



QUEENSLAND POLICE SERVICE
STATEMENT OF WITNESS



QP 0125
01/06
Δ16

Occurrence #: _____

Statement no.: One Date: 29/07/2022

Statement of

Name of witness: FESTING, Michael Jack

Date of birth: _____ Age: _____ Occupation: Police Officer

Police officer taking statement

Name: _____

Rank: _____ Reg. no.: _____

Region/Command/Division: _____ Station
: _____

Statement:

Michael Jack Festing states:

Career Experience

1. I am a Senior Constable within the Queensland Police Service stationed at Mount Isa.
2. I graduated from the Queensland Police Service Academy (Oxley) on 18 September 2015. I was posted to Mount Isa for my first year and commenced as a General Duties Officer on 30th September 2015 at Mount Isa Station.
3. Prior to joining the Police Service, I graduated from year 12 and commenced working in retail and customer service.

(Justice of the Peace (Qual.)/
Commissioner for Declarations's signature)

CONTINUED STATEMENT OF: **FESTING, Michael Jack****Domestic & Family Violence (DFV) Training***Police Academy*

4. Whilst at the Police Academy I recall completing Scenario Based Training and Scenario Based Assessments for DFV scenarios. The training scenarios included talking with role players who were acting as an involved party in a DFV incident. The training assisted in questioning skills and communicating with persons who were involved in DFV incidents. The training helped me practice de-escalation tactics in communicating with emotional people.
5. I also completed theory training on relevant DFV legislation.
6. I feel that the academy prepared me for responding to and investigating Domestic Violence incidents.
7. During my time at the academy, I completed a period of one (1) week of station duty at the Bundaberg Police Station where I worked alongside sworn Police Officers and observed them during their shift.

Post Academy Training

8. Since leaving the Police Academy I have not received any DFV specific training other than completing mandatory training and some DFV Online Learning Products.
9. My FYC Program contained a DFV workplace activity (WPA) where I was required to provide examples of operational DFV incidents and show the work completed. To pass my FYC Program I had to be deemed competent in the DFV area and many others. During every shift of my FYC Program I was trained and supervised by an officer senior to me to sign off my work and ensure I completed DFV incidents to a standard which had already been outlined to me in my FYC Program.



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preparing statement)

CONTINUED STATEMENT OF: **FESTING, Michael Jack**

10. Below is my training history and OLPs completed during my FYC Program that are relevant to DFV:

- Domestic and Family Violence Protection and Other Legislation Amendment Act 2016 OLP – Completed 10/02/2017
- Domestic Violence and Related Matters 1.2 Constable Development Program Assignment – Completed 14/11/2017.
- Domestic and Family Violence Policing Enhancement Training OLP – Completed 31/05/2022
- Coercive Control OLP – Completed 31/05/2022

Other DFV Training

11. I have not undertaken any other voluntary training regarding DFV.

12. I have, at times, completed self-learning by reading legislation, case law and legislative changes to understand the law and be more prepared for responding to DFV incidents. What I mean by 'self-learning' is that I have utilised spare time to read and understand legislative changes and updates to ensure compliance. For example, when there were changes to DFV Applications becoming PPN Transfer Reports and DV01 Transfer Reports I read information provided to me by the QPS to understand why these changes were brought into effect.

13. I don't consider that there are any gaps in my DFV training. The introduction of PPNs was confusing at first but has been interpreted and explained over time. I feel that changes to the DFV legislation have addressed loopholes in the ability to offer protection when a PPN is issued.

Training Improvement Opportunities

14. A training package with uncommon and/or complex examples of DFV scenarios and how to resolve or act upon them would be useful for new officers and for serving officers to refer to, or draw upon, when faced with a challenging DFV situation.

15. Further training in the civil jurisdiction in which DFV applications are made would be useful.



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preparing statement)

CONTINUED STATEMENT OF: **FESTING, Michael Jack***Nature of the DFV Training*

16. I have learned the most about DFV from theoretical training. In my view, practical training is merely suited for academy and recruit level. However, in service, theoretical training is more beneficial. Theoretical scenarios can be outlined to officers who can relate them back to incidents they have faced and understand what should have been done differently and what can be done next time. DFV incidents are complex and the truth in the incident is often very hard to uncover.

Interaction with the Domestic Family Violence & Vulnerable Persons Unit (DFVVPU)

17. Whilst I have not contacted the DFVVPU, I have contacted the After Hours DFVC Coordinator in the Brisbane Communications centre on one occasion for assistance with an investigation. I discussed the level of conflicting evidence and versions and whether it would be sufficient for a PPN or could be a DV Other Action.

18. I have had no dealings with the Mount Isa DFVC office (Hight Risk Team) and am unaware of where they can help me with incidents.


Challenges in responding to and investigating DFV

19. In my experience, the most challenging part of any DFV incident is obtaining appropriate evidence for court. Often, any witnesses are family and don't want to provide statements against their mum, dad, cousin, uncle etc. Other times it's aggrieved against respondent in a "he said - she said" scenario where there are no independent witnesses.


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CONTINUED STATEMENT OF: **FESTING, Michael Jack**

20. What is the hardest is an incident where there is an aggrieved and respondent, and an incident has clearly occurred but the aggrieved is not willing to speak with Police about it. We want to do something to protect the aggrieved, but they are not assisting us, and Police fear the scrutiny for inaction when we have no evidence except our observations. Police also fear scrutiny for putting a respondent before the court with no statement and the only evidence being photos of property damage, describing the scene or similar. There is also no clear-cut requirement for putting a breach before the court and it differs between varying supervisors for what will and will not be sufficient evidence for the court.
21. As mentioned above, it is particularly challenging to determine the sufficiency of evidence for proceedings when dealing with incidents where the aggrieved is not willing to provide a statement and there is little other corroborating evidence. It is the current view that without an aggrieveds statement a matter will not proceed in court. If it was possible to put our body worn camera footage before the court to show aggrieved and respondent behaviour when speaking with police, it would show injuries, the scene, reserved/closed off behaviour as well as aggrieved reluctance to assist. Further, being able to obtain an aggrieved version on camera and tender this as evidence would enable the aggrieveds story to be told directly to court in their words and not be paraphrased or altered. This would show to the court a visual of what Police are dealing with and what we are attempting to explain to the court.
22. In the Mount Isa District, majority of the Police incidents and subsequent DFV incidents involve First Nations persons. There can be cultural barriers hindering investigations, such as often anti-police sentiment or calls for Police to remove a person from a house. Aggrieved persons will provide initial versions to Police but as soon as clarifying questions are asked or Police attempt to obtain a notebook statement the aggrieved realises the seriousness of Police attendance and they no longer wish to engage further with Police.
23. Another challenge with the First Nations community is understanding relationships when family members who are not blood related are referred to as “cousin”, “brother/sister” or “aunt/uncle”. It can be challenging for Police to understand relationships in the context of cultural considerations and the DFV legislation. This can be particularly challenging for Police when outlining the relevant relationship to the court.


(Witness's signature)

(Justice of the Peace (Qual.)/
Commissioner for Declarations's signature)


(Signature of police officer
preparing statement)

CONTINUED STATEMENT OF: **FESTING, Michael Jack**

24. Often when Police respond to a DFV incident we know something has happened, but no one wants to talk to us. In Mount Isa, it is often the case that the call is made alleging DFV but, upon arrival, when we investigate the aggrieved only wants a person removed or locked up. When we explain the need for a PPN or Order we are regularly told that the aggrieved does not want any DFV Order and they simply want the person removed. In my experience there is a misunderstanding about powers around removing people when there has been report of DFV.



Michael Jack Festing

Justices Act 1886

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

- (1) This written statement by me dated 14/07/2022 and contained in the pages numbered 1 to 7 is true to the best of my knowledge and belief; and
- (2) I make this statement knowing that I may be liable to prosecution for stating in it anything that I know is false.

..........Signature

Signed at Mount Isa this 29th day of July 2022.



(Witness's signature)

(Justice of the Peace (Qual.)/
Commissioner for Declarations's signature)



(Signature of police officer
preparing statement)