and risk assessments. They further reported police views on how specialized IPV units within their service were fundamental in ensuring consistency in the police response to IPV, including the completion of risk assessments.

Recommendation 3. We support the recommendations made in the Women's Safety and Justice Task Force that state-wide training in male-dominated patterns of coercive control are instigated as a priority – especially to accurately assess risks and avoid further misidentification of women as respondents in DFV matters.

4.3 DFV must be seen as a major crime like other major crimes—views that DFV is a personal, relationship conflict remain embedded in police culture can lead to frustration and inaction by police.

It seems clear that the QPS response to DFV won't change significantly until QPS leadership at all levels across the State reinforces that DFV is just as important as other crimes. Police need to say and believe that... "DFV stats are just as important as CIB stats."

40–60% of police callouts are DFV related – which makes DFV a significant policing task.

The operational guidelines for DFV in the QPS need to be underpinned by a solid framework of ethics and training to help overcome a culture where DFV is seen as not real or frustrating police work. This reinforces a culture in which victim-blaming can flourish.

Police are put off by the time and paperwork involved in DFV matters. In their comparative study of American and Australian police attitudes toward DFV, McPhedran et al. (2017 cited Islam and Mazzerole, 2022) revealed that most officers think that DFV calls often waste too much time and effort of officers, that DFV calls are mostly for verbal disputes, and that repeated calls from the same address are a major problem. While these frustrations and perceptions that DFV is not 'real' police work remain entrenched in police culture, women and children suffer.

Recommendation 4. That the Queensland Police Service leadership at all levels, in all regions transform the male-dominated, insular police culture: (1) to foster an organisational culture in which DFV is elevated and recognised as a major crime that requires strategic, well-trained responsive policing like other major crimes, and (2) to promote gender and race equality, and respect for diversity.

4.4 Police language that diminishes women and their experiences

BDVS staff and the women we support also encounter language from police that minimises the experiences of women and is disrespectful of women. Through the Redbourne referral system with police, we consistently see alarming notes and records that diminish women and their experiences. See case example 4.

Case Example 4

Impacts of Minimising DFV Experiences of Women and Children

DFV workers have identified examples of minimizing language in referrals received from police callouts (through the Redbourne Referral system). In one referral received, officers identified behaviour from the perpetrator including threats to "kill" the aggrieved, however within the referral they stated that within the circumstances, the action "may have been justified".

Referrals have also been received with language such as "they're both as bad as each other", or indicating the incident occurred as a result of alcohol consumption. Repeated occurrences of these language patterns promote harmful messaging and indicates beliefs that the abusive behaviour is excusable and minimises the impact of coercive control patterns.

When speaking with aggrieved women following police referrals, it is common for them to identify to DFV workers that officers spoke with them both together, or only took a statement from the person using violence, and as a result they did not feel safe to disclose their safety concerns due to fears of escalation.

4.5 Continuous training and knowledge development to improve responses to Domestic and Family Violence.

The variable police responses indicate that attitudes, knowledge and actions need to be improved. Intensive DFV training, including external training with DFV practitioners, must be continuous. As the Task Force acknowledged training in patterns of coercive control will be especially important to improve understanding of the power dynamics of DFV, while avoiding the unintended consequence of increasing the misidentification of women, including First Nations women, as perpetrators of DFV. The benefit of police training with DFV practitioners is to open the QPS organisation and its entrenched culture to external influences as much as possible; improve attitudes through cross-fertilisation of learning and strengthen relationships across disciplines.

Trauma-informed training. Police need to be trauma-informed in their responses to DFV to avoid re-traumatising victims/survivors. For trauma impacts to be recognised and effectively mitigated, training and education on trauma-informed practice needs to be provided to police (and at all levels across the criminal justice system). This needs to be paired with the appropriate workplace, health and safety response to the risk of vicarious trauma which is widely recognised as a key risk for practitioners who respond in an informed way to experiences of trauma.

Women and girls experiencing all forms of violence have a right to be believed and their human rights recognized and supported. Eighty per cent of women supported by BDVS to share their stories with the Women's Safety and Justice Taskforce reported a negative experience with the police including not being believed; not being treated with respect, and not offered privacy. The general feedback from these women is that their experience with police and the criminal justice system is disempowering and traumatizing.

Most women who are involved in the criminal justice system have experienced significant trauma and abuse that impacts how they navigate their lives and respond emotionally. As a result of their trauma experiences women may express heightened emotional responses – this can contribute to their misidentification

as perpetrators in DFV relationships, and misidentification as mental health concerns rather than the impacts of abuse.

It is a frequent occurrence for women to report re-traumatisation through repeated instances of telling their story, experiences of confusion and distress at receiving conflicting directions at different levels of the system, and regular incidents of victim-blaming (see case example 5).

Case Example 5

Misidentifying the Person Most in Need of Protection

Following disclosures of strangulation and dousing threats by an aggrieved woman, QPS referred her to the local High Risk Team (HRT) without her consent. The initial risk assessment completed by QPS indicated intimate partner sexual violence, strangulation, access to weapons, coercive control and injuries inflicted. It was also recognised that the DFV was escalating in severity.

While the case was open to HRT, and collaborative attempts were ongoing to safely connect the aggrieved to supports, a further incident occurred. As the aggrieved had responded physically during this incident, QPS provided a Police Protection Notice and made an application for a Protection Order, naming her as the respondent party. It appears that there was no consideration for the significant history of domestic violence known to QPS, both formally reported and unreported.

While police responded to the presenting incident at the time, their subsequent continuation of application for a Protection Order occurred despite full access to all of the information recorded in their own risk assessment for HRT. This experience compounds harm and trauma, and undermines the collaborative efforts of the integrated response to keep her safe

Douglas (2019) stated that victims of DFV within Australia express a variety of reasons for not reporting DFV to police, these include a feeling that will face discrimination from police and fear of being shamed (Barrett et al. 2017; Birdsey and Snowball 2013).

Case Example 6

DFV responses can re-traumatise women

Referral from QPS to High-Risk Team without consent – engagement with aggrieved considered a priority action. Aggrieved disclosed verbal abuse, physical abuse, strangulation, threats to kill, spitting in face, head butting, property damage, coercive control, and emotional abuse from the respondent.

Aggrieved disclosed that she was fearful of the police as there was a DVO on her and her male partner makes threats to breach her as a way to control her. She has experienced a police response previously where she was identified as a respondent and ousted, and when contacting police was advised "maybe you should just leave the relationship" and phone call was disconnected.

Co-response organised with DFV Advocate and police, due to escalation occurring. Due to aggrieved anxiety and fear of police, the responding officers provided a gentle, trauma informed therapeutic response resulting in the organization taking a formal statement with police at the station to form the basis of a DVO naming her as the aggrieved.

During the interaction with the police officer taking the statement, the aggrieved disclosed that she had never had such a great response from police and feels comfortable to now talk to police if she feels unsafe. The police officer also provided education around the impacts of strangulation. The aggrieved was also advised that they would meet her at her place of residence to issue male partner with the DVO and discuss the current situation.

However, during a shift change the advice to the aggrieved changed and it was suggested that the first officer made a mistake, and as a result, they were required to transport the Respondent to the watchhouse for processing. This change in response resulted in the aggrieved wishing to withdraw her statement and notifying the respondent (as an act of self-protection, for fear that this would further escalate the respondent and place her at greater risk) that police were present to arrest him.

This response from the aggrieved has significantly changed to approach from attending officers. The aggrieved has subsequently shared that she will never call police, feels that she can't trust them and has also disengaged from the DFV Advocate who was present.

First responses from agencies connected with the criminal justice system, particularly the Queensland Police Service, are crucial for ensuring trust of victims navigating the criminal justice system. This is a crucial element that needs to be addressed to ensure women (particularly First Nations women and women from culturally and linguistically diverse backgrounds) feel safe to begin the process of disclosing and self-advocating for safety.

Recommendation 5. That Queensland Police Service provide an intensive and continuous rolling program of compulsory DFV training, and that the mobilisation of this knowledge into practice be routinely evaluated. The learning objectives are to include:

- Improved understanding of coercive control and the power dynamics that underpin DFV.
- Strategies to avoid misidentification of women as respondents to Domestic Violence Orders.

4.6 Improve recognition and understanding of adolescent violence in the home.

Police culture seems to have embedded a view that DFV is more a family matter than a major crime. This is evident in the minimising of the impact of DFV on women, but also in the inconsistent police responses to adolescent violence in the home (AVITH).

Case example 7 shows an experience where attending police effectively blamed the mother for her adolescent son's violence and failed to help. Research has found that AVITH is a complex issue with many adolescents who use abuse and violence have been subject to violence and/or have a disability or mental health issues themselves (Campbell., Richter., Howard., & Cockburn, 2020).

Campbell et al., (2020) recommend that rather than criminalising adolescents or failing to support them, it is important to wrap services around them early. A police culture that fosters the view that this is a family matter, and that women are responsible for resolving AVITH, renders women and adolescents vulnerable to ongoing, and escalating harm.

Case Example 7

Damaging Responses to Adolescent to Parent Violence:

The Aggrieved was experiencing violence from her 13-year-old son. The aggrieved was experiencing a pattern of violence which included physical abuse, strangulation, emotional abuse, and coercive control. During an escalation as part of the safety plan the aggrieved contacted QPS for assistance in de-escalating the young person. Upon arrival the two officers stated that this wasn't an issue for QPS and the situation is a "parenting issue". This was communicated to the aggrieved in front of the young person using violence.

The message minimised the experience of the victim of domestic and family violence, blamed the victim of the violence, colluded with the young person using violence and created barriers for the victim seeking help in future. This situation is a pattern of a poor culture within QPS of addressing adolescent to parent violence and domestic and family violence.

Recommendation 6. That Queensland Government health and community support agencies work collaboratively, with DFV services, to ensure that wrap-around support is available to mitigate the harm that results from adolescent violence in the home (AVITH). Police may need to be involved in occurrences of AVITH, but support services must be the first response to avoid criminalising young people.

4.7 Clear communication channels and follow-up with police is needed.

Communication methods between victims/

survivors and police must also be clear and consistent. The direct phone numbers that police at times give to victims/survivors need to be diverted to a main police call centre when the officers are on leave. Women value a personalised response, but it is unhelpful when officers are on leave and women cannot get the information or assistance they may need urgently. This communication issue appeared to be a factor in the Hannah Clarke inquest.

Recommendation 7. That the Queensland Police Service review current police communication and follow-up contact methods with victims of DFV. For example, it is helpful to victims when police provide their personal direct phone contact numbers to victims of DFV, but there must be a diversion or backup system through the police communications system that police activate in their absence.

4.8 Improve recruitment of police to assess for attitudes and behaviours related to DFV and personal qualities like empathy and respect for diversity.

Previous Queensland Police Service recruitment messages, such as "we don't do boring" can reinforce negativity about responsibilities like DFV (Douglas, 2019). DFV is not considered real police work by many officers and the DFV paperwork is considered by many as boring. The recruitment and selection processes on the QPS website have improved <https://www.policerecruit.qld.gov.au/made-it>. For example, The Made for It message features female and male officers talking about their experiences of DFV as a motivating factor to join QPS. The website states: "We're looking for people like you, with diverse backgrounds and life experience which reflects the community we serve. You need integrity, community values, professionalism and all times to show respect and fairness". Commissioner Katarina Carroll

This is an important shift that will start to shift police culture.

It is important given that DFV can constitute 40%–60% of callouts for general duties police, that applicants are aware of this and assessed for their response to DFV. Police need maturity and realistic

expectations of what responsibilities feature in their work – DFV is a major policing task.

We also ask: How does empathy fit into the recruitment process? Are police assessed for qualities like empathy and respect for women, and respect for diversity?

Recommendation 8. That Queensland Police Service continue to improve recruitment processes that (1) recognise that reducing DFV is a priority for police and is a major feature of police work in Queensland, and (2) assess police recruits on their personal qualities like empathy and respect for women, and respect for diversity.

4.9 Improved responses needed to First Nations peoples, people of culturally and linguistically diverse backgrounds (CALD) and others from diverse and/or marginalised groups.

We are aware from our observations and from the evidence, that Aboriginal and Torres Strait Islander women and men are over-represented in domestic violence matters and incarceration (Fitzgerald., Douglas., & Heybroek, 2021). Our experience aligns with the researchers that First Nations women and girls are vastly over-represented in Domestic Violence Orders (DVO) as both aggrieved victims and as respondents; and as individuals charged and sentenced with breaches of those orders.

Police must be better equipped to identify patterns of abuse and violence among First Nations peoples to reduce the misidentification of women as perpetrators and instead investigate thoroughly to determine if these women are most at risk of harm and in need of protection.

While First Nations people are over-represented in the DFV criminal justice systems, our experience is that people of culturally and linguistically diverse backgrounds (CALD) are under-represented and their needs are not responded to effectively (Segrave, Wickes., & Keel, 2021). This may be a consequence of language and cultural barriers that limit their ability to seek help. In addition, CALD victim/survivors have also disclosed to our service on multiple occasions

that interpreters were not available to them on the day of their DV matter being heard in court. This places the victim/survivor at further risk as they are unable to disclose and express their concerns to their legal representation and they endure further discrimination. (See case example 8)

Case Example 8

Lack of use of interpreters for CALD victim/survivors

The aggrieved had been working with domestic violence services around her experience of abuse and violence which had included high risk factors of escalating stalking behaviour, physical and sexual assault. The person using violence escalated his abusive behaviour and presented to her home and was waiting outside her door for an extended period of time.

The aggrieved who is of a diverse cultural background called 000 for an immediate crisis response and the police reported they could not understand her accent when she tried to speak English. In addition, they refused access to an interpreter to assist with her explaining she was incredibly fearful and wanting police support.

The police officer attending to her call insisted she would need to present the next day with someone who could interpret for her. When the aggrieved presented the next day, she was dismissed as not having enough evidence for them to take any action.

We strive to build the cultural capability of our workforce. This is an ongoing focus. We also recommend that police continue to recruit a more culturally diverse workforce; continue to provide cultural competency education and training, as well as strengthen partnerships with CALD community leaders and groups – particularly in cultures where DFV is hidden and taboo. Partnerships with community-controlled First Nations organisations to respond to DFV in culturally informed ways are essential especially given the risks of criminalising First Nation's women through coercive control laws.

Recommendation 9. That the Queensland Police Service continue to recruit a more culturally diverse

workforce; continue to provide cultural competency education and training, as well as strengthen partnerships with First Nations, CALD community leaders and other marginalized groups— particularly in cultures where DFV is hidden and taboo. Partnerships with community- controlled First Nations organisations to respond to DFV in culturally informed ways are essential especially given the risks of criminalising First Nation’s women through coercive control laws.

4.10 Strengthening independent complaints models to ensure confidence in QPS DFV responses — Establish a Victim’s Commissioner in Queensland

As specialist DFV workers we can find it difficult to question police and be confident to raise complaints. Imagine then how hard this can be for women subject to DFV. Police can be defensive and limited in their willingness to reflect critically on police actions.

Positive and appropriate police responses may save the lives of those who have experienced DFV and encourage help-seeking (Douglas, 2019). Therefore, negative and inappropriate responses should police responses need to be identified, addressed and where they cross a severe threshold, be independently investigated.

We support the Task Force proposal that independent, external police review and complaints mechanisms are needed for DFV matters. The Ethical Standards Command in the Queensland Police Service has the primary responsibility to coordinate complaints against police and related matters, whilst other operational officers investigate them. An internal culture has been entrenched over many years with the support of the Queensland Police Union which favours an approach where police will investigate police.

DFV workers said they are cautious in how they raise complaints or question police practices or attitudes. In serious complaints, they need to know that it will be followed up independently not internally within the QPS. We suggest that community members need to be involved in complaints processes to bring an independent

community perspective to police complaint investigations.

From our experience, there is not a culture of continuous improvement in the QPS. Senior police can at times be very defensive or dismissive of feedback or the questioning of police practice. This response makes us reluctant to raise complaints with the police.

Police culture may also be a factor that contributes to police reluctance to raise complaints against other police. In their research, Saxton, Jaffe, Dawson, Straatman and Olszowy (2022) noted that police responses to IPV “...is made more complex due to a reluctance to speak freely about internal police issues due to concern about repercussion from management and loyalty to police services at a time of greater public scrutiny.”

Learning from critical review, external input and evaluation is limited. In working alongside police, we observe a protective cultural norm of ‘police stick together as ‘family’ prompted by the perception that ‘everyone is picking on them’. The reality is that DFV service providers want to work collaboratively with police — we want us all to be ‘as one’ in this quest to counter DFV.

Recommendation 10. That independent mechanism/s — with participation from people with lived experience of DFV and DFV specialist workers — be established to review complaints against police, and that this be established in collaboration with the Queensland Public Service Commission as per the Task Force proposal.

Victim's experience and voices

In our submission to the Women's Safety and Justice Task Force, we raised the need for a Victim's Commissioner in Queensland. We reiterate our proposal in this submission, given its likely positive impact on improving legal experiences and complaints processes for victims/survivors.

The UK has introduced a Victim's Commissioner to ensure victims are supported in coping and recovering from the impact of crime and to champion their rights in all forums where they are at a disadvantage, particularly in the criminal justice and child safety systems.

<https://victimscommissioner.org.uk/about-us/what-we-do/>

The Victim's Commissioner for England and Wales is dedicated to improving how the criminal justice system works for all victims and witnesses. The role of the Victim's Commissioner is to:

- » raise awareness of the common issues faced by victims and witnesses
- » monitor how criminal justice and victim support agencies comply with the Victim's Code and Witness Charter
- » conduct detailed research and produce comprehensive reviews
- » use their independent voice to influence national policy-making and hold partner agencies to account
- » speak up about what works best for all victims and witnesses, and especially the most vulnerable

This approach may be of benefit in Queensland and nationally to ensure women's experience of the system is not reduced to simply a complaint, but that the systemic issues and trends can be addressed by an external authorized position in government such as a Victim's Commissioner. This role would not simply be limited to DFV, but also to all experiences of people engaged with the justice system. We seek a model that ensures the Charter of Victim's Rights is not simply a voluntary code but a code with mechanisms for accountability of systems to respond to the voices of victims and witnesses whether they proceed within the justice system or not.

The legislative powers of the Victims Commissioner need to ensure that such a commissioner has the power to receive information and data when requested, the ability to conduct reviews of stakeholder activity within the criminal justice system, how compliance with the Victims Charter is operationalised as a mandatory requirement of service to cooperate (not optional), and the ability to conduct inquiries and investigations.

Promoting and protecting the human rights of women and children who are victims and potentially accused persons within the criminal justice system is crucial at every stage of the criminal justice process and by every person who works within the system. The stories of women and children's negative responses from the police and wider criminal justice system due to their cultural background, employment, disability, socioeconomic status, gender and age are symptoms of a culture that is insular and not contemporary. Promoting safety for individuals within this system begins with ensuring that every element of the system has the capacity and the ability through formal and informal mechanisms to listen, hear and respond to women and children of all backgrounds.

It is imperative that an independent body regularly reviews and holds the elements of the police and wider criminal justice system to account for its DFV responses.

Recommendation 11. That the Queensland Government establish a Victim's Commissioner similar to the UK model with the powers to hold different systems accountable to address systemic trends and complaints. . This Commission will ensure victims of crime (including DFV related crimes) are supported in coping and recovering from the impact of crime and to champion their rights in all forums where they are at a disadvantage, particularly in the criminal justice and child safety systems.

5. Conclusion: A Path Forward

A Queensland Police culture that gives primacy to community safety and crime prevention must recognise the evidence – that it is predominantly men who put the safety of the community at risk. This gender dynamic applies to domestic violence as it applies to other major crimes. It is predominantly men who threaten, intimidate, and violate women, children and other men in relationships. It is dominantly men who use a pattern of coercive control over time to invoke fear, powerlessness, humiliation, and violence. Police must not be defensive about the predominance of male violence and instead ‘stand up’ and lead transformational change to end male violence.

Policing is a male-dominated culture. Until this entrenched culture, with its foundations in a value base of male superiority is transformed, far too many male DFV offenders will not be held accountable, and women and children will not be adequately protected from harm.

In conclusion, the commission will—no doubt—make recommendations about improving the attitudes, behaviours, knowledge and culture of Queensland Police in reaction to Domestic and Family Violence. It is a culture that must change.

Micah Projects also recommend that Queensland police establish a culture that supports the emotional health and wellbeing of police officers. Establishing a service such as Blue Space in Victoria which was established following the Victoria Police Mental Health Review.

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