INTELLIGENCE ASSESSMENT

PROTECTED

Problem Place / Case

Reference QI2100314468, A1

CURRENT AS AT
30-Jun-2021 22:00

Domestic and Family Violence in the Torres Strait and the Northern Peninsula Area

Domestic and family violence incidents have been the highest call for service in the Torres Strait Patrol Group (TSPG).[1] The likelihood of a domestic and family violence related death is high given the frequency and severity of the violence. Recent cases of domestic and family violence related deaths in Queensland have prompted reviews of events preceding these deaths.[2] External commentary have cast assertions at the quality of police response and investigation of these preceding events, suggesting the deaths were predictable and preventable.[3]

The purpose of this intelligence assessment was to future proof the Queensland Police Service (QPS) to withstand scrutiny in the event of a domestic and family violence related death. This assessment uncovers issues which have been overlooked in station and district reviews of individual occurrences and when left unaddressed, elevate the risk of aggrieved spouses being exposed to further harm and damaging the professional reputation of the QPS. The assessment provides a blueprint for the organisation to consider as we strive to meet community expectations in the challenging, and at times confronting areas of domestic and family violence.

Key Findings

- It is likely a domestic or family violence related death will occur in the Torres Strait Patrol Group given the frequency and severity of domestic and family violence towards aggrieved spouses.
- During 2020-21, approximately eighty percent (80%) of calls for service to attend domestic disturbances in the Torres Strait Patrol Group involved recidivist respondents. It was evident occurrences finalised as Domestic Violence – Other Action[4] were increasing compared to proceedings commenced against recidivist respondents which have remained steady.[5] These reporting trends were most pronounced in the Thursday Island Police Division.
- In Thursday Island Police Division, it was likely a growing proportion of domestic and family violence matters were finalised as DV-Other Action prematurely without providing necessary protection to the aggrieved. Arguments supporting this course of action included the presence of a hostile aggrieved spouse, and the likelihood of further violence being regarded as low because spouses lived apart, the incident was a one-off, or the severity of violence did not meet a subjective threshold. These issues were not apparent in Bamaga Police Division and Horn Island Police Division.
- In Horn Island Police Division and Thursday Island Police Division, it was likely officers were avoiding charging respondents with domestic violence related criminal offences raising concern by the Magistrate that the Queensland Police Service was acting contrary to community expectations.

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[1] The Torres Strait Patrol Group consists of Thursday Island Police Division, Horn Island Police Division and Bamaga Police Division. Horn Island Police Division covers Horn Island only. Thursday Island Police Division includes 17 inhabited islands of the Torres Strait and Bamaga Police Division covers 5 indigenous communities.

[2] Pierce, J and D Buckley, *"Kelly Wilkinson becomes the third alleged Queensland domestic violence murder victim in two months."* 22-Apr-2021 www.courier-mail.com.au ; Lynch, L *"Murdered women begged to be protected – they still died."* 25-Feb-2021 www.brisbanetimes.com.au.

[3] *"Queensland Police admit to 'a failure' following alleged murder of Kelly Wilkinson"* 22-Apr-2021 www.theguardian.com ; *"Coroner finds police and social workers mishandled care of pregnant woman bludgeoned to death on Gold Coast by former boyfriend."* 20-Jan-2021 www.abc.net.au ; *"Queensland cops 'ignored risks' before Domestic Violence murder."* 20-Jan-2021 www.perthnow.com

[4] [redacted]

[5] Refer to Appendix for Domestic Violence Occurrences for the Torres Strait Patrol Group

Contact Officer: [redacted]
Contact Details: Dist Intel Thursday Island [redacted]

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- It was likely a preoccupation with compliance to legislative and policy responsibilities when reviewing domestic and family violence occurrences has been to the detriment of assuring quality outcomes for aggrieved spouses and named persons.
- It is highly likely a prisoner released on parole subject of a current D&FVPA Order will reoffend within a few months of release against an aggrieved spouse named in the Order or against a new spouse. The existing operational procedure of police notifications to stations where the aggrieved spouse resides, has proven ineffective to keep aggrieved spouses safe or extend the safety net to other persons who enter into intimate personal relationships with the recidivist respondent.
- It is highly likely the victim of domestic violence will be the spouse who does not have any family or established social network within a remote indigenous community. In these instances, Police need to be mindful of this issue and demonstrate a broader appreciation of Torres Strait culture when an aggrieved spouse presents as hostile, reluctant to disclose information about domestic and family violence.
- The stressors in relationships characterised by domestic and family violence vary between the indigenous communities situated within the TSPG. Relationship counselling and public education programs need to focus on these local issues to make the domestic and family violence prevention message relevant and accepted.

Intelligence Gaps

- It is unknown why some Torres Strait Islander Police Liaison Officers (TSIPLO) have been reluctant to notify Police when community members come forward to report domestic disturbances.
- How to overcome the cultural divide of shifting the shame of a victim and a victim's family name to the perpetrator to encourage aggrieved spouses to make disclosures about domestic and family violence (D&FV) to first response police.
- Will the new 'DFV Criminal Offence Recording' procedure improve the quality of police response and investigation in the Torres Strait Patrol Group.

Strategies & Supporting Tactics

- Local Operation PIVOT has commenced at Thursday Island Police Station. The Op PIVOT team will deliver a training session to first response officers to complement standard D&FV training in legislative and policy responsibilities. The aim of this training session will be to build capability in investigative skills, giving officers a broader appreciation of evidence and address issues identified in this assessment.
- Consideration to be given to engagement with respondents on parole subject to a D&FVPA Order to mitigate the risk of reoffending. Liaison with indigenous justice groups welcome this engagement suggesting the involvement of TSIPLOs to reinforce understanding. This strategy will to be trialled by OP PIVOT.
- Consideration for police to conduct follow-up enquiries with aggrieved spouses following domestic disturbances when at the time of initial police response, the aggrieved spouse was reluctant to make disclosures about the violence in the presence of a controlling respondent. This strategy will be trialled by OP PIVOT.
- Pastor education in relation to domestic and family violence will be progressed at selected church denominations within the Torres Strait Patrol Group. This strategy will be progressed by OP PIVOT complementing the existing State Government 'Respectful Relationships' program conducted in schools.
- Consideration to be given to a creation of a new *Report of Suspected Harm to the Aggrieved Spouse* linked to D&FV occurrences. This report would capture observations made by officers of controlling

behaviours and coercive control to assist in the identification of relationships at risk of escalating violence. This report would be tasked to the specialist officers within District Family Violence and Vulnerable Persons (DFV & VP) Units.

- District Intelligence Thursday Island will provide intelligence support to progress case management of domestic and family violence offenders at Thursday Island Police Station.
- District Intelligence Thursday Island will also provide intelligence support to external stakeholders taking carriage of police referrals and public education programs.

Distribution List

Assistant Commissioner, Family Violence and Vulnerable Persons Command	OIC State Domestic and Family Violence and Vulnerable Persons Unit
District Officer, Far North District, FNR	District Domestic and Family Violence Coordinator, Far North District, FNR
Assistant District Officer, Far North District, FNR	Patrol Inspector, Torres Strait Patrol Group
Crime Group Inspector, Cairns City and Torres	Crime Group Inspector, Cairns Country and Cape
Superintendent, State Intelligence Group, Crime and Intelligence Command	Senior Sergeant, Intelligence Operations Leader FNR & NR
OIC Sergeant, District Intelligence, Far North District, FNR	OIC Police Prosecutions, Torres Strait Patrol Group
OIC Bamaga Police Station	OIC Horn Island Police Station
OIC Thursday Island Police Station	OIC Thursday Island CIB & CPIU

Annexure

Analysis

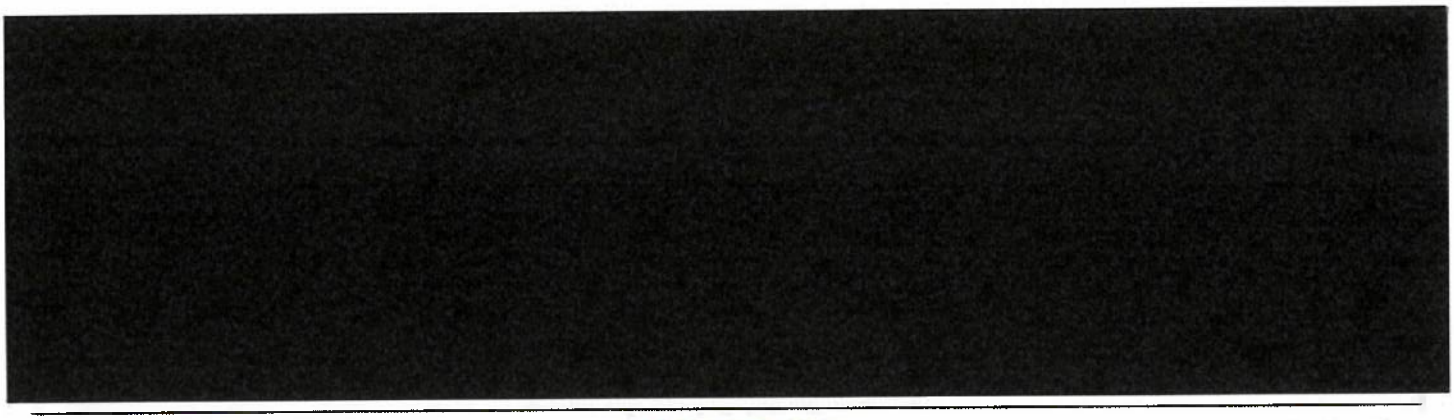
- **It is likely a domestic or family violence related death will occur in the Torres Strait Patrol Group given the frequency and severity of domestic and family violence towards aggrieved spouses.**

  Head injuries were the most common injuries sustained by aggrieved spouses in the TSPG.[6] The modus operandi for respondents was to king hit aggrieved spouses in the face with one or several punches with sufficient force for some of them to fall over, fall into furniture or downstairs. Some aggrieved spouses have also fallen down unconscious. A common occurrence for respondents was to further attack aggrieved spouses when they retreated and turned their backs. At this time, the modus operandi for respondents was to strike the aggrieved spouses in the back and side of the head with multiple punches. In Bamaga Police Division, an emerging trend amongst younger adult respondents was to strike the back and side of the aggrieved's head with implements such as furniture, milk crates, glass bottles or other household items in reach.[7] In the event an aggrieved spouse was still standing, the modus operandi was for respondents in Horn Police Division and Thursday Island Police Division was to ground the aggrieved by grabbing her hair and then stomping on the aggrieved's head and torso or bending down to kick and punch the aggrieved in the head and torso.[8] These vicious acts of violence on the ground have occurred inside dwellings, private yards and in public view along streets. Respondents have also attacked unaware aggrieved spouses in vehicles by punching them through the driver's side open window.[9] Respondents have also weaponised vehicles to deliberately drive at the aggrieved spouse causing injury or threatened to drive the vehicle at speed into a pole to injure the aggrieved seated in the front passenger's seat.[10]

- **During 2020-21, approximately eighty percent (80%) of calls for service to attend domestic disturbances in the Torres Strait Patrol Group involved recidivist respondents. It was evident occurrences finalised as Domestic Violence – Other Action[11] were increasing compared to proceedings commenced against recidivist respondents which have remained steady.[12] These reporting trends were most pronounced in the Thursday Island Police Division.**

  Between 15-Apr-2020 and 15-Apr-2021, intelligence checks indicate approximately 80 percent of D&FVPA Orders contravened in the Torres Strait Patrol Group were committed by 42 recidivist respondents residing in Horn Island and Thursday Island Police Divisions and by 30 recidivist respondents residing in Bamaga Police Division.[13] Amongst these 72 recidivist respondents, some were responsible for multiple calls for service during the reporting period with alternative or no action taken.[14]

  Between 2017 and 2021, domestic and family violence matters finalised where proceedings have not commenced against the respondent spouse have steadily increased.[15] The most notable increase has been in the Thursday Island Police Division with an 86% increase in matters finalised as Domestic



Violence-Other Action during the previous twelve months.[16] In comparison, Horn Island Police Division and Bamaga Police Division experienced an 11% increase and a 12 % increase respectively.[17]

- **In Thursday Island Police Division, it was likely a growing proportion of domestic and family violence matters were finalised as DV-Other Action prematurely without providing necessary protection to the aggrieved. Arguments supporting this course of action included the presence of a hostile aggrieved spouse, and the likelihood of further violence being regarded as low because spouses lived apart, the incident was a one-off, or the severity of violence did not meet a subjective threshold. These issues were not apparent in Bamaga Police Division and Horn Island Police Division.**

Between 15-Apr-2020 and 15-Apr-2021, police attending domestic disturbances in the Thursday Island Police Division finalised 95 matters as DV-Other Action. Matters finalised using this category represented an average 77% increase compared to the previous 3 years.[18] This increase was substantial considering the projected increase for Far North District [now Far North Region] for 2021 was 21%.[19] Intelligence checks of finalised DV-Other Action occurrences in Thursday Island Police Division identified in the following arguments used by officers not to issue a Police Protection Notice (PPN), take out a Police D&FVPA Application or commence proceedings against the respondent:

<u>Misunderstanding - Threats of domestic and family violence does not constitute domestic violence</u>

On [redacted] Feb-2021, police received information from the TSIPLO on [redacted] regarding a domestic disturbance between an aggrieved spouse and new respondent Male A [redacted] The aggrieved spouse informed respondent Male A about information she had received regarding his alleged infidelity. Male A dismissed the gossip arming himself with a machete in front of the aggrieved and proceeded to search the island for the relative spreading rumours about him. No action was taken against Male A despite him making admissions to committing the criminal offence of armed so as to cause fear or alternatively the simple offence of committing a public nuisance. No adult caution for the latter offence was considered. The occurrence was finalised as DV-Other Action on the grounds the respondent Male A had exercised self-control and not carried out his threat of violence. By not carrying out his threat, the officer decided his behaviour did not constitute domestic and family violence. The officer also justified their decision on the grounds the respondent had no prior history to justify protection of the aggrieved.

Intelligence checks indicate the respondent's criminal history showed a propensity for violence and by police not charging Male A on this occasion, increased the likelihood of him committing further acts of violence.[20] On [redacted] Mar-2021, police responded to second domestic disturbance on [redacted] between respondent Male A and the aggrieved spouse. The severity of the violence sustained by aggrieved spouse required immediate medical attention and she was airlifted to the emergency department at the [redacted] On this occasion, decisive action was taken with the assistance of the [redacted] Male A was served a PPN and charged with 2 x Assault Occasioning Bodily Harm.[21]

On [redacted] Dec-2020, police attended a domestic disturbance on [redacted] The officer stated that the actions of the respondent spouse chasing after the aggrieved whilst threatening to assault her did not constitute

[16] Reporting Period was 15-Apr-2020 to 15-Apr-2021. Refer to Appendix for TSPG Domestic and Family Violence Occurrences.
[17] Daily Statistical Summary – Far North Police District – issued 17 May 2021. 21% increase refers to this Financial Year Projected Change.
[18] QPRIME – Domestic Violence – Other Action crime class 15-Apr-2020 to 15-Apr-2021. Refer to Appendix DV-No Action by division by year
[19] Daily Statistical Summary – Far North Police District [now FNR] – issued 17 May 2021. 21% increase refers to this Financial Year Projected Change.
[20] [redacted]
[21] [redacted]

domestic violence. Intelligence checks indicate the respondent spouse was already subject of a D&FVPA Order with another person, had breached this Order and has previous criminal history for violence.[22]

On [redacted]-Nov-2020, police attended a domestic disturbance at [redacted] Thursday Island involving recidivist respondent Male B [redacted] The officer obtained a witness statement from the aggrieved where she detailed the threats of violence made by the respondent. The officer interviewed the respondent where he denied committing the offence. The matter was finalised as a DV – Other Action on two grounds: one being that threats to kill the aggrieved spouse by the respondent to the aggrieved did not constitute domestic violence.[23]

Potential use of alternative sources of evidence not considered to substantiate an offence

On [redacted]Feb-2021, police attended a domestic disturbance at [redacted] The recidivist respondent Male C [redacted] was on parole and subject to a current D&FVPA Order. Witness statements were obtained from two medical clinic staff where the aggrieved presented with domestic-related injuries and made disclosures regarding the physical violence committed by the respondent. One witness statement also corroborated the aggrieved's version of events and the injuries she sustained. The matter was finalised as DV-Other Action on the grounds that without a witness statement from the aggrieved spouse, the sufficiency of evidence test would be insufficient to breach the respondent. Intelligence checks indicate it was likely had the respondent been breached and criminal charges preferred, a Return to Prison Warrant for the respondent would have been triggered.[24]

On [redacted]Dec-2020, police attended a domestic disturbance at [redacted] The investigating officer deemed the matter was domestic violence and that the respondent had contravened the Order. The officer sought to finalise the matter as DV-Other Action on the grounds the hostile aggrieved spouse would not provide a statement.[25] In this instance, a senior constable advised the constable to consider alternative sources of evidence including the triple-zero recording and obtaining a statement from a witness who had collected the aggrieved immediately following the offence. Recidivist respondent Male D [redacted] was subsequently charged with contravening the D&FVPA Order and again in January 2021.[26]

Misunderstanding – The likelihood of further violence was minimal because spouses lived apart

On [redacted]Nov-2020, police attended a domestic disturbance on [redacted] involving recidivist respondent Male E [redacted] The incident involved physical acts of violence which constitute domestic violence and occurred during the exchange of their child which the respondent and aggrieved have shared custody. The occurrence was finalised as DV-Other Action on the grounds the couple lived apart. The officer did not appreciate the likelihood of further acts of violence occurring whenever the couple met to exchange their child. The frequency of these exchanges also was not documented to determine the risk of further violence to the aggrieved.[27]

Intelligence checks indicate Bamaga Police and Horn Island Police do not excuse violence committed by estranged spouses. On [redacted]-Jan-2021, Bamaga Police attended to a domestic disturbance at a dwelling in [redacted] occupied by the aggrieved. The call for service followed an unsolicited visit by recidivist respondent Male F [redacted] which had turned violent. This incident followed an earlier domestic disturbance between the couple at another address.[28] Respondent Male F was charged and later

[redacted]

sentenced with contravening a D&FVPA Order and other domestic violence related criminal offences.[29] Bamaga Police did not dismiss taking decisive action against the respondent on the grounds the respondent and aggrieved spouses were estranged.

On the same evening, Bamaga Police also attended another domestic disturbance in [redacted] Recidivist respondent Male G [redacted] had visited the aggrieved and the situation had turned violent. Male G was charged with contravening a D&FVPA Order and two domestic violence related criminal offences.[30] Again, Bamaga Police did not dismiss taking decisive action against the respondent on the grounds the respondent and aggrieved spouses were estranged.

Misunderstanding: Domestic violence was a one-off incident and was unlikely to happen again

On [redacted]Nov-2020, police attended a domestic disturbance on [redacted] Police observed the significant visible bruising and swelling to the aggrieved's left eye which was also blood-shot. The aggrieved informed police the respondent Male H [redacted] had assaulted her causing bodily harm and the family relationship was confirmed. Police finalised this matter as DV – Other Action stating the incident was a one-off. Intelligence checks indicate the persons were not subject of a D&FVPA Order and as such, by police not issuing a PPN and charging Male H with AOBH, necessary protection was not provided to the aggrieved spouse.[31] The officer also did not suggest medical assistance to the aggrieved or seek to obtain a witness statement. A higher charge of grievous bodily harm may have been appropriate pending receipt of medical opinion evidence on the observed eye injury.

On [redacted]Jul-2020, police attended a domestic disturbance on [redacted] involving two members of the same family. Enquiries confirmed the two family members resided together and the source of disagreement was a 'recurring issue' regarding tenancy. The officer's report detailed observations of physical injury to the lip of the aggrieved spouse sufficient to constitute family violence. No forensic evidence was taken of the aggrieved spouse's injury and no witness statements were taken. The officer finalised the occurrence DV-Other Action arguing both parties were involved in the altercation and further acts of violence were unlikely contrary to earlier advice that the source of violence was a recurring tenancy issue.[32]

Misunderstanding: Non-physical acts of violence are assigned less weight than physical acts of violence

On [redacted]Dec-2020, a concerned aggrieved spouse took up with police on [redacted] The aggrieved reported she and her mother were in receipt of threatening text messages from the respondent Male I [redacted] The aggrieved spouse explained to the officer they were fearful the respondent may travel to [redacted] to carry out his threats. The officer dismissed their concerns generating a DV-Other Action occurrence stating the threats were minor in nature and without associated physical acts of violence or property damage there was insufficient grounds to warrant police taking action against Male I .[33] Intelligence checks indicate on [redacted]Dec-2020, respondent Male I arrived on [redacted] and committed domestic and family violence including multiple punches to the face of a family member related to the aggrieved and her mother. On this occasion where physical violence was observed, a PPN was served on Male I .[34]

On [redacted]Apr-2020, police attended a domestic violence occurrence on [redacted] During investigation of the occurrence, the reporting officer made written observations regarding the controlling behaviour of

[redacted]

respondent Male J [redacted] which caused considerable anxiety for the aggrieved that she was observed to be uncomfortable and unwilling to make disclosures. Police dismissed her safety concerns finalising the matter as DV-Other Action without due consideration to the observed behaviours which would satisfy the definition of domestic violence.[35]

Delays in document service offered no protection to the aggrieved spouse

Delays in the service of D&FVP documents on recidivist respondents were highly likely to be enabling respondents to commit further acts of domestic violence without being charged for breaching a D&FVPA Order. In November 2020, a D&FVPA Order was made between recidivist respondent Male K [redacted] and his new aggrieved spouse Female A [redacted] Male K was not served a copy of the D&FVPA Order issued in November 2020 until February 2021[36]. In the intervening period, Male K committed a further 4 acts of severe physical violence against Female A but was never held to account due to the delayed service of documents.

On [redacted]Feb-2021, a female person presented at [redacted] with suspected rib fractures from a domestic violence incident at [redacted] A Contravene D&FVPA Order occurrence was generated and finalised as unfounded on the grounds the respondent/suspect Male L [redacted] had not been served the D&FVPA Order issued in the [redacted] Magistrates Court on [redacted] Aug-2020 following an incident on [redacted] Aug-2020 at [redacted] The Order was not served on the respondent until [redacted] Feb-2021.[38]

Misunderstanding of TSIPLOs to notify police when community reported domestic disturbances to them

On [redacted] May-2020, police attended [redacted] in relation to other matters. Whilst on [redacted] Police were advised of a report of domestic violence by the aggrieved spouse to the TSIPLOs on [redacted]-Apr-2020. QPRIME checks indicated Thursday Island Police had not received this notification.[39] The matter was finalised as a DV-Other Action. On [redacted] May-2020, police received a phone call from Female B [redacted] of [redacted] regarding a domestic violence incident with her spouse Male M [redacted].[40] (She) stated she had acted in self-defence arming herself with a broom when (he) confronted her with a knife. (She) advised police she no longer notifies TSIPLOs on [redacted] because they did not attend to her address when she reported an incident one month ago. The officer taking the telephone call finalised this matter as DV-Other Action citing conflicting versions as justification. The officer incorrectly determined (her) as the respondent and (him) as the aggrieved.[41] On [redacted] May-2020, (he) was correctly identified as the respondent and the actions on his part constituted domestic violence. This matter was also finalised as DV-Other Action on the grounds the aggrieved spouse was no longer fearful of the respondent to warrant protection.[42]

Empathy towards the spouse whom presents as calm and engaging leading to misidentification of the true victim

It is likely more weight was placed on perpetrators' accounts of events when they present as charming or calm to police. This is particularly apparent when the victim does not present as an 'ideal victim' due in

[redacted]

part to coercive control.[43] On [redacted] Nov-2020, Thursday Island police attended a domestic disturbance on [redacted] The reporting officer demonstrated his empathy towards the recidivist respondent Male N [redacted] by creating a DV-Other Action occurrence on the grounds that *'procedural fairness'* should be offered to the respondent.[44] On [redacted] Apr-2021, police attended another domestic disturbance involving the same respondent. During the investigation, a witness provided an account of the physical violence Male N had inflicted on the aggrieved which a reasonable person would have expected physical injuries to be visible to corroborate the witness's version of events. No witness statement was taken or no written notes were made of the officer's observations of the aggrieved spouse's injuries which would have enabled the furnishing of a Police D&FVPA Application and a substantive criminal offence preferred against Male N The matter was also finalised as DV-Other Action.[45]

The adverse implication of this empathy shown towards the engaging spouse was the potential misidentification of the true aggrieved spouse.[46] On [redacted] Oct-2020, 2300hrs, Police attended a domestic violence incident on [redacted] The recidivist spouse Male O [redacted] informed the police he had been injured claiming he was the victim of domestic violence. Photographs were taken of his injuries and a DV – Other Action generated on the grounds the female spouse needed to be questioned about the assault on Male O On [redacted] Oct-2020, 1030hrs, a senior constable correctly identified the female person as the victim. The true victim claimed the defence of provocation to explain the cuts to Male O face whilst he had her pinned down on the bed pressing down on her throat and chest. Male O was subsequently charged with 2 x Common Assault and a PPN issued correctly namely Male O as the respondent.[47] On [redacted] Nov-2020, Police received a triple-zero telephone call from the aggrieved spouse stating Male O was throwing furniture at her and threatened to kill her on suspicions she had been unfaithful. The aggrieved spouse provided a witness statement which would have corroborated the triple zero telephone call recording. The officer empathised with recidivist respondent Male O updating the file as 'file pending further' concluding the domestic violence was minor and the incident was a one-off. The officer demonstrated no appreciation of preceding events.[48]

A similar occurrence occurred on [redacted] Aug-2020 at Thursday Island where police incorrectly identified the victim of domestic violence as the respondent and issued a PPN against Female C [redacted][49] In the report, the officer stated that [redacted] Police have known for some time that domestic violence has been occurring at the [redacted] residence. QPRIME checks indicate no previous attendance by police or intelligence holdings to support this claim. The officer's report summarised the claims of controlling behaviours towards the alleged victim but these claims lacked the necessary detail a reasonable person would have expected the alleged victim would have been able to articulate. The alleged victim also did not seek legal assistance in relation to alleged threats of his children being taken away from him. A reasonable person would have expected a parent to seek legal assistance if they considered the threat of losing their children was genuine. The officer presented the alleged victim in a glowing light. On [redacted] Aug-2020, Female C attended [redacted] Police Station visibly upset a PPN had been issued naming her as the respondent. Female C recalled several incidents to the officer including her husband's dangerous operation of a vehicle which would have caused her serious injury if he carried out his threat of

[43] *"Government's response to the Domestic and Family Violence Death Review and Advisory Board 2019-2020 Annual Report"*, Queensland Government", p.75 www.courts.qld.gov.au/_data/assets/pdf_file/0008/663632; Smee, B "A very broken system: Why Queensland Police still getting domestic violence cases so wrong?" www.theguardian.com 7-May-2021;
[redacted]

[46] *"Government's response to the Domestic and Family Violence Death Review and Advisory Board 2019-2020 Annual Report"*, Queensland Government", p.75 www.courts.qld.gov.au/_data/assets/pdf_file/0008/663632; Smee, B "A very broken system: Why Queensland Police still getting domestic violence cases so wrong?" www.theguardian.com 7-May-2021;
[redacted]

ramming the vehicle into a pole on her side of the vehicle. Female C also provided detailed incidents regarding the controlling behaviours tied to her husband's religious beliefs and how his insecurities have caused irreputable damage to her self-confidence and self-worth Female C made admissions to assaulting her husband which led to him being incorrectly identified as the aggrieved but her version of events would satisfy the criminal defence of provocation. The officer generated a DV – Other Action nominating Female C [redacted] as the aggrieved spouse but argued Female C was not the spouse in most need of protection and taking out cross orders would not be in the spirit of the legislation.[50] On [redacted] Sep-2020 Female C submitted a Private D&FVPA Application which detailed 15 incidents of domestic violence including incident no. 7 regarding the dangerous operation of a motor vehicle involving several witnesses which had police not brushed aside and investigated this criminal offence, police were likely to have arrived at a different conclusion about the spouse in most need of protection. The Magistrate approved her Private Application with the true respondent spouse named in the Order.[51]

Intelligence checks indicate recidivist respondents have also become adept at using the legislation to their advantage. In Thursday Island Police Division, it was commonplace for recidivist respondents to be recognised as the aggrieved spouse during domestic disturbances following a conviction for a domestic-related offence. This recognised status provided them with a buffer from being held accountable for domestic violence. Recidivist respondent Male P [redacted] for example, was responsible for 10 calls for service during the last twelve months. In 4 of the 10 occurrences, Male P was identified as the aggrieved. In the remaining occurrences, no proceedings were commenced against him.[52] Male P also reduced the likelihood of being further charged by coercing his aggrieved spouse to inform police the domestic disturbances were verbal arguments only.[53]

<u>Severity of the violence does not meet a subjective threshold to warrant protection</u>

On [redacted] Dec-2020, police attended a domestic disturbance on [redacted] Police established that domestic violence had transpired but finalised the matter as DV – Other Action on the grounds that the common assault was minor, no weapons were involved and no property damage. No PPN was served and no substantive criminal charges were preferred against Male Q [redacted].[54]

On [redacted] Nov-2020, at approximately 0943hrs, Police received 2 triple zero calls during which a female's voice was heard screaming and requested police attend an address on [redacted] Upon arrival at 1434hrs, Police spoke to both parties with the new respondent [redacted] admitting to wilfully damaging property in the kitchen during the heated exchange. Intelligence checks indicate that a PPN was in place. The officer generated a DV– No Action occurrence stating that although domestic violence had occurred, the property damage was insufficient to warrant charging the respondent with contravening the PPN.[55] The officer also stated the aggrieved spouse was intending to travel to [redacted] for Christmas reducing the incidence of further violence from happening. Five young children aged 1 to 7 were named in the occurrence but the report does not indicate whether the children had been exposed to the violence. It is likely no *Report of Suspected Harm to a Child* occurrence was created with the DV -No Action decision taken.[56]

[50] Domestic and Family Violence Protection Act 2012 Part 1 Division 2 Section 4 (2) (e); QP2001734336 [redacted]

[53] Another example – Recidivist respondent [redacted]

[55] Domestic and Family Violence Protection Act 2012 Section 178 (1) and (2) - Contravention of a Police Protection Notice [redacted]

- **In Horn Island Police Division and Thursday Island Police Division, it was likely officers were avoiding charging respondents with domestic violence related criminal offences raising concern by the Magistrate that the Queensland Police Service was acting contrary to community expectations.**

  Intelligence checks indicate officers especially in Horn Island Police Division were charging respondent spouses only for contravening a PPN or a D&FVPA Order without accompanying criminal offences. On [redacted]May 2021, an aggrieved spouse provided video evidence to Horn Island police in relation to the dangerous operation of a vehicle by the respondent Female D [redacted] The video corroborated the version of events supplied by the aggrieved whereby the respondent threatened the drive over the aggrieved spouse if the aggrieved did not get into the vehicle. When the aggrieved refused, the respondent accelerated the vehicle at the aggrieved and hit him knocking him to the ground. The aggrieved advised Police he was still sore from the incident. The officer did not obtain a statement, obtain a medical consent form and direct the aggrieved to be seen by a doctor. The respondent was charged only for breaching the D&FVPA Order and not for the criminal offence of Dangerous Operation of a Motor Vehicle, and related assault charges following a medical assessment.[57] On [redacted]Jun-2021, police responded to a second domestic violence incident involving the couple on [redacted]The respondent punched the aggrieved inside their vehicle and then entered the house threatening to wilfully damage property. The officer report indicates he has possession of body worn camera footage to corroborate the aggrieved's version of events and was intending to charge only for contravention of the PPN. No mention was made of applicable criminal charges.[58]

  On [redacted]Dec-2020, Horn Island Police responded to a disturbance at the [redacted]involving the respondent spouse punching the aggrieved in the head followed soon after by an attempted glassing to the face of the aggrieved. The officer reviewed and obtained CCTV footage of the incident and spoke to the respondent who made full admissions to committing the criminal offences. The officer issued the respondent spouse with a Hotel Banning Notice, a Referral and issued a NTA for 1 x Contravene D&FVPA Order only.[59]

  On [redacted]Nov-2020, Horn Island Police responded to a D&FV incident whereby the respondent spouse grabbed the aggrieved from behind in the yard of a dwelling and punched her multiple times in the head till she fell, followed by multiple kicks to the body. The aggrieved fled the scene screaming and sought assistance to leave the island fearing for her life. The officer obtained a version from the aggrieved sufficient to type up a statement, took photographs of her injuries to corroborate the version and generated the occurrence. On [redacted]Dec-2020, a second officer located the respondent and charged him only with 2 x Contravene a D&FVPA Order. QPRIME checks indicate that the Far North District Crime Manager returned the file requesting officers charge with respondent with the criminal offence of AOBH. A third officer added the AOBH offence to the occurrence but did not generate a corresponding Charge Sequencing Report for this offence. It is unknown whether this entry was deliberate or entered in error as no AOBH charge was preferred against the respondent.[60]

  Information has also been received some first response officers in Thursday Island Police Division have been influencing aggrieved spouses to refrain from making criminal complaints against respondents and proceeding only with the offence of contravening a PPN or D&FVPA Order.[61] This approach was providing an aggrieved spouse with an unproven sense of safety that the D&FVPA Order alone would protect them from further harm. On [redacted]Dec-2020, an aggrieved spouse attended [redacted]Police Station to make

[redacted]

[61] Review of Body Worn Footage of occurrences would be required to verify this information.

a complaint of domestic violence.[62] The officer correctly generated a Domestic Violence (Contravene D&FVPA Order) occurrence[63] with respondent spouse Male R [redacted] The reporting officer obtained a detailed witness statement detailing the assault occasioning bodily harm criminal offence. A medical consent form was signed and photographs of the aggrieved's injuries were taken. The aggrieved spouse then presented to the [redacted] and received medical treatment. The brief of evidence was complete bar obtaining medical records. On 04-Jan-2020, the complaint was referred to a new officer tasked to apprehend the respondent. QPRIME checks indicate this officer contacted the aggrieved spouse and queried whether she still wanted to proceed with the complaint. A withdrawal of complaint was subsequently obtained. The officer then located Male R and charged him for contravening the D&FVPA Order only. He received a 12-month probation order.[64] A reasonable person would have deemed contacting the aggrieved spouse prior to charging the respondent was unnecessary given the recency of the complaint and the sufficiency of evidence obtained.

- **It was likely a preoccupation with compliance to legislative and policy responsibilities when reviewing domestic and family violence occurrences has been to the detriment of assuring quality outcomes for aggrieved spouses and named persons.**

  Station reviews of daily D&FV occurrences were primarily focused on confirming compliance with legislative and policy responsibilities: QPRIME reports completed, necessary documents uploaded against the subject occurrence, relevant flags assigned and referrals had been offered. It was highly likely less attention was allocated to reviewing the quality of the police response and investigation indicative by the issues identified in this assessment. On occasion, shift supervisors and district crime managers have identified deficiencies and tasked investigating officers to undertake further enquiries to improve the quality of outcome for the aggrieved spouse and named persons. These instances were seldom and were often identified prior to finalisation of the occurrence. It would be an unreasonable expectation to assign this responsibility to district crime managers given the very high volume of files they review and tasked daily. It was also an unreasonable expectation for shift supervisors to be across all D&FV occurrences and be able to identify quality issues across multiple occurrences. Consideration needs to be given for extra resourcing to district intelligence offices or investigators embedded within district DFV & VP units to provide quality assurance in relation to police response and investigation.

  The introduction of the DFV criminal offence recording procedure was likely to enhance compliance reviews at station and district level when proceedings were commenced against a respondent. It was too early to gauge what impact this procedure will have locally to rectify the quality issue of officers charging respondents only for breaching an Order without substantive criminal charges. The problem was likely to be entrenched given previous efforts by Prosecutions to raise the standard of police response and investigation of D&FV occurrences have not gained the necessary traction amongst officers in Thursday Island Police Division and Horn Island Police Division.

  The other quality issue warranting immediate attention was when no genuine police action was taken against the respondent other than the offer of a referral. It was unthinkable to review DV-Other Action occurrences where officers dismissed taking action against the respondent after observing aggrieved spouses with bloodied lips, swollen faces, black eyes, severe facial injuries from a glassing or were informed by aggrieved spouses of injuries sustained from being hit deliberately by vehicle driven by the respondent, threatened with violence by the respondent whilst armed, or admitted into hospital with suspected rib fractures from an assault by the respondent. In these cases, a popular belief shared by first response officers in Thursday Island Police Division and Horn Island Police Division was that the offer of

[redacted]

[63] QPRIME crime class 1371

[redacted]

a Police Referral regardless of its acceptance was a satisfactory outcome. Equally concerning was these finalised occurrences were deemed compliant with legislative and policy responsibilities at station and district level but clearly were contrary to community expectations and the aspirations of the Queensland Police Service. These D&FV occurrences with less than satisfactory outcomes when repeated over multiple calls for service heighten the risk of further harm to the aggrieved spouse and named persons with possible fatal consequences.

In this intelligence assessment, it was evident some officers demonstrated difficulty in considering additional offences when the D&FV occurrence moved from a private dwelling to a street, a social gathering or outside a school in public view. The same officers displayed little appreciation for the adverse perceptions towards the QPS when no action was taken in these circumstances. It was also evident officers struggled to take out a Police D&FVPA Application or charge a respondent, when the nature of violence was emotional or psychological abuse or threats of violence. What officers were doing well was making good notes of their decision-making process. The practice of writing contemporaneous notes about their observations at the scene showed officers were recognising behaviours and acts which constitute domestic and family violence. These notes place the organisation in a favourable position in the event, evidence across multiple occurrences was admissible when impending legislative amendments to criminalise coercive control and controlling behaviours were passed.[65]

It is unknown whether the deficiencies in police response and investigation at Horn Island Police Division and Thursday Island Police Division stem from a training issue, a supervision issue, officer attitudes towards domestic and family violence, or otherwise. It is also unknown whether these less than satisfactory outcomes in the handling of D&FV cases exist elsewhere, given the reported occurrences involved both permanent staff and relievers from multiple regions.

It is highly likely a prisoner released on parole subject of a current D&FVPA Order will reoffend within a few months of release against an aggrieved spouse named in the Order or against a new spouse. The existing operational procedure of police notifications to stations where the aggrieved spouse resides has proven ineffective to keep aggrieved spouses safe or extend the safety net to other persons who enter into intimate personal relationships with the recidivist respondent.

On [redacted] Aug-2020, [redacted] Male S [redacted] of [redacted] Island was released on parole subject to a current D&FVPA Order. Within 4 days of release Male S was charged with trespass and unlawful stalking of a stranger.[66] On [redacted] Apr-2020, recidivist respondent Male K [redacted] of [redacted] was released on parole subject to a multiple D&FVPA Orders with aggrieved spouses residing in [redacted] and [redacted] In October 2020, a PPN was issued to Male K in relation to domestic violence towards a third spouse. In December 2020, with the Order still not served on the Respondent, Male K assaulted the aggrieved spouse multiple times which ordinarily would have been multiple breaches of the Order.[67]

On [redacted] Feb-2020, recidivist respondent Male T [redacted] was released on parole subject to a current D&FVPA Order with aggrieved spouse Female E [redacted].[68] On [redacted] Apr-2020, a PPN was issued to Male T in relation to violence towards a new partner.[69] On [redacted] Sep-2020, Male T was charged with breaching the D&FVPA Order with former spouse Female E

[65] Smee, B *"A very broken system: Why Queensland Police still getting domestic violence cases so wrong?"* www.theguardian.com 7-May-2021; Fuller, K. *"Women's groups want coercive control legislation but fear impact on Indigenous families."* www.abc.net.au 03-Apr-2021; Zillman, S *"Queensland sets up taskforce to investigate coercive control laws one year after Hannah Clarke's murder."* www.abc.net.au 16-Feb-2021

[redacted]

On [redacted]Jan-2020, recidivist respondent Male U [redacted] was released on parole subject to a current D&FVPA Order to reside in [redacted] Upon release, Male U settled in [redacted] and entered a new relationship characterised by domestic violence with a PPN issued on [redacted]May-2020.[71] Male U avoided court by relocating to [redacted] briefly before moving [redacted] On [redacted]Oct-2020, Male U entered into another new relationship characterised by domestic violence with a PPN issued and a charge of common assault.[72] On [redacted]Nov-2020, Male U had breached this D&FVPA Order.[73] On [redacted]Jun-2019, recidivist respondent Male V [redacted] was released on parole subject to a current D&FVPA Order.[74] On [redacted]Sep-2019, respondent Male V of [redacted] was charged with 2 x Contravene D&FVPA Order. He committed further breaches during 2020.[75]

On [redacted]Nov-2018, recidivist respondent Male W [redacted] was released on parole subject to a D&FVPA Order.[76] On [redacted]Mar-2019, Male W charged with 1 x contravene D&FVPA Order 1 x AOBH and 1 x wilful damage. He was sentenced to 2 years with a parole eligibility date of [redacted]Feb-2020.[77] On [redacted]Aug-2020, he was released on parole subject to the same D&FVPA Order. Within 3 months, Bamaga Police responded to a domestic disturbance involving Male W and a new female partner. A Police D&FVPA Application was submitted on [redacted]Nov-2020.[78] On [redacted]Feb-2021, [redacted]Police returned to the same address. At the time, the officer noted the stressors in the relationship were the respondent's inability to manage money.[79] The same stressor would resurface on [redacted]Mar-2021 leading to (him) breaching the D&FVPA Order and occasioning bodily harm to the aggrieved.[80]

It is highly likely the victim of domestic violence will be the spouse who does not have any family or established social network within a remote indigenous community. In these instances, Police need to be mindful of this issue and demonstrate a broader appreciation of Torres Strait culture when an aggrieved spouse presents as hostile, reluctant to disclose information regarding domestic and family violence.

Domestic and family violence in the Torres Strait was very patriarchal and embedded within the cultural system.[81] Intelligence checks indicate officers in Thursday Island Police Division were regularly confronted with hostile aggrieved spouses at domestic disturbances. In Torres Strait culture, the shame for the commission of the offence was levelled at the family of the aggrieved spouse. For an aggrieved spouse to come forward and make disclosures to police, meant she was bringing shame to her family name and therefore was more likely to present as hostile and endure the violence. The predicament faced by an aggrieved spouse was more elevated when they were isolated on an island with only her perpetrator's family and social network present.[82] Intelligence checks indicate respondents have previously convinced aggrieved spouses to return to their "family islands" to facilitate them having extra control over them. This controlling behaviour often extended to the aggrieved spouse not having access to finances or support mechanisms to assist them in removing themselves from a hostile environment.

[redacted]

[81] McDermott, P, Passi, C, C, Go-Sam, L, Thompson, L, Shepard *"Family Violence in the Torres Strait,"* Aboriginal Environments Research Centre, University of Queensland, 6-Feb-2009, p. 18.

[82] Cutts, C, 1996 *"Aboriginal and Torres Strait Islander perspective on family violence,"* in R, Thorpe and Irwin J "Women and Violence: Working for Change" Hale and Iremonger, Sydney pp140-142

Recidivist respondent Male K [redacted] spent his teenage years between [redacted] and [redacted] During his first adult relationship on [redacted] he was served a period of imprisonment following multiple counts of D&FV related offences. Upon parole, he resided in [redacted] and entered into a new intimate personal relationship with a young adult female person Female A [redacted]. Female A agreed to relocate with Male K from her hometown [redacted] to the remote community of [redacted] Within a few weeks of arriving in [redacted] police attended to a domestic disturbance and issued a PPN against respondent Male K [83] It is likely Male K encouraged Female A to move to [redacted] where his family and friends resided giving him further control over her. Once settled on [redacted] police attended another domestic disturbance involving Male K and Female A with Male K 's behaviours constituting a breach of the D&FVPA Order not yet served. A senior constable from [redacted] Police Station, recognised Female A was isolated and vulnerable and needed immediate removal from [redacted] The empathy demonstrated by this officer towards the aggrieved, saw Female A once in a place of safety, make full and frank disclosures about the domestic violence that she had endured since entering into a relationship with Male K . She explained how the violence had escalated when she agreed to progressively move further and further away from her support network in [redacted] to [redacted] and later [redacted] where Male K 's family and friends resided.[84] Female A 's account provides insight into what steps she took to hide her injuries so no one would suspect Male K had been violent towards her. Female A 's account also highlights why she had been hostile towards first response police investigating disturbances so as to ensure her own personal safety on an isolated island after police had departed. Aggrieved spouse Female C [redacted] also explained in her Private D&FVPA Application how the frequency and severity of domestic violence increased when she agreed to relocate to her husband's family island where his support network was most prominent compared to hers.[8] Female C later informed police that in the absence of alternative support to her husband, she was less willing to assist police with their enquiries when they attended in relation to a domestic disturbance.

Intelligence checks indicate some police officers in Bamaga Police Division routinely take up with aggrieved spouses who had been hostile towards police responding to a D&FV incident. The purpose of these engagements was to ensure each aggrieved spouse was safe and establish rapport in the event at a later time, an aggrieved spouse like Female A feels comfortable to want to talk to police about the history of violence in their relationship.[86]

Spirituality was central to Torres Strait culture with pastors and church leaders performing a key role in promoting acceptable norms of behaviour amongst couples, families and the broader community.[87] In the Torres Strait, pastors rather than politicians have a high standing in the community, with them regularly invited to provide blessings at the start of sporting events, the opening of new civic buildings and public facilities, bless jerseys before sporting teams play, and bless food before consumption. Intelligence checks indicate in the case of aggrieved spouse Female C the oppressive behaviour of the respondent towards her was closely tied to his religious beliefs out-of-sync with today's standards of respect and equality between men and women. There is scope for pastors in the Torres Strait Patrol Group to have a positive long-term impact on educating men, women and children about domestic and family violence.

The stressors in relationships characterised by domestic and family violence vary between the indigenous communities situated within the TSPG. Relationship counselling and public education programs need to focus on these local issues to make the domestic and family violence prevention message relevant and accepted.

[redacted]

[87] Above n.80, p.147

Intelligence checks indicate the key stress points amongst young male respondents in the Northern Peninsula Area (NPA) was the arrival of a new born baby into their defacto relationships.[88] Another key stress point identified in the NPA was an inability amongst male respondents to manage their money and an unreasonable expectation placed on aggrieved spouses to support them financially.[89] Violence often followed verbal argument when aggrieved spouses refused to provide money or cigarettes.

New-borns and money management stressors were not as prevalent in the Torres Strait islands as recidivist respondents were older with older children. Intelligence checks indicate the key stress points amongst older couples were different partner expectations regarding child-rearing particularly when children came from previous relationships[90] and when men were absent from home for extended periods of time fishing for income or leisure.

Changes in partner expectations and erosion of traditional cultural practices where female person no longer regarded herself as subservient to the male person was a common cause of verbal disagreements amongst younger couples throughout the NPA and Torres Strait escalating to domestic violence.[91] These factors combined with the limited availability of eligible partners in remote areas invariably leads to paranoia, jealously[92] and accusations of infidelity.[93] The common reasons for arguments to start and escalate to violence were identified as the respondents observing private numbers calling an aggrieved's mobile phone, perceptions an aggrieved spouse were receiving unwanted male attention at licenced venues and other social engagements, and an aggrieved spouse socialising with her girlfriends separate to the respondent. Disagreements over property were seldom.[94]

[redacted]

[91] McDermott, P, Passi, C, C, Go-Sam, L, Thompson, L, Shepard *"Family Violence in the Torres Strait,"* Aboriginal Environments Research Centre, University of Queensland, 6-Feb-2009, p. 58

[redacted]

APPENDIX

Domestic Violence – No DV reported occurrences

Reporting Period	Thursday Island Police Division	Horn Island Police Division	Bamaga Police Division
15/04/2020-15/04/2021	48	1	49
15/04/2019-15/04/2020	22	4	41
15/04/2018-15/04/2019	24	6	22
15/04/2017-15/04/2018	18	0	10

Source: QPRIME – [No-DV occurrences were reviewed and nil issues identified].

Domestic Violence – Other Action reported occurrences

Reporting Period	Thursday Island Police Division	Horn Island Police Division	Bamaga Police Division
15/04/2020-15/04/2021	95	10	46
15/04/2019-15/04/2020	51	9	41
15/04/2018-15/04/2019	51	4	28
15/04/2017-15/04/2018	55	9	20

Source: QPRIME

Domestic Violence – Contravene Domestic and Family Violence Order occurrences

Reporting Period	Thursday Island Police Division	Horn Island Police Division	Bamaga Police Division
15/04/2020-15/04/2021	82	10	78
15/04/2019-15/04/2020	77	16	56
15/04/2018-15/04/2019	93	5	63
15/04/2017-15/04/2018	87	6	79

Source: QPRIME

ESTIMATIVE LIKELIHOOD

Highly Unlikely | Unlikely | Possible | Likely | Highly Likely

Each individual rating is supported by an assessment that articulates the strength of the information and any remaining intelligence gaps.

ADMIRALTY CODE

Reliability of the source of information		Level of confidence in the information	
A	Completely reliable - no doubt about authenticity, trustworthiness or competency. History of complete reliability.	1	Report Confirmed - by other independent sources, is logical in itself or agrees with other information on the subject.
B	Usually reliable - some doubt about authenticity, trustworthiness or competency. History of reliable information most of the time.	2	Probably true report - not confirmed but is logical in itself and agrees with other information on the subject.
C	Fairly reliable - usually doubt about authenticity, trustworthiness or competency. History of reliable information some of the time.	3	Possibly true report - not confirmed, agrees somewhat with other information of the subject.
D	Not usually reliable - definite doubt about authenticity, trustworthiness or competency. History of occasional reliability.	4	Doubtfully true report - not confirmed, not logical in itself, not believed at time of receipt although possible.
E	Unreliable - great doubt about authenticity, trustworthiness or competency. History of unreliable information.	5	Improbable report - the contrary is confirmed. Is illogical in itself, contradicted by other information on the subject.
F	Reliability cannot be judged.	6	Truth cannot be judged.