Annexure A

NGARRUWAN NGADJU FIRST PEOPLES HEALTH & WELLBEING RESEARCH CENTRE

SUBMISSION

Commission of inquiry into Queensland Police Service responses to domestic and family violence

SUBMISSION PREPARED BY ASSOCIATE PROFESSOR MARLENE LONGBOTTOM

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, Meanjin.

6th July 2022

Dear Ms Moynihan,

Thank you for your invitation to provide a submission to the Commission of Inquiry into Queensland Police Service responses to domestic and family violence. I understand the purpose of this inquiry is in relation to the following terms of reference. I have provided responses to the questions posed as below.

1. Whether there are any cultural issues within the Queensland Police Service that negatively affect police investigations of DFV.
2. The capability, capacity, and structure of the Queensland Police Service to respond to DFV.

I open this submission by including the words of Melissa Ratcliffe, the sister of Crystal Ratcliffe who was murdered in 2016. Crystal Ratcliffe was a Kalkadoon woman, who was raised on Gimuy Walubara Yidinji country and Melissa's younger sister. Crystal was murdered in October 2016, and it was not until March 2022 that a conviction was finalised. Melissa has shared with me the joys of being Crystals sister, including the traumatic experiences that she and her family have endured since Crystals' life was taken. From this submission, I expect that Melissa's words are heard.

"Every time a woman is killed by DV, it feels like I relive the same sense of uselessness, that the more promises [that] ***are made, things will change, the more they stay the same...***

It's so frustrating because I know what the family are about to go through. We relive everything about Crystal.

The system is a very broken one when it comes to police towards DV cases overall. But especially for Murri's.

Police need to be better educated and they need to review policies and procedures when it comes to DV. I think they need more resources, and cultural changes are needed.

What they don't understand from a victims perspective is, that they can be beaten so badly and when asked by the police what happened they don't want to speak out of fear and distress. At the same time the attacker gets away with it, because police say there is nothing they can do!

They write the job off, that's exactly what they do!

To me, I think when it comes to DV and police are called, the perpetrator seems calm and the victim is hysterical. The police can't get a word out of the victim, so anything the perpetrator says, the police will report that; it's easier for them.

Especially with Murri's. They don't take it serious enough. There's no urgency. It could be an hour before they come. The police don't come for a long time, the response time, and lack of urgency.

It's the judicial system too, and how they work. We had to wait five years, I couldn't believe it took five years. It's all down to the judicial system. We gotta suffer for five years before we got our justice"...
Melissa Ratcliffe

Over the past decade, the research I have conducted, has included working with Indigenous women who have shared stories of survival. I have also been working with Indigenous families who have lost a loved one to violence. In this submission I draw from this empirical research. In addition to speaking with survivors and family members, I review coronial inquests documents and death data that includes Indigenous women, young people and children who have died because of violence. I also bring to your attention that I speak from lived experience of surviving violence myself, as well as supporting family and friends who have experienced violence. These experiences provide insight to the draw from my own personal experiences as a survivor of violence. This submission is a response to call for immediate change to policing in relation to family and domestic violence. I speak to this submission in reference to Indigenous women, children, and gender diverse people.

Policing practice

Policing practices are harmful towards Indigenous women, children, and gender diverse people. Indigenous people do not feel safe, nor do they feel supported to approach the police to assist in situations where violence has occurred. While there may be some community members who are comfortable to approach the police for protection or support, many of the community I have spoken to will not call upon the police. This issue is multifaceted, and for a vast range of reasons.

Policing practices are varied; some members of the community are afforded the protections of the state, meanwhile in most of my experiences and that of the people I have personally supported in my own family and friends, while also the women I have worked with, the interactions with the state are often hostile and violent.

Research supports these hostile and violent relationships of which at the very least can be described as strained, indeed violent and in no way harmonious (1-3). These relationships are based on horrific historical, multigenerational, and cumulative impacts that continue to be enacted in the current day where there is a deep distrust of police reified by ongoing racial profiling by the state (1-6). The list below provides a snapshot of some of the issues with police responding to violence.

- There is lack of urgency and inadequate responsiveness as it comes to Indigenous survivors who report violence at a local police station.
- A lack of responsiveness and untimely fashion in which responses occur are delayed with hours passing before assistance arrives at a location where violence has occurred in the community. Especially afterhours and in times when violence is likely to occur.
- Interpersonal skills of the first responders are varied with communication by police often being confrontational or experienced in a culturally unsafe and disrespectful manner.
- A lack of understanding and the inability to discern when a person is speaking or expressing themselves from a point of frustration as opposed to being viewed as being oppositional or combative.
- The inability to deescalate highly emotive situations where violence has occurred. Especially where a survivor may have experienced violence and uses violent resistance as a way of self-defence or fighting back. Thus, an inability to identify the person requiring protection in times where an episode of violence occurs.
- A lack of responsiveness and the inability to identify those at risk of violence who are on the front line and receive inquiries in person or via telephone. This includes reports made at a local police station, in a discussion over the front counter. It could also be on a call out where an episode has occurred. Or by way of telephone conversation.
- A lack of understanding and the key cues where disclosure of violence is being made in reference to coercive control, psychological and emotional violence particularly where there has been no physical violence, but the person has experienced other forms of violence.
- A person seeking protection may need to plan a way out of leaving a violent relationship. Police may need to be part of the planning process. By the time the police do respond or provide support, the violence has become extreme to the point of where a person experiences multiple forms of violence and where it could be considered Polyvictimization and where their life and those around them may be at harm.

Police culture

Police culture in its very nature is something that requires immediate attention. In the raising of my own child, I have never encouraged him to seek support, nor protection from the police. In my own situation of experiencing violence, the police were not helpful and did not provide me with protection nor any form of support.

Race, racism, and policing practice

Racism is and can be produced and reproduced to suit the status quo, while also produced and reproduced by those in positions of power (7-12). It is something that is easily hidden, while also can be overtly displayed in behaviours and mannerisms in communication, platforms such as technology, curriculum in schools, policies, and procedures as well as legislation and laws (7-11, 13-17). Based upon the premise of hegemonic whiteness (18), policing practices can be violent, as can be seen in the work I have completed where Aboriginal women have been assaulted by police.

In one incident an Indigenous woman had her wrist fractured while being detained in handcuffs. The perpetrator who had been the instigator and violent towards her earlier that day, called the police during an argument. The perpetrator was meticulous and calculated in that they were calm by the time the police arrived, who in turn removed her from the property as she was still very emotive when the police arrived. This relationship was known to the police. There were DVOs on both parties. As a result, the police removed her from the property of the understanding that she was in breach of her DVO when in fact she the one requiring protection after she was physically assaulted. This is where Indigenous women are misidentified at the person who require protection. On her arrival to the police station, she was removed from the back of a police vehicle, fell face first to the floor and was. picked up by police by the handcuffs, which in turn broke her wrist. This incident ensued with a policewoman who displayed behaviour and body language of a lack of concern and care of the Indigenous woman's wellbeing. Thus, she was insulted, extremely humiliated, and felt isolated further and spat in the direction of the policewoman. Not only had she been physically injured by her violent partner, but also formally charged with a common assault.

US scholar Ruha Benjamin, describes racism as being a distorted form of knowledge, additionally she articulate that racism is innovative and productive, is produced and reproduced over time (11). This can be seen through the ongoing multigenerational impacts of trauma and violence targeted towards Indigenous people and communities. As it relates to the functions of police culture, race and racism is enacted through interactions at the interpersonal, systemic, and structural levels. These manifest in racial or other intersecting discrimination of macro and micro aggressions (12, 16). As these relate to Indigenous women the work I have completed, interactions with police are racialised and gendered

while also impacted due to an ableist viewpoint where Indigenous women may experience a disability or caring for someone with a disability (6, 19-22).

Indigenous women do not receive the same level of protection that non Indigenous women experience (6, 15, 17, 21, 23-27). Rather, Indigenous women are likely to be racially profiled and policed as though they are the perpetrators of violence. This can be witnessed in the increase in Indigenous women charged with murder or manslaughter and incarcerated because of using violent resistance (6, 20, 21, 25, 28, 29). There is an increasing number of Indigenous women where they have not been protected and have either been killed or retaliated in self-defence of which places them or their families within the judicial system as either a victim survivor or families of a murdered victim. This duality presents greater impacts on the lives and wellbeing of Indigenous communities whereby families continue to experience interactions with the ripple effect of becoming associated with the child protection system and separation from families (6, 20, 21, 25, 28, 29).

Police practices to family and domestic violence

The research I have led and been part of, has investigated Indigenous women's experiences of violence and the systemic responses of which includes the racialised and endured nature of their experiences with services such as police (6, 19-21). Thus, we see the ongoing implementation of racialised interactions with individuals and communities in the way services are provided to specific population groups, in this case Indigenous people and communities. From this work, it is clear that police are not the most appropriate to be first responders to situations where violence has occurred, instead, Indigenous community-controlled services may be more appropriate in the reporting of violence (6, 19, 21, 22)

From my research I have spoken with multiple Indigenous women who have shared stories that they experienced physical and verbal violence with very little support by the police when disclosing these incidents of violence. When approaching the police to report violence they have been disbelieved, not heard and had their stories minimalised or disregarded (6, 19-22). While I acknowledge that some police officers are caring and concerned about the safety of women and children, there are many who do not respond to call outs in a manner that is supportive much less are their practices culturally safe towards Indigenous women.

The purpose of conducting our research The First Response project (19, 22, 23) arose from the ongoing issue with police, government agencies and non-Indigenous services, inability to provide culturally safe and responsive services to Indigenous women who disclosed violence. From this research it was identified that Indigenous community-controlled organisations, namely Aboriginal community-controlled health organisations, were best placed to provide these services and are vital in the ongoing support to Indigenous women and children (21, 23, 25, 30). While they are not funded to provide these services, the organisations identified that it was in their scope of work to support the community to

ensure Indigenous women were safe and supported without the unnecessary need to continually report their story; thus reduce any possible retraumatisation that may occur (21, 23, 25, 30).

Micro and macroaggressions

Of the women who have shared their experiences of interacting with police, Indigenous women survivors have stated they have been judged or discriminated against as a result of their Indigeneity and womanhood. Manifested mostly through racial and gendered micro and macro aggressions, these interactions are enacted directly through displays of behaviours, verbal, and non-verbal cues as well as structural and systemic issues (6, 19-21). An example is that poor communication skills impact the ability for an Indigenous woman to report violence particularly in a sterile and hostile environment as a police station. Many of the women I have spoken to over the years have provided detailed descriptions of the behaviours, tone of voice, mannerisms, and bodily movements that police have utilised when they have reported violence. Dismissive behaviours such as police officers rolling of the eyes, checking their watch multiple times as a form of hurrying up the interview process, the body language, and the way in which they are spoken to, have been noted as part of their experiences. Verbal statements made by police to women I have spoken with include statements like *"you're educated, why did you stay?".... "you don't look Aboriginal".... "don't worry about it, you're a Blackfulla, you'll be right"*.

In the case of Indigenous women who do not fit the stereotypical phenotype of who 'looks' to be Indigenous, once a disclosure is made of their Indigeneity, the mannerisms, behaviours, and helpfulness of the police officer changes. Juxtaposed with Indigenous women with darker skin complexion who are treated in ways that are blatantly racialised and further alienated for the experiences they disclose to the police. Not only are these experiences traumatising to recount, when sharing these experiences Indigenous people are confronted with the need to self-regulate and self-soothe discomfort as a result of the process of engagement with the person or people recording the story. This adds to the layers of burdens that Indigenous people experience when disclosing violence.

Women only police stations

The work I have been part of with scholars Dr Amanda Porter, Dr Anne Deslandes and Dr Crystal McKinnon, we have analysed the idea of women police stations that are based of the carceral feminism model (24, 27). In terms of provision of services to Indigenous communities I encourage this enquiry to engage with this literature as our analysis provides an in-depth understanding of the current research and recommendations of these facilities.

Clearly police stations are not the optimal site where disclosures can be made. They are often not culturally inviting and in most circumstances are unsafe for Indigenous women, children, and gender diverse people to attend. Police stations do not provide for culturally

safe storying, to the point of there being limited confidential exits or entrances. Moreover there limited safe environments for children if they attend with their parent or carer where they may report or disclose violence.

Assuming that police stations servicing women will be culturally inviting to Indigenous women children and gender diverse people, disregards the experiences racism and ableism that Indigenous people experience when engaging with white women service providers. This has been evident in the work that I have been part of in-service provision to Indigenous women who disclose violence (6, 19-23). A one size fits all approach will not suffice, and it most definitely will not provide the culturally safety that Indigenous women, children and gender diverse people needs in order to come forward to disclose violence.

There requires greater consultation with organisations, survivors and families of those who have passed, along with researchers to work in this space to develop a holistic, trauma informed and culturally responsive model for Indigenous women, children and gender diverse people. To my knowledge QPS has a First Nations Reference group with members who can provide QPS with experiential and research knowledge that can guide these necessary changes that are required. The lack of recognition of the expertise that this group brings to the QPS is concerning given the level of community and depth of experiences each member provides.

Missing and murdered Indigenous women and children

My work extends to the investigation and understanding of Indigenous women and children who are missing and have been murdered. As I opened this submission with a statement made by Melissa Ratcliffe, there is an urgent need to address the failings to protect Indigenous women. As can be read in our submission to the QLD Women's Taskforce (25), myself and Dr Amanda Porter provided solutions and a way forward to better address violence against Indigenous women. This work requires a major overhaul of the state system and will require Indigenous participation and genuine partnership with Indigenous communities.

In closing, there is much work to be developed, locally based, and developed solutions informed by the community are a must. Indigenous women, children and gender diverse people are entitled to protection and safe spaces to share and disclose violence. Thus, it is vital that Indigenous communities, organisations, and researchers be part of the solution.

Best regards

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Associate Professor Marlene Longbottom

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