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TRANSCRIPT OF PROCEEDINGS

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INDEPENDENT COMMISSION OF INQUIRY INTO QUEENSLAND POLICE  
SERVICE RESPONSES TO DOMESTIC AND FAMILY VIOLENCE

COMMISSIONER: HER HONOUR JUDGE DEBORAH RICHARDS

COUNSEL ASSISTING: RUTH O'GORMAN QC  
ANNA CAPPELLANO

Court 17, Level 4, Brisbane Magistrates Court,  
363 George Street, Brisbane.

Thursday, 14 July 2022

1 COMMISSIONER: Yes.

2

3 MS O'GORMAN: Good morning, Commissioner. There are four  
4 witnesses due to give evidence today, and in respect of  
5 those witnesses each have provided a statement both to  
6 the Commission and also more broadly to the parties.  
7 They've had access to them. I will tender as tender  
8 bundle D the statements of Paul Trinder, Audra Pollard,  
9 Daniel Hulin and Michael Read.

10

11 COMMISSIONER: Tender bundle D will be exhibit 7.

12

13 **EXHIBIT #7 TENDER BUNDLE D**

14

15 MS O'GORMAN: There's one further document which I will  
16 tender now - two. The first is the Commissioner's  
17 certificate of service in relation to Audra Pollard.

18

19 **EXHIBIT #8 CERTIFICATE OF SERVICE FOR AUDRA POLLARD**

20

21 MS O'GORMAN: And the last is a document which  
22 I understand my friend Ms Hillard may show to some of the  
23 witnesses later today, which is titled "Domestic violence  
24 video-recorded evidence BRE". It is an official police  
25 document which was provided to the Commission by one of the  
26 witnesses who gave evidence earlier this week. I'll hand  
27 up the brochure form and also a photocopied A4 form, which  
28 might be easier for Your Honour to follow along with.

29

30 COMMISSIONER: Okay.

31

32 **EXHIBIT #9 BROCHURE FORM AND PHOTOCOPIED A4 FORM OF**  
33 **DOCUMENT TITLED "DOMESTIC VIOLENCE VIDEO-RECORDED EVIDENCE**  
34 **BRE"**

35

36 MS O'GORMAN: Might I just have one moment to speak to my  
37 friends very briefly. Thank you, Commissioner. I am in a  
38 position to call the first witness for this morning,  
39 Sergeant Paul Trinder.

40

41 COMMISSIONER: Thank you.

42

43 <PAUL TRINDER, sworn:

44

45 <EXAMINATION BY MS O'GORMAN:

46

47 Q. Can you confirm that I've accurately described your

1 rank as sergeant?

2 A. Yes, that's correct.

3

4 Q. Thank you for that. Sergeant Trinder, you've provided  
5 a statement for the Commission, and have you got a copy of  
6 that with you if you need access to it?

7 A. Yes, I have.

8

9 Q. Thank you. We can see from it that you have almost  
10 three decades worth of experience working for the  
11 Queensland Police Service; is that right?

12 A. Yes, ma'am.

13

14 Q. And before we get into your evidence proper we might  
15 just walk through your career history. It's apparent that  
16 you were sworn in as a police officer in 1993?

17 A. That's correct.

18

19 Q. In 1995 you were promoted to senior constable and you  
20 were working at the Brisbane watch house?

21 A. Yes, ma'am.

22

23 Q. In 1999 you were appointed as the officer in charge of  
24 the police beat at Brunswick Street in Fortitude Valley?

25 A. That's correct

26

27 Q. Between 2000 and 2012 you were primarily involved in  
28 firearms training at the Oxley Police Academy?

29 A. Yes, that's correct.

30

31 Q. Then in 2012 you had a brief hiatus taking  
32 long-service leave and leaving the QPS for a short period  
33 of time before returning that same year?

34 A. That's right, yes.

35

36 Q. All right. And you returned to the academy, where you  
37 were positioned for some three years or so?

38 A. Once I was sworn in a second time I went to  
39 Morningside Station in South Brisbane district as a general  
40 duties officer.

41

42 Q. All right. Ultimately making your way back to the  
43 academy to do firearms training?

44 A. Yes, I was promoted back to the rank of sergeant at  
45 the academy back to the same desk, chair and phone that  
46 I had prior to leaving in the first instance.

47

1 Q. All right. And then in 2018 you transitioned back to  
2 general duties, this time at Holland Park Station?

3 A. Yes, that's correct.  
4

5 Q. And, as we understand it, you're now a shift  
6 supervisor at the Holland Park Station?

7 A. Yes, ma'am.  
8

9 Q. All right. Thank you. Can you tell us in a fairly  
10 general way your observations of the way in which  
11 domestic violence is dealt with by the Queensland Police  
12 Service over that three-decade period?

13 A. The changes in domestic violence legislation have been  
14 significant over that period. Certainly the Queensland  
15 police response to domestic violence now in 2022 is  
16 probably the best it's ever been, I will say, in terms of  
17 the support mechanisms that we have in place. My  
18 observation of police responses from a shift supervisor's  
19 point of view, it is really dependent upon the police  
20 officer that takes a complaint as to what level of service  
21 is provided, and they range from, you know, very little  
22 where victims are treated as an inconvenience to, you know,  
23 following a victim through the process and supporting them  
24 with empathy and compassion right through to a conclusion  
25 before the courts. The response ranges anywhere between  
26 the two extremes.  
27

28 Q. You say in your statement now that as shift supervisor  
29 you observe that a significant proportion of QPS time in  
30 general duties is responding to domestic and family  
31 violence. Are you able to estimate how much either of your  
32 time or the time of the officers that you're supervising is  
33 in fact taken up with responding to such calls for service?

34 A. It is a significant amount. What the percentage value  
35 of that would be, that would be obtainable. But I can tell  
36 you that it is a significant amount of first responders'  
37 time dealing with complaints of domestic violence in the  
38 first instance.  
39

40 Q. And what about follow-on investigations either in  
41 respect of domestic and family violence protection orders  
42 or in relation to associated criminal charges, does that  
43 take up a fair amount of your officers' time?

44 A. It does. The flow-on effect of that - putting persons  
45 before the court either with a police protection notice or  
46 an application for a temporary order, then the follow-up to  
47 that is a magistrate hearing, that evidence and then making

1 decision to grant a protection order, at any stage through  
2 that process obviously persons have the ability to  
3 challenge that through the courts, and it is at a civil  
4 level at that time. So, in terms of preparing affidavits  
5 for those that are contested and subsequent court hearings  
6 and so on, that does take up a lot of time also. But  
7 generally from a first responder's point of view the time  
8 taken is in response to the first response side of things,  
9 and the flow-on effect becomes part of a general workplace  
10 like any matters that become protracted.

11

12 Q. You mentioned just now preparing court briefs. Do you  
13 have a sense from your own observations of how easy or  
14 otherwise it is for your officers to satisfactorily  
15 complete and compile briefs for court?

16 A. Officers are supported to put briefs of evidence  
17 together. So, if they advise the officer in charge through  
18 their shift supervisor or the rostered clerk that they need  
19 time to prepare briefs of evidence, by and large that time  
20 is provided through a shift or two shifts so that they can  
21 actually concentrate their efforts in the production of  
22 their statements and the collection of statements.

23

24 For domestic violence matters on a lot of occasions  
25 aggrieved persons through the passage of time become  
26 reluctant to provide statement evidence if it hasn't been  
27 obtained in the first instance while police are dealing  
28 with them as first responders. So that can elongate the  
29 process a little bit. But generally police are supported  
30 to compile briefs of evidence by given time to do that.  
31 They have to reach out and ask for it as well. Time  
32 pressures on police in this day and age are significant for  
33 any number of reasons.

34

35 Q. You mentioned now a couple of times your role as the  
36 shift supervisor. Can you help us with an understanding of  
37 what your duties are on a day-to-day basis?

38 A. I guess a shift supervisor's duties are split between  
39 station administration and dealing with officers' taskings,  
40 approving taskings and allocating taskings, and the other  
41 side of it is on-road supervision, so providing support to  
42 first response general duties crews that are attending to  
43 calls for service, going to those calls for service with  
44 them and providing support or at least being within close  
45 proximity so that if support is required you can go and  
46 assist them. Part of that also is in relation to approvals  
47 for various things. In domestic violence matters generally

1 speaking there are approvals or oversight required with  
2 respect to what action is to be taken if a domestic  
3 violence matter is judged to be that. So as a sergeant  
4 I will provide approvals for how they finalise matters, so  
5 whether it's - like if they're going to make application  
6 through a PPN or a domestic violence temporary order, or  
7 alternatively if they're going to do what's known as a  
8 domestic violence other action, or colloquial known as a  
9 referral, I'll provide approval for that.

10  
11 In October last year there was a change in reporting  
12 mechanisms where first responders can actually make their  
13 own judgment in relation to whether a relevant relationship  
14 exists. So if there's no relevant relationship they can  
15 finalise the matter as being a no DV matter, or if there is  
16 a relevant relationship identified they then sort of have  
17 to seek approval as to which type of way they finalise that  
18 matter.

19  
20 Q. And that approval will be granted by you ultimately?

21 A. It should be. There is a lot of cases now where shift  
22 supervisors - a lot of first responders will ring a  
23 district duty officer prior to going to their shift  
24 supervisor, and that's unfortunate, in my view. There is a  
25 chain of command, and they should actually come to their  
26 shift supervisor, but they will go to the district duty  
27 officer, because it's an accepted practice, not because  
28 they're doing it deliberately to undermine the shift  
29 supervisor. It's become an accepted practice over time.  
30 So - but generally they should use their shift supervisor,  
31 who can approve most things, whereas a DDO, or a district  
32 duty officer, has the ability to approve things at a higher  
33 level that they have delegation for. For example,  
34 (indistinct) conditions for a police protection notice a  
35 shift supervisor can't approve, and we would seek approval  
36 from a district duty officer on the first responder's  
37 behalf, but the shift supervisor tends to get cut out of  
38 that loop a little bit.

39  
40 Q. How often are you called upon to provide the approval  
41 being sought by a first responder crew?

42 A. If I'm working I have an expectation that our first  
43 responders would actually contact me for approval. So  
44 probably 50 per cent of the time they'll contact their  
45 shift supervisor and then 50 per cent of the time they'll  
46 go straight to a district duty officer.

47

1 Q. But what does that mean for you on any given shift?  
2 On average, how many calls might you receive from a first  
3 responding crew asking you for approval in relation to  
4 action that they want to take or not take?

5 A. That's how long is a piece of string question. Calls  
6 for service with respect to domestic violence, some days it  
7 will be sort of five or six times throughout an eight-hour  
8 shift to sometimes it might be one to sometimes none, and  
9 it's dependent upon the shift that you're working as well.  
10 An eight to four shift during the day, there tends to be  
11 less need for those approvals between Monday and a Friday,  
12 whereas between a two to 10 shift on a weekend those  
13 numbers of those jobs tend to escalate just because of the  
14 day of week and the timings where these things occur.

15  
16 Q. When you are called on to give approval how often is  
17 it that you feel that you've been given sufficient  
18 information at first instance by the people who are seeking  
19 approval as compared to you needing to dig a little deeper  
20 and find out more about the situation?

21 A. That's a very good question. By and large our role is  
22 to support our first responders, and with that comes a  
23 level of trust in their decision making. In the majority  
24 of cases I think that our police, through the knowledge  
25 that they have, are well prepared to make those decisions.  
26 However, on occasions police will minimise information or  
27 the incident so that they can achieve a certain type of  
28 approval. That's unfortunate, and, yes, we as supervisors  
29 should probably do a little bit of digging to try and  
30 verify that information.

31  
32 I have been caught before where I've had a first  
33 responder minimise the information provided to me with a  
34 view to obtaining an approval for a particular way to  
35 finalise a job where only to find out later that that  
36 victim had been failed by that officer when there was clear  
37 evidence that she had been assaulted, there was a statement  
38 from the aggrieved person that the respondent had  
39 threatened to decapitate the family dog in front of her and  
40 her children. There was clear photographic evidence that  
41 she had been assaulted, like a punch-sized bruise around  
42 her rib cage and so on. That information was not provided  
43 to me at the time and --

44  
45 Q. Can I just interrupt you there, Sergeant. When you  
46 were first contacted by that first responding crew in  
47 relation to that incident, what was the action that they

1 were seeking you to approve?

2 A. So they were looking for a domestic violence other  
3 action or a referral. Just to take that a little bit  
4 further, they had already sought approval from the previous  
5 shift supervisor, who finished at 2 o'clock, and he had  
6 provided advice of what they were to do, so they pretty  
7 well waited him out, and I was the oncoming shift  
8 supervisor. As I was preparing my workplace for the day  
9 they then sought my advice with a view to obtaining this  
10 referral and did not provide me with that relevant  
11 information. It was only the next day that the outgoing  
12 shift supervisor that I took over from provided me with  
13 that information, and basically I had to provide an  
14 official direction to those officers to revisit that and to  
15 take appropriate action, and that action was taken.

16  
17 Q. So at first instance on the first day when you were  
18 contacted by that first responding crew, firstly, did they  
19 tell you that they had already run the scenario past the  
20 outgoing shift supervisor?

21 A. No, they did not.

22  
23 Q. All right. So you didn't know that they had already  
24 asked another shift supervisor for direction and direction  
25 had been given that they didn't like?

26 A. No.

27  
28 Q. All right.

29 A. And it was only through collaboration with that  
30 outgoing shift supervisor that we actually found out, you  
31 know, that they had done that.

32  
33 Q. And on the basis of the minimised information that was  
34 given to you did you on that first day approve that they  
35 simply make a referral?

36 A. Yes, I did.

37  
38 Q. Okay. And then the next day when you have spoken  
39 about the matter with the outgoing shift supervisor from  
40 the day before you became aware that in fact the incident  
41 was far more serious than the officers had told you?

42 A. Yes.

43  
44 Q. All right, and was the more serious aspects of the  
45 incident known to the first responding police officers at  
46 the time?

47 A. Yes.

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47

Q. Okay. Were they very junior officers?

A. No. Sorry, one wasn't, and he was the one who was making the decisions. The other one was a first-year constable.

Q. All right. And the one that wasn't junior, what rank was he at?

A. Senior constable.

Q. What did you do?

COMMISSIONER: Sorry, could I just ask, and that senior constable, was he the FTO, is it, for the first-year?

A. Yes, ma'am.

MS O'GORMAN: What did you do upon finding out that the senior constable at least had minimised information to you about the gravity of the situation?

A. After I had calmed down I provided direction, official direction, to that officer to re-interview the respondent person with a view to achieving - putting an application for domestic violence order before the court.

Q. How did that senior constable take it?

A. Not well, basically because it was an official direction and as part of that direction I had said, "If you fail to comply with my direction you'll be subject to potential disciplinary action." He remonstrated with me that he had never received, like, a direction like that previously. He was quite outraged that I had the temerity to actually call his decision making into question. Yes, he was - he didn't take it well.

Q. And what about the more junior member of the team, the constable? How did he or she take it?

A. He was concerned by the tone of the email in the first instance. When I actually spoke to him and explained to him that by providing that direction I had more or less abrogated their responsibility in relation to the decision making and taken that on myself. I also explained to him that the Police Service's expectation of investigations in relation to domestic violence are serious and significant, and police officers who don't take their role seriously risk adverse criticism from the government, from the community, from our organisation; not only that, but most importantly, you know, we leave victims isolated. He

1 took it really well. As a very junior officer, he  
2 understood what I was saying. He understood the reason why  
3 the direction had been provided and further understood that  
4 as a shift supervisor I had assumed the responsibility of  
5 that decision making and taken it away from them.  
6

7 Q. I'm not going to ask you to name any names, but in  
8 your role as a shift supervisor over time do you come to  
9 trust some of your officers more than others as having a  
10 very diligent approach to domestic violence investigations?

11 A. Absolutely. As I said before, part of our role from  
12 an administrative point of view in allocating taskings, if  
13 something comes through that is of a sensitive nature or  
14 something that I believe that requires a greater  
15 understanding of domestic and family violence I will  
16 allocate that task to an officer that I believe will do the  
17 very best job with it.  
18

19 Q. What is it about your officers, particularly those  
20 that over time you come to trust as being diligent and  
21 competent in this area, what is it about them that  
22 engenders that trust for you?

23 A. I guess maturity has a great deal to do with it.  
24 Again, that's a how long is a piece of string question.  
25 Once you understand an officer's work ethic, you understand  
26 their level of maturity and their understanding of the role  
27 that they have in the service and the community, you tend  
28 to allocate those taskings to those people. But, you know,  
29 there are other officers that - look, conscious and  
30 unconscious bias is a large part of how police, who are  
31 members of the community just like everyone else, deal to  
32 all types of jobs across the socioeconomic scale, and,  
33 I mean, they're subject to things in their lives as well  
34 that make them more acutely aware of particularly  
35 domestic violence matters, if they've been involved in them  
36 in their own families, for example.  
37

38 Q. How easy is it for you as a shift supervisor, as a  
39 manager of officers, to detect those who have particularly  
40 high levels of unconscious bias against people who might be  
41 aggrieved in respect of domestic and family violence?

42 A. It is quite easy.  
43

44 Q. What is it that you pick up on? Is it language?

45 A. It can be language. Generally speaking, it is  
46 overlooking the reporting. So what we have to do now is  
47 overview domestic violence investigations that police

1 conduct, and view body-worn footage of those interactions  
2 with aggrieved persons and respondent persons, and through  
3 the review of that material you do become quite acutely  
4 aware of what that individual's attitudes are with respect  
5 to family relationships and the players within them. So,  
6 not to criticise the job that police do generally, because  
7 it is a complex one, if I could get the opportunity to  
8 allocate taskings to people who I believe will do a more  
9 holistic job I will. Sometimes that's not available. But  
10 there are police that will minimise the level of effort  
11 that they put into every investigation, let alone  
12 domestic violence investigations, and every supervisor and  
13 members of those stations know who those people are. They  
14 become quite obvious. They still are part of the fabric of  
15 our stations, but we know which ones are going to work hard  
16 on something and we know which ones aren't.

17  
18 Q. You mentioned a little earlier that part of your role  
19 on a day-to-day basis or shift-to-shift basis might be  
20 attending at domestic and family violence calls for service  
21 incidents to assist your first responding crew?

22 A. Yes.

23  
24 Q. Are you ever in the station and able to see the  
25 reactions of crews who are tasked to go out and attend to a  
26 domestic and family violence situation?

27 A. Yes.

28  
29 Q. Do you ever get a sense either from audible groans or  
30 otherwise of a reluctance by crews to go and attend  
31 domestic and family violence calls?

32 A. On occasions, yes.

33  
34 Q. All right. Would they be typically from those police  
35 officers that you spoke of as being the less than competent  
36 or committed police officers that you manage?

37 A. That would be fair, yes.

38  
39 Q. What about the length of time that it can take to  
40 attend to a domestic and family violence call for service?  
41 Do you have a sense of how long it might take on average to  
42 deal with such calls, or is it again a little bit like a  
43 piece of string and can range from short to very long?

44 A. That really is dependent upon the priority code that  
45 the call for service is provided. Our Police  
46 Communications Centre, with the information that's provided  
47 from the community, they'll adjudge as to what priority

1 that job is given. If it's a code 2 priority, police will  
2 go out the door very quickly, if it's an urgent call for  
3 service. Priority 3 matters, it will be dependent upon  
4 what the officer is actually working on. If they're  
5 working on - still finalising an investigation or still  
6 finalising work that they're doing they may take longer to  
7 get out the door, whereas there are police who once a job  
8 comes in, it doesn't matter what priority code it is,  
9 they'll go out the door to go and do it and then put  
10 whatever they're working on on the backburner and come back  
11 to it.

12  
13 Groans will come from police when they're working on a  
14 domestic violence investigation and they're actually  
15 providing their reporting through our database and another  
16 call for a domestic and family violence investigation or  
17 call for service comes in, so now they've got two that  
18 they're trying to work on simultaneously. So, you know,  
19 that does become quite daunting. So I sort of - I do  
20 understand how sometimes they don't react as well as they  
21 probably should.

22  
23 The majority of police will go out the door, you know,  
24 reasonably quickly to a priority 3, and a priority 4 call  
25 for service is one that is either given an appointment  
26 time, if you like, or alternatively it's, like, not deemed  
27 as an urgent call for service and they'll get to it when  
28 they get the opportunity.

29  
30 Q. Now, in relation to that you have nominated in your  
31 statement an example of a case that wasn't attended to for  
32 quite a long period of time. If you want to go to your  
33 statement just to remind yourself about that particular  
34 example. It's contained on page 2 in paragraph 8. So in  
35 relation to that particular example when the complaint was  
36 made through the police link reporting line what code would  
37 have been attached to the priority for that complaint?  
38 A. So that complaint came through to the station through  
39 our tasking inbox.

40  
41 Q. When was this, I should ask?

42 A. This was this year.

43  
44 Q. Okay. Sorry, please continue.

45 A. So it wasn't a call through the Police Communications  
46 Centre, it was a police link related complaint, and it was  
47 allocated to a station by our crime manager for

1 investigation. With breaches - this was a breach of a  
2 domestic violence order or a contravention of one of the  
3 conditions.  
4

5 Q. I see.

6 A. Some conditions of domestic violence and family  
7 protection orders are no-contact conditions, and they can  
8 be no contact by any means, which includes  
9 telecommunications devices and social media, and so on and  
10 so forth. A lot of police see those as quite low-level  
11 contraventions of an order, whereas, like, committing an  
12 act of domestic violence involving an assault or some other  
13 substantive matter are deemed quite serious --  
14

15 Q. Can I just interrupt you there. You've nominated that  
16 some police see those sorts of contraventions as being low  
17 level?  
18

19 A. Yes.  
20

21 Q. What's your personal view of those contraventions?

22 A. A contravention of a domestic violence order is a  
23 contravention. So it doesn't matter which condition is  
24 contravened. The way I look at it is like a breach of a  
25 no-contact order in my view is like a gateway type offence.  
26 So we say marijuana is a gateway drug to harder drugs. In  
27 my view, a contravention in terms of a breach of the  
28 no-contact side of things through a text message is like a  
29 gateway offence. So if that type of offending is going to  
30 be allowed to go ahead without any sort of consequence then  
31 a respondent person may - I'm not saying they will - think  
32 that they'll be able to actually push the envelope and have  
33 more serious breaches. So in my view if a contravention is  
34 identified it should be investigated, and if there is  
35 evidence that there is a prima facie case in relation to  
36 that it should be put before the court.  
37

38 Q. And should it be investigated in a timely way?

39 A. Yes, ma'am, absolutely.  
40

41 Q. In this particular case, as I understand it, the  
42 alleged breach was tasked to a member of the work unit for  
43 relevant enquiries to be made but the task wasn't in fact  
44 opened and sat there for two months. Do I understand that  
45 right?  
46

47 A. That's correct, yes. So our policy is it's a 14-day  
turnaround for those. We have to have conducted an  
investigation and provided some level of reporting in

1 relation to that within a 14-day period. If we're unable  
2 to do that, it will come back to the shift supervisor  
3 asking for an extension of the timing for a further  
4 14 days. But this particular one sat in this officer's  
5 in-tray - once they're allocated to an officer we  
6 generally - whilst we can have oversight on those,  
7 generally we're dealing with those that are coming into the  
8 tasking inbox on a daily basis and, you know, the box fills  
9 up every day.

10  
11 Q. There's a level of trust, I take it, that once tasked  
12 to an officer that officer will in fact attend to the job  
13 as directed?

14 A. Absolutely. We have to trust the police. It's an  
15 important part of what we do, and we have to trust their  
16 decision making. Unfortunately, in that situation that  
17 particular tasking sat with that officer for two months and  
18 was not opened in any way.

19  
20 Q. And in that time - firstly I should ask I apprehend  
21 from something you say later in your statement that that  
22 particular officer was a senior constable?

23 A. That's correct, yes.

24  
25 Q. So not a very junior member of the service?

26 A. Well, a junior member in terms of his Queensland  
27 Police service, but quite a senior police officer in terms  
28 that he had service in both South Africa and New Zealand  
29 prior to joining the Queensland Police Service.

30  
31 Q. All right. The question I was then going to ask you  
32 was: for the time that it sat in that police officer's  
33 inbox without being opened, presumably the aggrieved is not  
34 during that two-month period being contacted by anyone from  
35 the Police Service?

36 A. That's correct. That's right. So when I became - how  
37 I became - how I found out about it was this officer has  
38 been transferred to another station and that those tasks  
39 that were still remaining in his tray for our station he  
40 dumped back into the station tray saying, "Sorry, I've been  
41 transferred. Please allocate these to other members."  
42 When I came across this task - and he wasn't being  
43 transferred to the Torres Strait. He was being transferred  
44 to a neighbouring district. So I sent the task back to him  
45 with a please explain, first of all asking him to do his  
46 job and second to explain as to why the task hadn't been  
47 opened. The response to that was to approach his

1 supervisor at the station that he was transferred to to  
2 have him approve it and put it back in our tray. That  
3 officer, who was a senior constable as well, he did as he  
4 was requested by the senior constable, and also he  
5 threatened disciplinary action against me for sending it to  
6 him outside of some district policy about officers not  
7 doing tasks from other stations, which is not necessarily  
8 the case given that it was a neighbouring division and not  
9 northern region.

10  
11 Q. How in fact did that particular incident resolve? Who  
12 ended up progressing it?

13 A. I took it. So I took it on myself and my - the first  
14 thing I did was ring the aggrieved or complainant person  
15 and speak to her and explain to her and apologise to her as  
16 to why this had taken so long, and I asked her whether or  
17 not she would like to make a complaint against the officer  
18 and that I would take her complaint, which she did and  
19 I did.

20  
21 Q. And having taken that complaint did you in fact submit  
22 it through the internal channels as a complaint of  
23 misconduct?

24 A. That's correct, I did, yes.

25  
26 Q. And was it investigated, do you know?

27 A. Unfortunately the way that our complaint system works  
28 I was never advised as to what the outcome was. I've also  
29 been in regular contact with the victim in relation to  
30 this, and the last time I spoke to her, which was a week  
31 ago, she has not been advised of the outcome either.

32  
33 Q. Is that satisfactory from your point of view that  
34 you're not kept informed as to the outcome of a complaint  
35 that you've made like that?

36 A. From my personal point of view, that's completely  
37 unsatisfactory. It is the way that our complaint system  
38 actually works, so a lot of the time we're not informed of  
39 outcomes because they're managerially resolved at a desktop  
40 level between an officer in charge and the officer, and  
41 we're not privy to that conversation, the content of, you  
42 know - and unfortunately from my point of view, having seen  
43 this on a number of occasions with particular officers,  
44 there's no behaviour change in that officer either.

45  
46 Q. Okay. Now, you say a little later in your statement  
47 that this and the next example I'll take you to soon are

1 not isolated incidents and that in fact they're all too  
2 common. So in relation to the first example, the one we've  
3 been speaking of, is this but one example of that kind of  
4 conduct that you've seen over your career?

5 A. It is. I want to qualify that by saying that these  
6 are in the minority in terms of the overall work that our  
7 first responders do. Work in the domestic and family  
8 violence field is incredibly complex and it's ever  
9 changing, and my view in relation to our response to calls  
10 for service is that overall we do a very good job in very  
11 difficult circumstances. However, we are let down by these  
12 individuals on occasions for one reason and another, and  
13 that's unfortunate but it's the reality of the environment,  
14 policing environment, in which we currently work.

15  
16 Q. This example came to your attention because this  
17 particular officer transferred and the matter ended up back  
18 in your inbox. But is it the case that it is simply  
19 impossible for you to know as a manager of police officers  
20 how many times you have individual officers letting down  
21 members of the public because they're sitting on something  
22 for too long and you might not ever know about it?

23 A. I want to say "yes". As a shift supervisor it is my  
24 responsibility to overview the taskings in each of my team  
25 members' trays to ensure that they are working on their  
26 taskings and to give them feedback in relation to the  
27 length of time it's taking them to conduct their  
28 investigations and so on. We as shift supervisors are sent  
29 reminders from the officer in charge of our station to make  
30 sure we're on top of those taskings that officers  
31 individually have. We try our very best to do that. But  
32 on occasions we are found wanting due to the sheer volume  
33 of work that our station or each station actually gets. So  
34 I bear some responsibility in relation to that when tasks  
35 are not done in a timely fashion.

36  
37 But, again, you would have a reliance on the  
38 individual officer to make sure that they are looking at  
39 their taskings, that they come in every day and that's the  
40 first thing that they check, over-viewing their  
41 investigations as to what status they're at and so on and  
42 so forth. This is an adult workplace, this is an adult  
43 occupation, and these people are adults. We have an  
44 expectation that they will conduct themselves in an adult  
45 manner. Sometimes that doesn't happen for one reason or  
46 another.

47

1 Q. Can we go to the second example that you set out in  
2 your statement. That's the one at paragraph 9. We could  
3 summarise this, I suppose, by describing it as the turning  
4 away at the counter example. Firstly, can I ask you to  
5 tell us when this particular incident occurred, just year?

6 A. This year.

7  
8 Q. Secondly, if you can talk us through it, we can see  
9 that a complaint was made through police link on that  
10 occasion and then escalated through to Police  
11 Communications Centre and allocated to your station; is  
12 that right?

13 A. Yes, it came through to us as a code 4 call for  
14 service. The reason it was designated as a  
15 code 4 - generally domestic violence matters that come  
16 through as a call for service are dealt with then and  
17 there. This one came through as a code 4 call for service  
18 as the aggrieved person did not want police to attend her  
19 address as she was fearful of how the respondent may react  
20 to police presence.

21  
22 Q. So how should police have made contact with her then  
23 if they weren't to go to her address?

24 A. So contact was made with her. She actually confided  
25 in a friend, which is how she made the initial  
26 representation to police that she needed assistance - it  
27 was through her friend. Her friend had called the station  
28 to organise an appointment time for the aggrieved to come  
29 into the station to provide her complaint.

30  
31 Q. I see. All right. So the friend made a call to the  
32 station to organise a time, and you say in that paragraph  
33 that rather than making a time she was told over the phone  
34 to just attend at the counter and someone would help her?

35 A. That's right. That was told to the friend, yes, and  
36 that was then communicated to the aggrieved person.

37  
38 COMMISSIONER: So that in itself - is that good or bad?  
39 It would have been preferable to make an appointment,  
40 I suppose?

41 A. Yes, Your Honour, absolutely.

42  
43 MS O'GORMAN: In any event, the complainant and the friend  
44 did attend the station to try to speak to somebody?

45 A. Yes.

46  
47 Q. And do I understand your statement correctly that the

1 person, the uniformed officer, who was working on the  
2 counter that day said that they couldn't assist her?

3 A. So the aggrieved person and her friend and her  
4 friend's two young children attended the station. The  
5 counter officer asked both women who they had contacted at  
6 the station in relation to the appointment, and they were  
7 unable to provide that information because they just didn't  
8 know but it was a female officer. So the counter officer  
9 had said, "There's no female officers working here at the  
10 moment, so that officer's not here. So I can't take your  
11 complaint. You'll have to provide it to that female  
12 officer. So when you find out who that is come back and  
13 we'll have that person deal to you," and basically sent her  
14 away.

15  
16 Q. How would that aggrieved have found out who the female  
17 officer was if they hadn't got her name?

18 A. She wouldn't. There would be no way to do that,  
19 really, unless, out of sheer coincidence, the female  
20 officer was working and recalled that conversation.

21  
22 Q. In fact, on that day could the uniform officer have  
23 taken the complaint from the complainant?

24 A. Yes, yes, absolutely, and there would be an  
25 expectation from the shift supervisors and our officer in  
26 charge and the Queensland Police Service generally that he  
27 would do that.

28  
29 Q. All right. Do you have any sense of how often that  
30 kind of thing would happen, and I don't mean specifically  
31 that set of circumstances but I mean a situation where an  
32 aggrieved attends at the front counter wanting to make a  
33 complaint and is turned away for one reason or another?

34 A. There's no metric to record that, unfortunately.  
35 I mean, persons who are turned away from a police counter  
36 would generally feel isolated and unsupported, and these  
37 are the people that it's our job to support, protect and  
38 listen to these people, and if they're turned away by the  
39 organisation that are charged with their protection where  
40 do they go then?

41  
42 So the reason that the job in my statement - how we  
43 became aware of it as supervisors is that it was a code 4  
44 job on our computer-aided dispatch system, and that just  
45 doesn't go away. So it has to be actioned, and there has  
46 to be some formalisation of that action. So as a result of  
47 that job being on the system questions were asked of the

1 counter officer, 'Where is this person? Have they  
2 attended? What was the action that was taken," and as a  
3 result of finding out what had occurred follow-ups were  
4 made and she was actually invited and an appointment was  
5 made for her to come back in and provide her complaint and  
6 her statement.

7  
8 Q. All right. Now, as part of your role as a shift  
9 supervisor, in addition to reviewing instances like that  
10 you did mention earlier that from time to time you review  
11 body-worn cameras?

12 A. Yes, ma'am.

13  
14 Q. Do you ever encounter the difficulty of asking first  
15 responding crews who have been at a domestic and family  
16 violence incident to review their camera so that you can  
17 ascertain whether or not they took appropriate action or  
18 not and be told that in fact they didn't turn it on?

19 A. We all know as police officers with body-worn cameras  
20 that if we are executing a power that we are to activate  
21 our body-worn cameras. We receive training. When they  
22 were introduced, recruits are provided that training at  
23 recruit level. So it is an incredibly appropriate tool  
24 that police officers have been provided by our  
25 organisation, and in my view the reason for it not being  
26 activated has to be significant; in other words, you know,  
27 something has occurred that has to be dealt with  
28 immediately, like some act of violence or something where  
29 going to activate a body-worn camera is problematic in that  
30 you might be assaulted if you took that time to do that.  
31 But other than that if we are going to a doorway to talk to  
32 a member of the public at any time we're potentially going  
33 to exercise a power or a use of force. So sitting in the  
34 car, prior to getting out of the car, the activation of the  
35 body-worn should take place then.

36  
37 Q. Is that something that you communicate to your  
38 officers at your station; that is, an expectation that they  
39 will turn their body-worn cameras on either at the time of  
40 getting out of the car or prior to getting to the door?

41 A. If I become aware of an officer that hasn't activated  
42 their body-worn camera through reviewing their reporting  
43 they will be reminded. But they know. They should know  
44 and they know. I mean --

45  
46 Q. Does it ever not happen?

47 A. Does - what - when they don't put it on?

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Q. Yes.

A. Yes, it does, and there's quite a proportion of incidents that I've reviewed where there is no body-worn camera and their explanation of why it was not activated is quite often found wanting.

Q. All right. What about overhearing sexist or racist language in your station? Do you in your position overhear such language?

A. Yes.

Q. From your officers?

A. Yes.

Q. How frequently?

A. Again, there's no metric, you know, to record that type of thing. Again, like this - as I said, unconscious bias towards things is very real. You know, some people, dependent upon their upbringing and dependent upon their socioeconomic status growing up and so on and so forth, have unconscious bias in relation to other ethnic groups, and, you know, a lot of times they don't perhaps think that what they're saying is inappropriate, racist, sexist. My role as a supervisor is to bring that to their attention, you know, if they're doing it in such a way that is going to cause offence. It's a very difficult, quite prevalent thing that goes on in every workplace, let alone the Police Service, and it comes from our - you know, Australia is a multicultural country, and it comes from the fact that white people in our group have been privileged since Federation and before. So, I mean, it's one of those things - it's a societal issue, really. Does it occur? Yes. Have I had to - been called upon to talk to those persons about that language and that behaviour? Yes. Has it stopped that behaviour at the time? Yes, it has. But does it stop it going on in the workplace over time? Probably not.

Q. What about words like "spoons" and "grubs", is that language that you overhear?

A. Yes.

Q. Is it a problem?

A. Gee, look, the term "spoon" is used quite widely.

Q. What does that mean to you? What do you understand

1 that word to mean?

2 A. Well, a lot of people don't know where it was  
3 generated from --

4

5 Q. I don't mean that. I mean who's being referred to if  
6 they're described as a "spoon"?

7 A. So to a "spoon" comes from basically people who have  
8 been placed in a mental healthcare facility that are  
9 violent or potentially will self-harm, they're only  
10 provided spoons to eat. They're not provided forks or  
11 knives because they have edges and sharp points, and they  
12 may be able to hurt themselves. That's where the term  
13 comes from. So generally the term "spoon" is used by some  
14 police to describe somebody who is mentally ill.

15

16 Q. All right. My question was - and I think  
17 I interrupted you - whether from your point of view you  
18 think there is any difficulty with frequent use of that  
19 kind of language being used to describe people in the  
20 community that police are being called on to provide a  
21 service to?

22 A. Clearly it's inappropriate.

23

24 Q. Can I ask you your views on what might be behind some  
25 of the practices or attitudes which are wanting in police?  
26 Is there a sense for you at least of your officers  
27 suffering from what's commonly called DV fatigue?

28 A. Personally I think that our station - we are a central  
29 South Brisbane station that has calls for service with  
30 respect to domestic and family violence, but our workload  
31 where we are at Holland Park is not what I would call  
32 arduous.

33

34 Q. All right.

35 A. Where I would - that question is better asked of an  
36 officer from Logan Central or from Caboolture or somewhere  
37 where domestic violence calls for service are significant  
38 and take up a significant proportion of their workday.  
39 From a fatigue point of view, I don't believe that the  
40 level of or the number of domestic violence calls for  
41 service at my particular station is fatiguing.

42

43 Q. Okay. When you contacted the Commission and offered  
44 to share your experiences of police culture in relation to  
45 domestic violence you said that you wanted to ensure that  
46 vulnerable people are better served by police more  
47 consistently across the board. Does that remain your hope?

1 A. Absolutely. There is no more vulnerable persons in  
2 our community than children, than aggrieved persons subject  
3 to domestic violence, and our First Nations people.  
4

5 Q. And do you have any suggestions for how things might  
6 be improved in terms of QPS responses to domestic and  
7 family violence?

8 A. In relation to the evidence that I've provided today,  
9 my own personal opinion, the service - our organisation,  
10 generally speaking, takes great care and provides a  
11 significant amount of information and training to its  
12 members. So, with anything, training and knowledge becomes  
13 powerful in terms of if it's wielded in the right way for  
14 the right reason. I do think that at my level that the  
15 selection and appointment of field training officers is  
16 vitally important because the persons that they are  
17 engaging and training in terms of their response to these  
18 types of things are our most impressionable people. So the  
19 academy provide training in a - like a - in a training  
20 environment. Whereas that lasts for a six-month period or  
21 however long - recruit training packages are 26 weeks or  
22 whatever it is, but their vocational education in terms of  
23 the 12 months they spend as a first-year constable is  
24 vitally important in their development, and if a field  
25 training officer - of the examples that are provided in my  
26 statement, both officers are field training officers. So  
27 normalising their behaviour to somebody who is  
28 impressionable that's wanting to learn, that's wanting to  
29 do their very best, normalising that behaviour and then  
30 having that extrapolate out further into their service is  
31 completely inappropriate. So I think work needs to be done  
32 in the appointment of - identification and appointment of  
33 appropriate persons to undertake that vital role.  
34

35 Q. All right. Thank you.  
36

37 COMMISSIONER: So concentrating on officers that regard  
38 domestic and family violence as a very serious, important  
39 part of their service as field training officers?

40 A. Yes, Your Honour, but also taking the care to  
41 investigate all matters that come before them. There are  
42 field training officers that minimise investigations  
43 because it's inconvenient for them for whatever reason. So  
44 certainly obviously with respect to domestic and family  
45 violence it's vitally important that our first-year  
46 constables get the right grounding, develop the right  
47 attitudes in relation to calls for service and how they

1 investigate and treat those vulnerable persons in the first  
2 instance. If they get a field training officer that is not  
3 concerned about their training and their development,  
4 rather just collecting the \$40 that they receive as a  
5 payment per shift that they're - being in that role, we  
6 need to spend more time identifying appropriate persons as  
7 field training officers for sure.

8  
9 MS O'GORMAN: Sergeant Trinder, they were the questions  
10 that I had. Some of my friends might have questions too.  
11 Thank you.

12  
13 COMMISSIONER: Sergeant, just before you're asked any  
14 other questions, can you just tell me how many frontline  
15 officers would be at the Holland Park Station on any shift,  
16 how many crews do you have?

17 A. We have a post strength of around 40 officers. On any  
18 given shift during the day between 6 am and 2 pm or 4 pm we  
19 have the majority of our staff working. Like, we will  
20 generally have three crews that are available for calls of  
21 service if they're not required for other matters. Our  
22 officer in charge is quite strong on providing service to  
23 the community. So we generally will have two: a main crew  
24 and a support crew. Then other crews can become available  
25 if they're released from - like, we do holding cell duty at  
26 Holland Park as there's a magistrate court attached to it.  
27 If they're not required, they then become a third crew and  
28 so on. But during the evening and the afternoon we will  
29 have one crew, one main crew, and we'll have a second crew  
30 that we utilise or are utilised by Justice for the service  
31 of court documents for domestic and family violence and  
32 family protection matters.

33  
34 COMMISSIONER: All right. Can you just tell me the setup  
35 of the Holland Park Police Service in terms of the front  
36 counter area? I presume there's a foyer that you walk  
37 into; is that right?

38 A. Yes.

39  
40 COMMISSIONER: Then is the counter behind glass?

41 A. Yes, it is.

42  
43 COMMISSIONER: And is there an interview room to the side  
44 or?

45 A. Yes.

46  
47 COMMISSIONER: So if I come in and say, "I want to report

1 a personal matter," what happens? What does the front  
2 counter person say to me?

3 A. The front counter person will either invite that  
4 person into the interview room and take their complaint,  
5 notify the shift supervisor that they're going to be away  
6 from the counter and the shift supervisor will organise  
7 somebody to support the counter whilst that interview is  
8 taking place. That's generally what happens. However, if  
9 the counter officer is engaged with another matter at the  
10 time, if there is another officer within the station that  
11 can actually assist, they will be allocated that job by the  
12 shift supervisor to take that person into the interview  
13 room and take their complaint. Or, if there is no officer,  
14 our officer in charge would expect that the shift  
15 supervisor would actually fulfil that role and take that  
16 person's complaint. There should be no reason why anybody  
17 is sent away from our counter at any time.

18  
19 COMMISSIONER: Okay. The other thing I wanted to ask you,  
20 am I right or did I hear this correctly, if someone's  
21 called out to a domestic violence matter can the crews  
22 decide that it's not a relevant relationship and then enter  
23 it as no DV without checking with you?

24 A. Since October last year they can, yes.

25  
26 COMMISSIONER: Okay. But if it's a relevant relationship  
27 then they have to speak to a shift supervisor?

28 A. Yes.

29  
30 COMMISSIONER: Or a DDO?

31 A. Yes, ma'am.

32  
33 COMMISSIONER: All right. Thank you.

34  
35 **<EXAMINATION BY MS HILLARD:**

36  
37 Q. Just in relation to some questions that you were asked  
38 about your first example that's contained in your statement  
39 at paragraph 8, you were talking about it being tasked to  
40 the officers and you became aware. Am I correct in  
41 assuming that you only became aware because he emailed and  
42 said re-task it because he had moved somewhere else?

43 A. Yes.

44  
45 Q. And I would expect that you wouldn't have the  
46 capacity, from the answers that you have given, to follow  
47 up every single tasking to other people that you've asked

1 to do jobs?

2 A. We can access all tasks that are actually allocated to  
3 all of our officers. We operate on a team type environment  
4 where of the 40 staff I will have 10, for example, as one  
5 of the shift supervisors, that I will look after and I will  
6 concentrate my efforts on those 10 persons, and I will look  
7 into their tasking trays and I will see how much work they  
8 have, what the status of their investigations are and how  
9 long those investigations are taking. With respect to the  
10 other 30 officers, there is an expectation that the other  
11 supervisors will look at their 10 people and so on and so  
12 forth. Are we able to do it? Yes. From a capacity point  
13 of view I'm going to say no.

14

15 Q. And in respect of this example that you provided that  
16 came through the police link reporting line have you  
17 observed any difference between complaints concerning rape,  
18 for example, compared to domestic violence in the responses  
19 of the police?

20 A. Rape is a capital crime, and one would expect that any  
21 complaint of that nature would be dealt with, as a first  
22 responder, by taking the initial complaint and providing  
23 the reporting, and then upscaling that through the chain of  
24 command and to our specialists to investigate  
25 appropriately. The two - whilst they probably shouldn't be  
26 dealt with differently in terms of the first response, you  
27 know, certainly a capital crime would be dealt with with  
28 far greater importance. That's probably wrong to say that,  
29 but obviously in a sexual assault like that, you know, it's  
30 important that the response is appropriate, proportionate  
31 and timely. And I'm not saying that that response to  
32 domestic violence shouldn't be those things, but you're  
33 talking apples and oranges, really.

34

35 Q. One of the experiences of women that has been reported  
36 to Women's Legal Service has been that when a complaint of  
37 a serious offence is made in the context of a  
38 domestic violence callout it often doesn't get the same  
39 level of attention that perhaps it should. Would that be  
40 something that you have observed?

41 A. Sorry, could you repeat that, sorry?

42

43 Q. They might be called out to a domestic violence  
44 incident or a domestic violence response that they have to  
45 attend to and part of attending to that involves a  
46 disclosure, for example, of a rape, but then it's not  
47 actioned in the same way as if it was just a rape

1 disclosure on its own.

2

3 COMMISSIONER: You mean rape by a stranger or something;  
4 is that what you're talking about?

5

6 MS HILLARD: Yes.

7

8 COMMISSIONER: As opposed to rape within marriage or rape  
9 within a relationship?

10

11 MS HILLARD: Correct, yes.

12

13 A. Part of our reporting with respect to  
14 domestic violence matters that we investigate, if there is  
15 an allegation of criminality - for example, assault, wilful  
16 damage and those types of things - they are investigated as  
17 part of that domestic violence investigation. So there  
18 would be an expectation that if a crime were reported to  
19 police that police would investigate that. You'd have to  
20 look at that holistically in terms of how the police  
21 officer responded in the first instance and how they dealt  
22 with the domestic violence investigation as to whether or  
23 not a further allegation was made and how that was  
24 investigated. But am I aware of police not taking action  
25 with respect to criminal matters? On occasions when, you  
26 know, these matters are minimalised with a view to not  
27 responding appropriately, then that occurs, yes.

27

28 Q. In respect of your second example, can I clarify that  
29 in that case no DV occurrence entry was made as is required  
30 on QPRIME?

31

32 A. So that particular aggrieved person, an appointment  
33 was made with her. She re-attended the station and her  
34 statement was taken, and a domestic and family violence  
35 application for an order was taken out by police. That  
36 matter went through the court. The court issued a  
37 protection order and - with quite a number of quite strict  
38 conditions, and that aggrieved person is now far safer than  
39 she was prior to initially speaking with her friend about  
40 her initial complaint. It's just a real shame from the  
41 first response of our officers that it became protracted in  
42 terms of her actually getting a police officer that would  
43 speak to her with the level of compassion that she required  
44 and with the level of dignity that she required as well.  
45 But that outcome has been really positive for her and her  
46 children. So there are things in place to protect her now.

46

47 Q. So I appreciate that she was looked after very well.

1 A. Yes.

2

3 Q. And an occurrence entry log was made when it was  
4 discovered and it was corrected. But, when the first  
5 incident happened where she attended the station and, as  
6 you describe at paragraph 9, that she was told that they  
7 couldn't assist and they were sent away, there was no  
8 occurrence log for that?

9 A. No.

10

11 Q. In respect of both of the examples you said that the  
12 more senior officer involved was also a field training  
13 officer. Are you able to say whether or not they remained  
14 field training officers? You may or may not know.

15 A. I certainly know, and, yes, both remain, and there's -  
16 one thing that I find with respect to these types of things  
17 that occur is that there's no consequence for these  
18 officers. They conduct themselves in this way, and  
19 regardless of whether a shift supervisor speaks to them in  
20 relation to their behaviour and how they may be able to do  
21 things better in the future, whether it is escalated to the  
22 officer in charge and that officer speaks to them, there's  
23 no behaviour change with these people. Even in that first  
24 example, a QP 466 complaint of misconduct or breach of  
25 discipline against that officer, I don't know what the  
26 outcome was, and I would assume there's no behaviour change  
27 in that officer to this day. So - and that's - you know,  
28 it's not right.

29

30 Q. Is there any specific escalation pathway that you can  
31 engage in or that you are aware of where you are aware of  
32 this conduct of a field training officer to have them  
33 removed as a field training officer?

34 A. Yes, there is. So the education and training office  
35 for each district is responsible for the field training  
36 officers and the allocation of first-year constables. If  
37 they were to be advised that that officer has been found  
38 wanting in terms of his or her duties, they can make that  
39 decision. But, generally speaking, if a breach of  
40 discipline occurs or if there is an officer that conducts  
41 themselves in such a way that their behaviour needs  
42 modification, it's generally done through the chain of  
43 command, firstly through the shift supervisor as their  
44 supervising officer. It needs to be escalated then to the  
45 officer in charge.

46

47 Sometimes where - if a breach of discipline is of a

1 nature where it's of a serious nature - for example, I made  
2 a complaint on behalf of that complainant in the first  
3 example under the Police Service Administration Act of  
4 failure of duty, and I furnished a QP 466 breach of  
5 discipline in relation to that matter and did not take that  
6 to the officer in charge as I felt it was necessary to deal  
7 with that in that way. By and large, however, the chain of  
8 command is where we go in terms of how we escalate things,  
9 and the officer in charge then, if she felt that an FT0's  
10 duty to a first-year constable was compromised, they can  
11 certainly take that further and contact the ET0, or  
12 education and training officer, and inform them, but it's  
13 their decision about whether or not that person is removed  
14 or not.

15

16 Q. And would you have presumed from the steps that you  
17 took that that would have been brought to the attention of  
18 the education section that are responsible for allocating  
19 the field training officers?

20 A. No.

21

22 Q. In relation to the Holland Park Police Station, I'm  
23 correct, aren't I, there is actually a police prosecution  
24 corps embedded in your station because you're right beside  
25 the courthouse?

26 A. Geographically we share the same built environment,  
27 but they're not connected with us.

28

29 Q. Perhaps you may have answered this from your last  
30 question, but are they a source of information to seek  
31 advice for officers generally within your station on  
32 dealing or responding to domestic violence matters?

33 A. Officers from across the district, not just  
34 Holland Park. Yes - look, I want to say, yes, they can be  
35 a resource. But their work role is vastly different to  
36 ours, and their workload is incredible. So advice in  
37 relation to domestic and family violence matters or any  
38 matters involving legislation, crime law is done through  
39 the chain of command generally. If we - if an officer  
40 needs advice with respect to police evidence or the  
41 prosecution of a matter, then they are available as a  
42 resource to all officers across the district, yes.

43

44 Q. There's some evidence that's probably to come before  
45 the Commission about the benefits of domestic violence  
46 workers being embedded at stations on the front counter,  
47 for example. Do you have a view on that, bearing in mind

1 that if your police officer in one of your examples  
2 misbehaves and they know they shouldn't do that, would the  
3 presence of someone make any difference?

4 A. I think the organisation's expectation is that all  
5 police will deal with every matter that walks in off the  
6 street appropriately, proportionately and in a timely  
7 manner, and, with respect to domestic and family violence,  
8 with a degree of empathy and support and so on and so  
9 forth. That's every officer. Every officer that puts its  
10 uniform on will make an oath that that's what we're going  
11 to do and we're going to do it to the very best of our  
12 ability. So the presence of someone who has specialist  
13 training in domestic violence is not going to assist in  
14 terms of the first responders and how that person deals  
15 with that person.

16  
17 Moving forward in an investigation if there are  
18 nuances or something that they are aware of in terms of  
19 support agencies with respect to, like, a particular issue  
20 that an aggrieved person is having, they might be able to  
21 assist in that way. But having them on a front counter  
22 I think would be a waste of that resource because our  
23 expectation - my expectation as shift supervisor is that  
24 person on the counter will do their very best by every  
25 person who walks in the door.

26  
27 Q. One of the things that came out of the taskforce was  
28 about a tiered approach to assessing risk, so recognising  
29 that first responders having to go out, police officers  
30 having to go out make fairly quick responses, and then  
31 having maybe another tier of a specialist domestic violence  
32 worker can do a more informed risk assessment. Is that  
33 something that in your view you consider would be helpful?

34 A. First responders - like, their risk assessment to all  
35 jobs is ongoing and is continual. So they will assess risk  
36 in terms of, you know, to themselves and persons involved  
37 first from a physical point of view, and then they will  
38 deal with risk moving forward with an investigation to how  
39 those persons might be affected. Risk to the service. But  
40 from a tiered response to a risk to aggrieved persons,  
41 having a specialist or having a specialist  
42 domestic violence and family protection unit that assists  
43 first responders on a day-to-day basis I think would be a  
44 positive thing for victims. We have our VPU, our  
45 vulnerable persons unit. I think my own personal - and  
46 this is only my personal opinion, is that we as an  
47 organisation could better support the VPU by providing more

1 funding for more officers and more placements so that they  
2 could assist first responders on a daily basis, whereas  
3 they're very small, they tend to look at things more  
4 proactively rather than reactively, if that makes --

5  
6 Q. I think what you're really getting at is they could  
7 have a much more informed role and a much more  
8 investigative role rather than a review role?

9 A. Yes, ma'am, that is exactly right.

10  
11 Q. One of the matters that has been raised and discussed  
12 and put in a recommendation of recent inquests was a  
13 multi-disciplinary model which is co-located in a building,  
14 which may not be a police station or it may be a separate  
15 entity, with police, department of child safety, Department  
16 of Housing, Queensland Health, a lawyer, and it provides a  
17 specialist domestic violence worker and provides that  
18 holistic type approach. Do you see some merit in that  
19 perhaps in removing it from a police station and removing  
20 it simply from a police response to that holistic approach?

21 A. I think that is an incredibly huge step forward for us  
22 as an organisation and us as a community. That type of  
23 specialist response to what now is becoming more and more a  
24 specialist role is so important, and that type of arm of  
25 our organisation would give victims so much more support  
26 and make them - domestic violence reporting over time has  
27 brought this to the forefront where a lot of  
28 domestic violence reporting wasn't made because it was kept  
29 behind closed doors, it was considered societally  
30 embarrassing and those types of things. Well, we've sort  
31 of - you know, we've brought it out of the dark now. So  
32 our calls for service and reporting is far more  
33 significant, and as a result of that we really need a  
34 specialist group of people who can deal with those persons  
35 to support them. First responders will still have a role  
36 to play in that. But once we do our part there's so much  
37 more that needs to be done in that space for victims and  
38 aggrieved persons, and respondent persons as well. They  
39 have to receive some education and understanding that that  
40 behaviour is not appropriate. But, yes, I would say - in  
41 answer to your question I would say, yes, please do that  
42 sooner rather than later.

43  
44 Q. And perhaps just tying it off, and this will be your  
45 last question, it might have - for example, your example 2  
46 that you've included there about the officer [sic] going to  
47 the station, if it's a multi-disciplinary type team, then

1 there's more people that bear the responsibility, and  
2 perhaps that example 2 might not have happened?

3 A. I think there will always be a need for first  
4 responders to be on a police counter to receive calls for  
5 service. But if there is a place that can be considered  
6 safe where an aggrieved person will be taken - you know,  
7 their complaint will be taken seriously at the first  
8 instance and they'll be believed and they'll be supported  
9 and - it's more likely that the outcome for that person is  
10 going to be far greater and far more beneficial to that  
11 person than potentially going to be sent away from a  
12 station where that should have never happened.

13  
14 I just want to say before I leave that those instances  
15 are well and truly in the minority. As I said, by and  
16 large I believe our organisation does an incredible job,  
17 and the work of the majority of our officers in this  
18 particular area is - this complex and ever-changing area is  
19 really, really good. But unfortunately we as an  
20 organisation are let down from time to time by people who  
21 haven't done the right thing.

22  
23 MS HILLARD: Thank you, Commissioner.

24  
25 COMMISSIONER: Ms O'Gorman?

26  
27 MS O'GORMAN: No further questions. If Sergeant Trinder  
28 might be excused?

29  
30 COMMISSIONER: Thank you very much for coming in,  
31 Sergeant. It's much appreciated. Thank you.

32 A. My pleasure, Your Honour. Thank you.

33  
34 <THE WITNESS WITHDREW

35  
36 MS O'GORMAN: Commissioner, I call Sergeant Audra Pollard.

37  
38 <AUDRA POLLARD, sworn:

39  
40 <EXAMINATION BY MS O'GORMAN:

41  
42 Q. Sergeant Pollard, as I understand it, you have very  
43 recently retired from the Queensland Police Service?

44 A. Yes, ma'am, officially on 30 June this year.

45  
46 Q. All right. And at that time you were in the rank of  
47 sergeant?

1 A. Yes.

2

3 Q. You've provided the Commission with your certificate  
4 of service from Commissioner Carroll?

5 A. Yes.

6

7 Q. And I'll just read out so that you can confirm the  
8 various places that you've worked over the course of your  
9 career, which commenced back in 1998?

10 A. Yes.

11

12 Q. So you've worked at Surfers Paradise, Broadbeach,  
13 Mt Isa, Mornington Island, Innisfail, Mundingburra, in the  
14 Townsville district communication centre, the Police  
15 Communication Centre in Brisbane, the south-west district  
16 disaster management team in Longreach, the Mackay  
17 watchhouse, and in the six or so months immediately prior  
18 to your retirement you were in the Mackay district  
19 communications team?

20 A. Yes, ma'am, that's correct.

21

22 Q. All right. Thank you. In the first part of your  
23 statement to us you identify a number of experiences and  
24 observations that you made in the first part of your career  
25 between 1999 and 2008?

26 A. Yes.

27

28 Q. Feel free to have a look at that statement or to have  
29 it handy because I'm going to ask you some questions about  
30 some of the things in it. I'm interested to know or to get  
31 a sense from you about how policing culture, at least  
32 insofar as you have been able to experience it or observe  
33 it, has changed over the time that you have been with the  
34 QPS. So you say in paragraph 4 that upon commencing with  
35 the QPS that you learnt and adopted policing practices  
36 which were heavy handed and involved a mentality of "us and  
37 them". Can you give us a sense of how that has changed  
38 over the years?

39 A. In that particular time period I was on the Gold  
40 Coast, and on the Gold Coast we were very physical in our  
41 response to any - really, any kind of call for service,  
42 whether it be beat policing or operational policing, mobile  
43 policing going to and from jobs. In today's policing  
44 culture I believe that has changed significantly and that  
45 we are less heavy handed and we are trying to adopt a  
46 more - sorry, I'm just trying to think of a word - a more  
47 customer-satisfying approach to how we deal with the

1 community members. The problem is now I think that it is  
2 not - that the culture is how we treat one another  
3 internally, and I think that has a flow-on effect on how we  
4 treat the community we are supposed to be serving.

5  
6 Q. How is the culture so far as you've observed it in  
7 terms of how you as police officers treat each other  
8 internally?

9 A. We are very quick to scrutinise other police officers  
10 for the way in which they handle matters with the public or  
11 the way that they treat other police officers in our  
12 workplace. I equate the policing environment throughout my  
13 career very similar to that of a high school in that there  
14 is bullying, there is belittling. These are only some of  
15 the things I've experienced throughout my career.

16  
17 Q. All right. And when you say throughout your career  
18 are you including recent times?

19 A. I would say, yes, most recently up until late 2021.

20  
21 Q. All right. In paragraph 4 you also talk about at  
22 least historically having a sense that the more times a  
23 person became known as a regular the less support and  
24 empathy they received from police regardless of their  
25 reason for interaction with police. Is that something  
26 which is an issue that's been left in the past, or do you  
27 still observe it to be a current problem?

28 A. It is still a current problem.

29  
30 Q. And in particular in relation to domestic violence  
31 aggrieveds who are or may make repeat calls for service do  
32 you observe that to be an ongoing issue?

33 A. Yes, very much so, and it is evident - for example,  
34 I was a communications coordinator for roughly eight or  
35 nine years of my career. I've done it in Townsville,  
36 Mackay and Brisbane, so I've had a wide scope of exposure  
37 as a communications operator - sorry, communications  
38 coordinator, and I have heard - overheard within the  
39 workplace other police, even civilian call takers, radio  
40 despatchers and even my senior sergeant, in particular here  
41 in Brisbane Communications Centre, refer to callers in a  
42 derogatory way after a call for service comes through our  
43 system, the Queensland computer-aided dispatch system.

44  
45 Q. And are you talking about callers who are known to the  
46 police as being repeat callers?

47 A. Yes, ma'am, because the QCAD system, which is the

1 Queensland computer-aided dispatch system that we use in  
2 the Police Communications Centre, it records histories of  
3 calls for service to addresses, phone numbers, even names.  
4 So we - a part of our role as a call taker, dispatcher or a  
5 supervisor is to view the history of a particular - of all  
6 calls for service.

7  
8 Q. When you say you've heard people referred to in a  
9 derogatory way, what do you mean by that?

10 A. "Oh, that F wit has called again", "That spoon's on  
11 the line again", "Don't bother sending a crew to that job,  
12 she's just blowing hot air", that sort of thing.

13  
14 Q. You said that you worked at a number of different  
15 communication centres?

16 A. Yes, ma'am.

17  
18 Q. Was that sort of conduct something that you observed  
19 at each of them?

20 A. Yes.

21  
22 Q. And how frequently was it engaged in?

23 A. That I am probably not able to answer accurately, but  
24 I do know that it was a frequent occurrence and more so  
25 when we had regular callers for the same reason.

26  
27 Q. Okay. In paragraph 5 you talk about the operational  
28 culture at that time, being in those years we've nominated  
29 between 1999 and 2008, as having been largely influenced by  
30 supervisors and managers. Do you consider that supervisors  
31 and managers in 2022 still have a large role to play in the  
32 operational culture of either a station or a team like  
33 police communications?

34 A. Very much so.

35  
36 Q. And how does that work?

37 A. As a supervisor myself, my own prejudices, personal  
38 opinions, the way in which I conduct myself or the  
39 decisions that I make had the potential to influence others  
40 within my work environment, which could in turn influence  
41 the actual policing outcome of a particular matter. So how  
42 we lead others as a supervisor is very important, otherwise  
43 you're steering a rudderless ship.

44  
45 Q. Supervisors and managers that you've worked with in  
46 recent years, do you consider that they generally do a good  
47 job, create a good culture around them? What's your

1 observations in that regard?

2 A. I'm really conflicted. I have so many scenarios going  
3 through my head about mistreatment from supervisors,  
4 managers, regardless of rank, whether it be sergeant,  
5 senior sergeant and higher. However, most recent  
6 experience with a manager is very positive, to the point  
7 where I feel like they saved my life.

8

9 Q. Is that - when you say "most recent", when you were  
10 positioned at Mackay district communications?

11 A. Yes, that's correct.

12

13 Q. All right. In paragraph 7 you talk about policing  
14 conduct that you consider that you yourself were guilty of  
15 in the early days of your career?

16 A. Yes, ma'am.

17

18 Q. And you've enumerated a number of those, including  
19 avoiding and delaying attendance to domestic and family  
20 violence calls for service, and showing little empathy  
21 towards victims and respondents. On reflection, why is it  
22 that you consider that you engaged in those kinds of  
23 behaviours?

24 A. I think it's a combination of reasons. I think it's a  
25 combination of policing fatigue. Operational fatigue is a  
26 big thing. There is a lot of responsibility placed on our  
27 first response officers, back in 1999 right through to  
28 today, where they have expectations, not only  
29 organisational expectations but community expectations, to  
30 meet. Then our organisation is very statistics driven. So  
31 there is a lot of pressure on our young ones - sorry, on  
32 our operational police, which in turn creates a great deal  
33 of stress, in turn creates operational fatigue.

34

35 Q. All right. Those behaviours that you've listed there  
36 in paragraph 7, are they things that you ceased to observe  
37 when you left the police this year?

38 A. No, ma'am, they still existed.

39

40 Q. All right.

41 A. I can give you an example, if you wish.

42

43 Q. Yes.

44 A. And I apologise to the court now if I start crying.

45

46 COMMISSIONER: Is there tissues there?

47 A. Yes, ma'am.

1  
2 COMMISSIONER: There's tissues just there if you need them.  
3 A. Sorry. My mother was a victim of elder abuse. It was  
4 my older brother and my older sister that were the cause of  
5 elder abuse. I'm the baby of nine. No-one else had the  
6 courage to stand up to that older brother and sisters.  
7 I gained about six months worth of evidence that elder  
8 abuse was emotional abuse, financial. My mother had  
9 advanced dementia and often behaved like a child when  
10 things didn't actually go her way or she didn't understand  
11 what was happening. My - I went to the police with my  
12 mother with all the evidence that I had, and I was told it  
13 was not domestic violence. I was ever so politely trying  
14 to convince the senior constable that it was informal care  
15 and that I had a lot of evidence to share with him. He  
16 continued to make excuses as to why it was not  
17 domestic violence to the point where my mother - she was in  
18 a wheelchair. We were in the foyer of Wynnum Police  
19 Station. It's very dark and cold, not very welcoming at  
20 all, and this is where the senior constable spoke to us.  
21 It reached the point --

22  
23 COMMISSIONER: Didn't take you into a private room?  
24 A. No, ma'am. It reached the point where my mother was  
25 that confused she didn't know what to do, and I was trying  
26 to explain to the police officer - my husband is also a  
27 police sergeant in prosecutions. We were in complete  
28 disbelief over what we were hearing when I know what the  
29 policy says and I know what action was supposed to be  
30 taken, but the police officer, the senior constable, told  
31 me it wasn't DV, and I argued the point, and he stood up  
32 and he said, "If you think it's DV, walk next door and take  
33 out your own application," and then he went back into the  
34 police station. At that time at no stage did I identify  
35 myself as a police officer. In hindsight, I wish I did.  
36 Maybe I would have been treated differently.

37  
38 At that time I contacted my district domestic violence  
39 liaison officer in Mackay, told her what had happened, and  
40 I obtained the phone number to the vulnerable persons unit  
41 here in Brisbane, only to speak to a senior constable who  
42 heard what I had to say, contacted Wynnum Police Station  
43 and spoke to the senior constable that was less than  
44 helpful, and the victim - the vulnerable persons unit  
45 senior constable called me back and said, "Look, I know  
46 what you're saying, and I get what he's saying, but I can't  
47 tell him what to do because he's the same rank as me.'

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My emotions at that time, extreme disappointment. I was disappointed in my colleagues. I was disappointed in the service. I was disappointed in the whole system. I've never really been the type of person to identify myself as a police officer in order to get treated differently.

So what I ended up having to do, it was the first time I ever put in a 466 complaint against a police officer. It took over 20 years for that to happen. I even sent an email to the then inspector of the vulnerable persons unit about my experience, and it wasn't to complain about the way that I was treated or the lack of support that my mother deserved. The aim of that email was to highlight that we still have a problem within our culture and how we treat domestic violence incidents, how we investigate it, and I wanted it to be used as a learning or training tool so that we don't continue to do the same thing.

MS O'GORMAN: Did you get a response to that email?

A. Yes, ma'am, I did, and that inspector was very grateful for the information. As for the complaint, the 466 complaint I submitted, I'm not aware of the result.

Q. And when was it that you submitted that complaint? How long ago?

A. I believe it might have been July or August 2020.

Q. All right.

COMMISSIONER: Sorry, you submitted that in July or August 2020 and haven't heard anything back?

A. Yes. Yes, Your Honour.

MS O'GORMAN: Do you have any mechanism by which you can follow up in relation to where that complaint is at?

A. Yes, ma'am, I did - I do. However, after that experience on the front counter of Wynnum Police Station I found myself in a rather vulnerable position where I had to advocate for my mother and do things, take my brother and sister to court under a private DV application. However, when I did that then I became a victim of DV myself. My brother and sister began to verbally abuse and threaten me. However, I refused to go back to police for help, for a couple of different reasons: one, they didn't help the first time, so why would I go back; and, secondly, I was embarrassed that I was even in that position, and

1 I was heavily pregnant at the time.

2

3 Q. All right.

4

5 COMMISSIONER: Ms Pollard, did you manage to get the  
6 private application through for your mum?

7 A. The matter did appear before the Cleveland Magistrates  
8 Court, Your Honour. However, the magistrate at the time  
9 said that, "This is a matter for QCAT." So I had the  
10 option of withdrawing the applications or they would be  
11 struck out. So I decided to withdraw the matter because  
12 I knew that the result of that court appearance would end  
13 up back in the QPRIME - in the police QPRIME reporting  
14 system, and I was not going to give the police the  
15 satisfaction or the police officer the satisfaction that  
16 I was unsuccessful in court.

17

18 COMMISSIONER: Yes.

19 A. However, I did formulate the applications for  
20 guardianship and financial appointment for my mother, and  
21 we were successful in QCAT.

22

23 COMMISSIONER: Okay. All right. Are you right to keep  
24 going? Do you --

25 A. Yes, Your Honour.

26

27 COMMISSIONER: -- want a break? Okay.

28

29 MS O'GORMAN: Ms Pollard, can I take you to paragraph 9,  
30 which contains the information that you can provide to  
31 the Commission about your experience as a communications  
32 room supervisor since November of 2021 through to June of  
33 this year. One of the behaviours that you say that you  
34 witnessed in that time was inconsistency with how a  
35 domestic and family violence call for service is  
36 categorised as a job code 312. You say, "I have seen  
37 supervisors automatically categorise a disturbance as a  
38 domestic and family violence incident when there is no  
39 details of relationship type between the involved parties."  
40 What do you mean by that?

41 A. I've seen other communication coordinators so fearful  
42 about the consequences of getting domestic and family  
43 violence calls coded incorrectly and to the point where, if  
44 a call for service comes through and it doesn't match the  
45 definitions of what the legislation says is a domestic and  
46 family violence relationship, they would automatically  
47 classify it as a domestic violence code 312, and then it is

1 up to the responding police, the supervisor, on-road  
2 supervisor, or the DDO to fix it all up and recode it  
3 correctly.  
4

5 Q. All right. What about the next incident: "I have seen  
6 domestic and family violence incorrectly finalised with the  
7 approval of an on-road supervisor." Again, what do you  
8 mean by that?

9 A. Domestic and family violence jobs are supposed to be  
10 finalised as a no DV or a referral. There is a specific  
11 series of finalisation codes relevant to domestic and  
12 family violence matters, and if it's - there's - sorry,  
13 from memory, I think there's only four or five possibly  
14 outcomes to finalise a domestic and family violence call  
15 for service. Police were not finalising them as per policy  
16 to one of those four or five options. Jobs would be  
17 changed to possibly a community assist, and again I believe  
18 that is to downplay what the actual incident - the content  
19 of the actual incident.  
20

21 Q. You talk about having witnessed crews delay their  
22 response to domestic and family violence calls for service  
23 or activate diversionary tasks. How is it that you can see  
24 that from your position in the communications centre?

25 A. The - I've worked on - in communications we've had  
26 over the past 23 years three different systems in which  
27 we've used to manage our dispatching and calls for service.  
28 The most recent one that we use is QCAD. QCAD has a lot of  
29 technical ability where if a call for service is allocated  
30 and dispatched to a first responder the system - when the  
31 police unit respond via radio or Qlite saying that they are  
32 going to take that call for service their location is  
33 logged, where they take that call for service from.  
34

35 Now, a lot of - I have a great deal of geographical  
36 knowledge when it comes to Mackay and Townsville. So it  
37 becomes very evident when somebody is - when a crew is  
38 dispatched to attend a job in a particular suburb but you  
39 hear them calling off with a - sorry, when I say "calling  
40 off", using the radio to advise that they are intercepting  
41 a vehicle in a completely different direction to where the  
42 actual call for service is.  
43

44 Q. Okay. You also talk in that paragraph about having  
45 seen crews divert domestic and family violence incidents to  
46 the front counter and the corollary happen, the front  
47 counter sending domestic and family violence complainants

1 to operating crews. Can you explain to us how that works?

2 A. That's correct. That was probably more evident in  
3 Townsville than Mackay, however less noticeable in  
4 Brisbane, in my role as a communications coordinator. Now,  
5 for example, in Townsville and Mackay, police units would  
6 respond to a call for service for domestic and family  
7 violence. Nobody would be there. The job could be hours  
8 old, it could be days old. So I've seen police units  
9 actually just leave a business card and report back to the  
10 communications room, saying, "We've done this. We've left  
11 a card for that person to attend the station to make their  
12 report."

13  
14 Q. Okay. In your view, is that what is meant to happen  
15 pursuant to QPS practices or procedures?

16 A. No, it shouldn't happen.

17  
18 Q. What is the practices intended or should happen?

19 A. What is supposed to happen is that that call for  
20 service remains on our computer-aided dispatch system so  
21 that our next crew, next available crew, can go around and  
22 attempt to locate whoever our informant is. Now, obviously  
23 depending on the nature of the actual domestic violence  
24 incident, some of them - some calls for service are  
25 responded to very quickly, some are less so, and that all  
26 depends on the information that we're given at the time.

27  
28 Q. In your statement you also talk about training, the  
29 training that you've received over the years in relation to  
30 domestic and family violence. Your recollection, it seems,  
31 is that most of that training has been done by way of  
32 online learning product; is that right?

33 A. Yes, ma'am.

34  
35 Q. Do you recall having done any face-to-face training in  
36 relation to domestic and family violence since leaving the  
37 academy?

38 A. I don't believe I have, unless it's been incorporated  
39 into other mandatory face-to-face training, whether it be  
40 post training or operational skills training, but  
41 I actually don't remember anything domestic and family  
42 violence specific.

43  
44 Q. Okay. You do recall having done some online learning  
45 products in relation to domestic and family violence,  
46 though?

47 A. I don't remember.

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Q. Okay.

A. I honestly don't remember.

Q. Do you remember any OLPs that you've done? I don't mean just in relation to domestic and family violence; I mean so that I can ask you how you find that mode of learning?

A. Each year we - the police are given a list of compulsory online learning products to complete before the end of a particular period, and I believe before I resigned from the police I think we were up to about nine online learning products which we had to complete before the end of the financial year. The most common online learning products that we do regularly relate to use of force models and our simulated training, our firearms and operational skills training.

Q. How do you find that mode of learning; that is, online learning products?

A. Very boring.

Q. All right.

A. They - I am guilty of - and I know I'm not the only one; I have seen other police do it as well - a lot of those materials that you can allow to play, go away and do something else, and then come back to a module that's complete, then you move onto the next one. It may be a timesaving learning method or - however, you're asking first responders, police, operational police, to find an hour or so in an already hectic operational environment where they have so many competing priorities. It's unfortunately - I understand the intention behind it. However, the practicality of it, I don't believe it works.

Q. You talk in your statement about police training police. In your view, how important a role can an FTO play in the training and development of new constables joining the service?

A. I think placing the responsibility solely on a field training officer is possibly incorrect. It should be a responsibility of the entire policing network that you're in, whether it be a division, a section, a station. Yes, the field training officer plays a vital role in training police, young police, or new police, I should say, in the operational workings of policing for the first eight weeks. However, there are more people around to - more police

1 officers around than just the field training officer to  
2 help that first-year constable's development in a positive  
3 sense.

4  
5 MS O'GORMAN: All right. Those are the questions that  
6 I have for you, Ms Pollard. Thank you.  
7 A. Thank you, ma'am.

8  
9 COMMISSIONER: Ms Hillard?

10  
11 MS HILLARD: I have no questions, thank you, Commissioner.

12  
13 MR McCAFFERTY: No, thank you.

14  
15 MR HUNTER: I have no questions, but can I just record  
16 that the account that the witness gave of her own personal  
17 experience that culminated in a complaint to Ethical  
18 Standards Command and the proceedings in QCAT was not  
19 something about which we were given any notice and it was  
20 not in her statement. Had we received those, it may be  
21 that I would have had some questions for the witness. So  
22 I simply record that, and it is, in our respectful  
23 submission, an unsatisfactory state of affairs that  
24 evidence critical of the service was given in circumstances  
25 where we received no advance notice of it.

26  
27 COMMISSIONER: It sometimes happens that during evidence  
28 witnesses recall things or make comments that aren't in  
29 statements. But it's noted, Mr Hunter.

30  
31 MS O'GORMAN: Might Ms Pollard be excused?

32  
33 COMMISSIONER: Yes. Thank you very much, Ms Pollard, for  
34 coming in. It's much appreciated.  
35 A. Thank you, Your Honour.

36  
37 **<THE WITNESS WITHDREW**

38  
39 COMMISSIONER: We're just going to adjourn for 15 minutes.

40  
41 **SHORT ADJOURNMENT**

42  
43 MS O'GORMAN: Commissioner, I call Sergeant Danielle  
44 Hulin.

45  
46 COMMISSIONER: Yes.

47

1 <DANIELLE HULIN, sworn:  
2

3 <EXAMINATION BY MS O'GORMAN:  
4

5 Q. Sergeant, I understand that you have some 11 years of  
6 experience as a police officer now?

7 A. Yes, that's so.  
8

9 Q. And for nearly seven years you have been in the role  
10 of a police prosecutor?

11 A. Yes, that's so.  
12

13 Q. You're also a solicitor?

14 A. Yes.  
15

16 Q. And you speak in your statement as having completed  
17 the graduate certificate in domestic violence?

18 A. Yes, that's correct.  
19

20 Q. We've heard a little something already about that  
21 certificate. Can you explain for us, firstly, when you did  
22 it and, secondly, how helpful you found it?

23 A. Yes. I completed that in 2018. I completed that  
24 through Prosecutions Services. They offered that course to  
25 a number of prosecutors. So I applied and completed that.  
26 That course was to be completed in my own time. So there  
27 was no work time allocated to that and no costs of the  
28 resources, like the textbook, were covered by Prosecutions.  
29 It was merely the course fee.  
30

31 I found that to be quite helpful in terms of my  
32 knowledge of the dynamics of domestic violence. I was  
33 prosecuting in Brisbane at the time in the DV module. So  
34 I noticed a change whilst completing that course and after  
35 that I was able to more readily identify risk factors in  
36 applications that I was reading quicker which enabled me to  
37 seek additional conditions that may not have been sought by  
38 police. I was also able to identify more manipulation  
39 techniques that perpetrators would use particularly on  
40 police and then in turn prosecutors when they came into the  
41 courtroom. I was able to identify that sort of playing  
42 out. When they would make submissions to our office  
43 I could see more clearly the victim blaming in their  
44 submissions. Also it expanded my knowledge of the exposure  
45 that domestic violence has the effect that has on children,  
46 and therefore them needing to be named on orders.  
47

1 Q. All right. Just going back in time a little I can see  
2 from your statement that you completed the six-month  
3 prosecution course in 2015?

4 A. Yes, that's so.

5

6 Q. And did that course have any dedicated domestic and  
7 family violence content associated with it?

8 A. I believe when I completed the course there was an  
9 hour - about an hour lecture on domestic violence. That  
10 did not cover anything about the dynamics or anything. It  
11 was merely about the legislation, the court's ability to  
12 make an order and so forth.

13

14 Q. Then you started working in Brisbane police  
15 prosecutions and you worked there between October 2015 and  
16 April 2021?

17 A. Yes.

18

19 Q. And you were in the domestic violence module still in  
20 Brisbane for approximately two years between 2017 and 2018?

21 A. Yes. I believe it was a period of on and off. So it  
22 wasn't a continuous two years, but yes.

23

24 Q. You're now based at Pine Rivers prosecutions?

25 A. That's so, yes.

26

27 Q. And you're not there in a dedicated DV module but you  
28 do as part of your daily work deal with domestic and family  
29 violence applications and related prosecutions?

30 A. That's so. When I first commenced at Pine Rivers we  
31 did have a dedicated domestic violence prosecutor. So  
32 I was mainly involved at that time in the more criminal  
33 side. However, we lost that prosecutor in October. So  
34 since then I have been assisting with some minimal  
35 call-overs and training, helping train a new prosecutor  
36 that took over. But I did recognise in myself that  
37 I needed to step back from the applications a bit for my  
38 own mental health. So I have taken a step back from that.  
39 But in turn I've been more involved in the criminal  
40 matters, I would say.

41

42 Q. All right.

43

44 COMMISSIONER: So do you find those prosecutions quite  
45 stressful?

46 A. I find them quite stressful more to do with the  
47 frustration with issues around prosecuting them and the

1 police culture.

2

3 MS O'GORMAN: You mentioned to me outside that you have  
4 some observations that you've made of policing in your area  
5 as a result of the service delivery re-design program?

6 A. Yes, that's so.

7

8 Q. Did you want to explain those observations to  
9 the Commission now?

10 A. Yes, if I could. So Pine Rivers forms part of Morton  
11 district, which is part of the service re-alignment. Since  
12 that's started we've noticed at Prosecutions a large issue  
13 with the service of documents being completed for  
14 protection orders. So the re-alignment consists of  
15 essentially three new teams. The first team will go to  
16 that DV incident, complete the application. The second  
17 team is then responsible for serving those documents.

18

19 We're finding that the service isn't being done, the  
20 tasks are being finalised, and there's no ownership of  
21 completing that service. So final orders aren't being made  
22 as soon as they could be because we're having to delay the  
23 court proceedings to fix the issues with service, which  
24 then in turn creates more work for officers because they're  
25 having to go and serve a TPO and then another order for  
26 that.

27

28 The other issues are lacking information in bail  
29 affidavits and sometimes the QP9 facts because the initial  
30 crew will go to the job. If it's an arrest that results in  
31 a bail objection being made, another crew will take that  
32 over. So there's a loss of the continuity of information  
33 come to that bail objection. We find them lacking in  
34 information, particularly about strength of evidence. We  
35 may go back to the officer that completed that affidavit  
36 and they will say, "I didn't attend so I don't know." So  
37 there's again a lack of ownership and a loss of  
38 information. The same issues with briefs of evidence  
39 coming through.

40

41 The other issue was in regards to the facts. So I've  
42 noticed with a few breaches it will be based off text  
43 messages, but the facts don't actually say what those text  
44 messages are. So there won't be as detailed information  
45 that we should have.

46

47 Q. Again is the difficulty from a prosecuting point of

1 view that it can be difficult to find out which officer in  
2 the chain of officers involved in the matter has the  
3 information for you?

4 A. Yes, and they're essentially, I guess, passing it back  
5 and forward to each other saying, "That's not my job,  
6 that's not my job", and we're kind of stuck in the middle  
7 with it.

8  
9 The other issue we've seen is a delay in criminal full  
10 briefs coming in because my understanding is that officers  
11 from the CIB and CFIU have been taken from their units to  
12 develop one of the teams. So those leftover officers are  
13 significantly overworked at the moment. So they're having  
14 to request extensions of briefs from the magistrates.

15  
16 Q. Okay. Can I take you back to your statement now and  
17 ask you to have a look at paragraph 3 for me?

18 A. Yes.

19  
20 Q. There you talk about reviewing body-worn camera  
21 footage and forming the view that there appears to be a  
22 rush for police officers to get jobs finished and leave and  
23 a sense that attending at domestic and family violence  
24 incidents can be a waste of time?

25 A. Yes.

26  
27 Q. Can you explain for the Commission what you mean by  
28 that, how you get that sense from seeing the camera  
29 footage?

30 A. Just the interactions of some police officers with  
31 complainants. It seems very short and they're not  
32 expanding on questions they could be asking. They're sort  
33 of just wanting to rush through, get what they need so that  
34 they can go. I see it a lot with - when there's a criminal  
35 aspect to it, they're essentially just saying, "Do you want  
36 to make a complaint", and if they say "no" then that's it.  
37 It's not taken a step further to try and encourage them or  
38 let them know the process.

39  
40 Q. Do you also see examples of very excellent service,  
41 police officers who deal very well with aggrieveds in those  
42 stressful circumstances?

43 A. I do in terms of officers I've dealt with, like, some  
44 DVLOs. I suppose with a lot of the footage that I'm  
45 looking at it's for contested matters. So I think a lot of  
46 the briefs where there is an adequate investigation  
47 sometimes there's no need for me to be reviewing them.

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Q. All right. In paragraph 4 you talk about an occasion where you say that you were stood over by a senior officer who wanted you to withdraw a police application in circumstances where you considered there was more than sufficient evidence for the application to continue?

A. Yes.

Q. In that circumstance whose decision was it ultimately as to whether or not the application would continue or not?

A. I was allocated in the DV application module at that time. So if I was to ever want to withdraw an application I would generally make a recommendation to the arresting officer or my own OIC. That officer that became involved had no - essentially no involvement in my module and was not my OIC at the time.

Q. So why did that officer become involved?

A. He had carriage of an associated criminal charge which they had significantly case conferenced down.

Q. All right. And in that particular case was the police application actually withdrawn?

A. No, it wasn't. I understand the full order was made. There was never any submission to withdraw that application.

Q. In the next part of your statement you talk about a concern surrounding officers failing to commence proceedings?

A. Yes.

Q. And I'm looking at the next two headings here.

A. M'hmm.

Q. Firstly, either in relation to domestic violence applications, or breaches or for serious criminal offences?

A. Yes.

Q. You mention in respect of commencing proceedings for DVO applications your perception that sometimes they are not proceeded with unless there is other evidence to support the application additional to an aggrieved's own testimony.

A. It's more so with criminal offences, I would say.

Q. Can I ask you this: do DVO applications ever get made

1 simply on the testimony of an aggrieved?

2 A. Yes, all the time; yes.

3

4 Q. All right. So your concern is, is it, that charges  
5 are sometimes not brought unless there's something to  
6 corroborate the aggrieved's testimony?

7 A. Yes, police will finalise it saying, "There's  
8 insufficient evidence to proceed because there's no  
9 corroboration of a victim's version."

10

11 Q. You talk also about your perception of a culture that  
12 a complaint is needed for criminal charges before charges  
13 are laid.

14 A. Yes.

15

16 Q. Your understanding, I take it, is that a complaint is  
17 not necessarily required before commencing criminal  
18 proceedings?

19 A. Yes.

20

21 Q. And have you seen matters where complaints have been  
22 taken - sorry, proceedings have commenced and concluded to  
23 a conviction without an aggrieved being positively involved  
24 in the making of a complaint?

25 A. Yes, I think I provide an example in my statement at  
26 paragraph 13 that the defendant had a substantial  
27 domestic violence history and the aggrieved did not want an  
28 assault complaint made when there was clearly sufficient  
29 evidence of a violent assault, and that defendant received  
30 an actual term of imprisonment. I believe it was 12 months  
31 to serve six.

32

33 Q. The next part of your statement talks about matters  
34 being considered, and we're talking here about  
35 contraventions, breaches?

36 A. Yes.

37

38 Q. Being considered as either trivial, minor or  
39 technical?

40 A. Yes.

41

42 Q. And how widespread an issue is that in your  
43 experience?

44 A. I would say it's very widespread. It's terms I hear a  
45 lot from both prosecutors and police officers.

46

47 Q. From your point of view does the penalty that gets

1 imposed on respondents who are charged with contraventions  
2 have any impact in the way or the seriousness with which  
3 they're perceived by police officers and prosecutors?

4 A. Sorry, as in terms of if they receive a lower penalty?

5

6 Q. Yes.

7 A. I don't believe so.

8

9 Q. Okay. Mandatory conditions only being taken out on  
10 orders.

11 A. Yes.

12

13 Q. How often has it occurred that you've seen  
14 applications where only the mandatory conditions are served  
15 where you think the facts would give rise to additional  
16 conditions being warranted?

17 A. When I was in Brisbane it was an ongoing issue that  
18 was identified and a lot of times I was trying to seek  
19 extra conditions from the magistrate. I couldn't really  
20 speak of my experience whilst I've been at Pine Rivers,  
21 however I do know it still has been an issue for the  
22 prosecutors.

23

24 Q. The naming of children on applications, you mentioned  
25 that a little earlier in your evidence.

26 A. Yes.

27

28 Q. Do you have a concern that they're not named often  
29 enough in applications being brought by police?

30 A. Yes, and I have had experience with that whilst I've  
31 been at Pine Rivers. The application may talk about them,  
32 but there's no details about them and they're not requested  
33 to be named, or officers will say, "The child was in  
34 another room. The child didn't appear to be affected by  
35 it." So they're not seeking that the child be named.

36

37 Q. Where that happens and the application comes across  
38 your desk to deal with in court do you have the ability to  
39 have those children added as named persons on the  
40 application?

41 A. Yes, we do seek them. I believe the legislation  
42 allows the magistrate to add them, even if they haven't  
43 been requested. On some occasions, however, we haven't had  
44 the child's details to be able to ask for that. They  
45 either haven't been linked into the occurrence or they're  
46 not named on the application at all. So in those  
47 circumstances we're trying to get those details sorted as

1 fast as we can to be able to do it.

2

3 Q. Do you need to go back to a police officer and ask for  
4 their attitude toward that action or if you form the view  
5 that it would be appropriate to have them added as named  
6 persons you can do so?

7 A. I generally only go back to them if I need more  
8 information.

9

10 Q. About their details or --

11 A. Yes.

12

13 Q. I understand. In paragraph 19 you talk of having  
14 located a number of private applications involving serious  
15 allegations where the aggrieved attended a police station  
16 and was advised to complete a private application.

17 A. Yes.

18

19 Q. Are you able to give us an idea of how many times  
20 you've seen something like that happen?

21 A. I wouldn't be able to give you an exact number. I do  
22 know it was quite an issue in Brisbane that I believe was  
23 being noted by the magistrate doing private applications.

24

25 Q. And is it apparent on the face of the application  
26 itself in the cases that you've seen an aggrieved person  
27 says, "I sought help from a police officer and they  
28 declined to take out an application"?

29 A. Yes, and then generally when that occurs I'll check  
30 the system and I can see that they have attended. With  
31 private applications we don't appear on them. So generally  
32 it might be something that comes to light if we happen to  
33 speak to an aggrieved over at court that it was an issue.

34

35 Q. I'm looking now at page 6 of your statement, and in  
36 particular where you speak about police officers  
37 misidentifying parties for DVO or DVO applications.

38 A. Yes.

39

40 Q. Again, are you able to give us an estimate of how many  
41 times you've seen that occur?

42 A. I wouldn't have a figure for you, but I would say in  
43 Brisbane when I was doing it there may have been three to  
44 four a week out of approximately 70 applications.

45

46 Q. And you say that in the instances where it has  
47 occurred you have received pushback at times from police

1 officers when you've gone to them to see about having the  
2 applications amended or reversed?

3 A. Yes.

4  
5 Q. How frequently does that happen?

6 A. Generally a lot of the time. However, it seems to be  
7 coming from the senior officers that there's a reluctance  
8 to withdraw any type of domestic violence. On occasion we  
9 will get some officers who are quite open to it and will be  
10 in agreeance. But the majority of the time it's the  
11 pushback that we receive.

12  
13 MS O'GORMAN: Okay. Thank you. Sergeant Hulin, those are  
14 the questions that I have for you.

15 A. Thank you.

16  
17 COMMISSIONER: Ms Hillard.

18  
19 **<EXAMINATION BY MS HILLARD:**

20  
21 Q. Just in respect of the paragraph 29, the  
22 misidentification of parties in the DV0.

23 A. Yes.

24  
25 Q. In respect of those are you able to say at what point  
26 in time you've been able to identify that they've been  
27 misidentified; for example, PPN stage, affidavit stage or  
28 hearing stage?

29 A. It's generally either from reading the grounds,  
30 particularly if there's a cross-order made. Sometimes it  
31 may be that on the first appearance that respondent comes  
32 to court and speaks to a duty lawyer and we receive  
33 additional information. But it's generally when we first  
34 receive the application.

35  
36 Q. And are you able to say of the ones that you have  
37 identified, three or four a week where they're  
38 misidentified, it is often women that are misidentified  
39 more than men?

40 A. Yes.

41  
42 Q. And in respect of the pushback that you spoke about in  
43 having to get permission or authority to withdraw them had  
44 there been cases where you've had to make the person who's  
45 the proper aggrieved go through the trauma of having an  
46 affidavit and then taking that to the supervisor or the  
47 authoriser to withdraw to actually establish and prove that

1 you could?

2 A. Yes.

3

4 Q. Does that happen more often than not, that you have to  
5 go through to that level in order to get that approval?

6 A. I would say, yes, at least some type of written  
7 communication from that aggrieved has been required.

8

9 Q. You were asked some questions about paragraph 19 of  
10 your statement that you had located a number of private  
11 applications and you said that you would be able to say the  
12 number. You gave an example of about 70 or so that you did  
13 in a week for the misidentification, and you could identify  
14 maybe three or four. On the private applications could you  
15 say whether that was something that came to your attention  
16 weekly, monthly or any level of frequency

17 A. When I was in Brisbane I would say weekly.

18

19 Q. In respect of your prosecution matters or prosecutions  
20 that you're aware of are you aware of situations where the  
21 aggrieved, the woman, might have to file her own affidavit  
22 in order to supplement what the police had prepared to  
23 support to add further information and further grounds  
24 et cetera?

25 A. I've only had a few occasions where the aggrieved has  
26 also been privately represented in a police application.

27

28 Q. You may or may not be able to comment on this because  
29 your matters are only really the ones you can speak about.  
30 The quality of the PPNs, the police protection notices, and  
31 the affidavits as they come through, would you agree that  
32 they lack particulars and they lack detail in order to  
33 substantiate the acts of domestic violence relied on at  
34 times?

35 A. I would say the quality of briefs of evidence for DV  
36 applications that we receive is poor, particularly in  
37 regards to particulars about the history not being  
38 contained in any affidavit done by police.

39

40 Q. If I were to give you some examples. Would you see in  
41 affidavits, "He was abusive to me," but then there would be  
42 no example of how he was abusive, that type of thing?

43 A. Yes, and I particularly see that in breaches. As  
44 I mentioned before, with the text messages, the breach will  
45 be no contact but the facts won't have what the text  
46 messages contained. You may go back and find that they  
47 were threats to kill or it was some other type of

1 communication.

2

3 Q. And are you able to source the text messages from the  
4 aggrieved directly or do you rely on having to get the  
5 police officer who took the complaint or who took the  
6 affidavit to obtain that information?

7 A. We have to rely on the police officers, yes.

8

9 Q. And do you get pushback from that on occasions as well  
10 when you ask for additional information?

11 A. Sometimes.

12

13 Q. In respect of the requirements for a domestic violence  
14 order to be made one of the limbs of course is necessary or  
15 desirable.

16 A. Yes.

17

18 Q. You may or may not have a view, but in the matters  
19 that you've seen come through as the police applications  
20 does it appear to you that the police misapprehend what  
21 necessary or desirable evidence is required?

22 A. Yes, I think that element is the one that we have most  
23 difficulty with.

24

25 Q. And in terms of getting additional information to  
26 support the "necessary or desirable" do you also get  
27 pushback on that as well if you have to ask for that?

28 A. Yes, and one of the biggest issues that we have is  
29 that the briefs aren't being adequately checked by the  
30 brief checker when they're given to our office. So it  
31 might not be that we identify these issues until a day or  
32 two before a hearing, and by that time we're already well  
33 past the filing date. So it can be difficult to try and  
34 get any further evidence in to the court.

35

36 Q. And are there occasions where you're stuck in a  
37 situation and you're having to go ahead with a DV  
38 application and an aggrieved is there trying to say extra  
39 things but they're not allowed to because they're past  
40 their dates and the like, they're not allowed to introduce  
41 new evidence?

42 A. I haven't had that happen. I couldn't say whether  
43 that's because we were allowed an adjournment to provide  
44 further material, but I haven't had that particular  
45 situation play out.

46

47 Q. In respect of corroboration and word on word type

1 scenarios, one of the witnesses we'll hear from this  
2 morning talks a little bit about the Briginshaw standard  
3 and things like that. Do you think that the police when  
4 they're preparing the affidavits and the PPNs that they  
5 appreciate that corroboration is not necessary?

6 A. That they do?

7  
8 Q. Do you think that they appreciate that they don't  
9 actually need corroboration in order to proceed with a  
10 domestic violence application?

11 A. I think it's better with applications.

12  
13 Q. It certainly helps your application, makes it  
14 stronger, but it's not necessary.

15 A. Yes, sorry, I mean it's better as in the police  
16 knowledge is better with applications and corroboration,  
17 but definitely poorer with criminal matters.

18  
19 Q. In relation to the statement that you provided you  
20 speak about the difficulty in getting police to pursue  
21 charges when there's in your view something clearly  
22 identified in the material.

23 A. Yes.

24  
25 Q. You may or may not be aware of the OPM Chapter 2. I'm  
26 happy to pull it up if you like. It requires that the  
27 police investigative process commences at the time an  
28 incident comes to the attention of an officer. Is that  
29 something that has assisted you? It's [COI.014] at page 7  
30 if we wanted to pull that up.

31 A. Sorry, assisted me in terms of getting police to --

32  
33 Q. Yes.

34 A. No.

35  
36 Q. And we're just looking at this passage at the top of  
37 the page, "The investigative process commences at the time  
38 an incident comes to the attention of the officer."

39 A. No, because they're not commencing proceedings then.  
40 Generally for me to try and get them to proceed, I'll  
41 normally send an email with my position and outline why  
42 I think there's sufficient evidence and that it should  
43 proceed. If I get pushback from that I will basically put  
44 that information on the occurrence report and reset the  
45 task so that it then has to go through their supervisor  
46 again. However, I'm finding that that's  
47 still - particularly with the strangulation offences

1 they're still getting finalised. So that OPM I haven't  
2 found has helped me.

3  
4 Q. And if we can just pull up [CI0.015]. So this is OPM  
5 chapter 3. So this is the appropriateness of charges and  
6 more specifically about prosecutions at page 12. In  
7 respect of page 12 if we look at the recommendations of  
8 where proceedings commence. Excuse me, Your Honour. At  
9 the bottom down at the "General prosecution policy", 3.4.1  
10 at the bottom of the page, the decision to prosecute is is  
11 there sufficiency of evidence and the public interest to  
12 require a prosecution.

13 A. Yes.

14  
15 Q. When you're dealing with police and trying to get them  
16 to charge is this something that they speak to you about,  
17 about the sufficiency of evidence and the public interest,  
18 or is that something that you have to raise with them in  
19 order to continue a prosecution or to commence a  
20 prosecution?

21 A. Sorry, is this in terms of if I'm attempting to get  
22 them to charge?

23  
24 Q. To charge, yes.

25 A. Normally they will say they don't have sufficient  
26 evidence because they don't have a complainant. Recently  
27 in relation to one strangulation I had they mentioned that  
28 the DPP won't proceed with it, so there's no point in even  
29 commencing proceedings. So that's the type of response  
30 I got recently.

31  
32 Q. But you had no information that a charge had been laid  
33 and escalated to the DPP anyway; that was a perception that  
34 was being conveyed to you by the police officer, is that  
35 right?

36 A. It's a perception because that's what I'm told is  
37 happening.

38  
39 Q. And you mention in your statement that you've reviewed  
40 many body-worn camera footage through your individual  
41 matters.

42 A. Yes.

43  
44 Q. And you speak about officers rushing through the  
45 processes and the like. Can I ask you some questions about  
46 the supports that are offered and not having a complainant  
47 to make a complaint, for example. Do you have a view about

1 whether an aggrieved is provided support, it's explained  
2 that they can do a DV application, for example, there can  
3 be restrictions on questions asked, they can be declared a  
4 special witness, they get supports; flip side on a charge  
5 they can be told, "You can have a victim liaison officer;  
6 you can have limits on cross-examination; you can give  
7 evidence in a secure room" et cetera, et cetera, et cetera.  
8 Do you think that if that information is included at the  
9 time of police responding that would have a bearing on  
10 whether you have a complainant or not?

11 A. Yes, I do, and I think I provide an example in my  
12 statement of a woman that I located in a safe room. She  
13 was terrified because she had been told she had to come to  
14 court, when she didn't need to. But she had not been  
15 explained the process and what could be put in place for  
16 her. So after I spoke to her she went and made her  
17 complaint. When I spoke to her the following week and  
18 said, "Why have you changed your mind," she said, "Because  
19 I was now aware of what the process was." So I think with  
20 that encouragement and letting complainants know that we  
21 can try and protect them further gives them more  
22 empowerment to say, "Yes, I want to make a complaint." But  
23 I can also see aggrieveds who are far too fearful to make  
24 that complaint.

25  
26 Q. And based on your experience and your follow-ups that  
27 you have with individual people in your different matters  
28 is there a value to following up later on perhaps with a  
29 social worker with that aggrieved to see how they're going  
30 to assess their fear, to see if there's protective measures  
31 that can be put in place to help them?

32 A. Yes, certainly. I think from a Magistrates' Court  
33 level perspective the victim support is very minimal,  
34 whereas I'm aware that DVP have a victim liaison officer.  
35 We don't have those resources. We rely on the arresting  
36 officer to do all of that.

37  
38 Q. It may or may not be the case in the prosecution  
39 offices that you've worked in, but it's the case, isn't it,  
40 for some that depending on your surname and where you fall  
41 in the alphabet is which day of the week your matter comes  
42 on?

43 A. Yes, I believe that's Brisbane do that.

44  
45 Q. And so something could happen, for example, on the  
46 Friday and if you have a name that's from L onwards in the  
47 alphabet you get heard on the Thursday.

1 A. M'hmm.

2

3 Q. And in those circumstances there's no support offered  
4 to an aggrieved; they don't know what's going on in that  
5 almost week-old period between an application being made, a  
6 PPN being made, and when they have to turn up to court?

7 A. Not unless they're speaking to the officer or they've  
8 been given referral services. Sometimes we do receive  
9 phone calls from them asking for information.

10

11 Q. But there's no dedicated officer or liaison officer or  
12 a specialist who can contact them and support them even at  
13 that early stage?

14 A. From QPS?

15

16 Q. That's right.

17 A. No, not that I'm aware of.

18

19 Q. And no-one from police prosecutions who can assist  
20 either?

21 A. No, and we have very limited resources at the moment  
22 to be able to do that.

23

24 Q. In respect of the assistance of the court process and  
25 when there is no victim or there's no complainant you have  
26 had the opportunity to have a look at the video-recorded  
27 evidence pamphlet; is that right?

28 A. Yes.

29

30 Q. Appreciating that the video-recorded evidence is  
31 something designed to assist aggrieved persons and  
32 complainants to give evidence and reduce the number of  
33 times to give evidence, I just refer to parts of the  
34 video-recorded evidence pamphlet there. Part B, the  
35 informed consent is - you can take it from me that that's  
36 just basically a cut and paste of the legislation that we  
37 have.

38 A. M'hmm.

39

40 Q. If I direct you to the top of the blue part I'll just  
41 show you mine; it's in the middle part there.

42 A. Yes.

43

44 Q. The top there, it talks about, "Regardless of whether  
45 your recorded statement is presented as your evidence in  
46 court, your recorded statement can be disclosed to and used  
47 by the accused and certain other persons." Do you have a

1 view that if a police officer is a first responder and  
2 doing this on the spot and administering this on the spot  
3 that that question in particular could be a barrier to  
4 closing down the aggrieved from pursuing further?

5 A. Sorry, the second question?

6

7 Q. Yes.

8

9 MR HUNTER: The question was "a barrier to closing down".  
10 I'm not sure what my friend means.

11

12 MS HILLARD: A barrier to the aggrieved or cause  
13 reluctance for an aggrieved to proceed.

14

15 COMMISSIONER: That's probably more a matter for  
16 submissions, Ms Hillard.

17

18 MS HILLARD: If I can deal with it in this way then.  
19 Would you agree that based on video-recorded evidence that  
20 you have seen in the body-worn camera footage sometimes  
21 that gets tendered in your matters that there's a real need  
22 for support and explaining the process to the victim beyond  
23 simply reciting the legislation?

24 A. I believe that this video-recorded evidence is part of  
25 a trial.

26

27 Q. Yes, that's correct.

28 A. Which my district is not subject to. So I haven't  
29 reviewed any body-worn camera footage that uses this  
30 technique. Most of my - the body-worn camera footage  
31 I have seen is a version and then police asking if they  
32 want to make a complaint. It doesn't go into this.

33

34 Q. Annexed to your statement you provided the Victorian  
35 sample model of best practice, perhaps if I can use those  
36 words, in your view.

37 A. Yes.

38

39 Q. In respect of that model is that something that you  
40 have advocated for or pushed for within the service?

41 A. Yes, I have raised that policy a few times with VPU.  
42 I believe I first raised it in 2018. I don't believe it  
43 was that particular version. It was an older version. So,  
44 yes, I've raised it.

45

46 Q. I believe that Victoria has mandatory charging of  
47 domestic and family violence which we don't have in

1 Queensland; that's right, isn't it?

2 A. Mandatory of breaching orders or --

3

4 Q. Where an officer has or becomes aware of domestic and  
5 family violence, they must charge if they are aware of a  
6 charge. So they've got mandatory charging. Are you aware  
7 or not?

8 A. That's how I interpret their policy, that if they have  
9 sufficient evidence they proceed; yes.

10

11 Q. And in respect of the VPU response have you been able  
12 to get their support or they just don't have the capability  
13 to be able to develop anything?

14 A. I'm not sure. I haven't been contacted about it. So  
15 I don't know.

16

17 Q. Just in respect of the withdrawal of a police  
18 protection notice or a domestic violence order, if we can  
19 just pull up exhibit [BRM.012] at page 32. So the bottom  
20 of the page is 9.6.9, "The withdrawal of a  
21 domestic violence order application." If we go over to the  
22 next page, page 33, and the approval section that's  
23 required have you - and we can see there that the approval  
24 required can be a commissioned officer, an OIC at the  
25 police prosecutions or an application concerning the police  
26 force.

27 A. Yes.

28

29 Q. Have you experienced different responses from  
30 commissioned officers compared to officer in charge when  
31 you're trying to withdraw a complaint where you have  
32 identified - sorry, trying to withdraw an application where  
33 you have identified that it should be withdrawn?

34 A. OIC of the police prosecutions?

35

36 Q. Yes.

37 A. Yes. The OICs are generally more supportive, whereas  
38 the commissioned officer will normally be the applicant  
39 officer's chain of command and that's where we tend to  
40 receive the most pushback in that they don't want to be  
41 withdrawing DVs.

42

43 Q. And would you agree that there's a difference between  
44 individual areas about whether matters are withdrawn or not  
45 and different officers about whether they're withdrawn or  
46 not based on district or police stations?

47 A. I probably wouldn't be able to answer that because my

1 main experience has been Morton district.

2

3 MS HILLARD: Thank you, Commissioner. Those are the  
4 questions.

5

6 MR McCAFFERTY: Nothing, thank you.

7

8 MR HUNTER: Nor from us.

9

10 COMMISSIONER: Ms O'Gorman?

11

12 MS O'GORMAN: Then might Sergeant Hulin be excused?

13

14 COMMISSIONER: Thanks very much, Sergeant Hulin.

15

16 <THE WITNESS WITHDREW

17

18 COMMISSIONER: Is the last witness here?

19

20 MS O'GORMAN: He's not available between now and  
21 2 o'clock. He is available at two. Might we adjourn until  
22 then perhaps.

23

24 LUNCHEON ADJOURNMENT

25

26 COMMISSIONER: Yes.

27

28 MS O'GORMAN: Commissioner, I call Sergeant Michael Read.

29

30 <MICHAEL READ, sworn:

31

32 <EXAMINATION BY MS O'GORMAN:

33

34 Q. Sergeant Read, I understand that over the years you've  
35 had experience in prosecutions but in particular in  
36 relation to domestic and family violence matters?

37

38 A. Yes, that's correct.

39

40 Q. Including quite recently at the Beenleigh

41

42 A. That's so. Since early 2020 I was basically posted to  
43 the domestic violence module at the Beenleigh specialist  
44 court. Only in October last year did I transfer into  
45 Brisbane to the DV module in there.

46

47 Q. All right. And you've been based there since that  
time?

1 A. That's so.

2

3 Q. In your statement that you've provided to  
4 the Commission you outline the general prosecutorial duties  
5 involved in prosecuting domestic and family violence  
6 matters, and the roles and responsibilities that you assume  
7 in that role?

8 A. That's so.

9

10 Q. One of the primary duties that you have is to check  
11 every police application that comes through the office  
12 before it is presented to court?

13 A. Yes, that's right.

14

15 Q. And in doing so, particularly with the new files, you  
16 will in that role look for relevant matters that the court  
17 will want to know about in order to determine the  
18 application before it?

19 A. That's correct. There is a process that I undertake  
20 when checking those files as outlined.

21

22 Q. All right. If we can go to paragraph 16 we can see  
23 the matters, a not exhaustive list of matters, that you  
24 will look for on a brief?

25 A. That's so.

26

27 Q. If the material there is not on a brief how will you  
28 know if it exists and is not there, or is not there because  
29 it doesn't exist?

30 A. That is the process I normally take with regards to  
31 the checking of each application as they come in.  
32 Ordinarily that involves me conducting a desktop occurrence  
33 check against the parties to see if any of that information  
34 that is not in the application should be in there. As an  
35 example, things that often I missed with some of the  
36 matters that I'm looking for, for example, where there's  
37 been previous occurrences for perhaps mental health  
38 call-outs with a respondent party that on the face of it  
39 may not seem relevant but because the occurrence is such  
40 that the party was threatening suicide, and if you look at  
41 the narrative in fact the aggrieved may have been present  
42 during that episode and it may have been QAS that actually  
43 did the job but police assisted, that sort of information  
44 that ordinarily may not be in the application but it's  
45 still what we would call a red flag as to perhaps a future  
46 risk of domestic violence that the court should inform  
47 itself of, they're the sort of things that I've looked for

1 that aren't in an application.

2  
3 There are occasions of course where it may be that an  
4 applicant has put forward an application where there  
5 are - they've satisfied a relevant relationship and there  
6 have been acts of domestic violence. However, the  
7 application itself doesn't go into any detail as to why the  
8 application's necessary or desirable on that basis. It may  
9 be simply because of the nature of the acts of  
10 domestic violence that the applicant is relying on why the  
11 application should be made on that basis. So they're the  
12 sort of things that I'm looking for.

13  
14 Obviously if none of those things are present it's a  
15 matter really for me to be asking the applicant, "What  
16 other information are you relying on to satisfy the court  
17 as to the making of an order," because ultimately once the  
18 application is lodged it becomes a legal process and we are  
19 bound by the three steps in section 37 to satisfy a court  
20 of that. In fact, it's in section 101 the officer has to  
21 satisfy themselves the application is necessary and  
22 desirable as well. So I'm looking for those things.

23  
24 But officers are equipped with a framework, the  
25 protective assessment framework, which outlines category 1  
26 and category 2 matters that they should be informing  
27 themselves of when speaking with parties. So they're the  
28 sort of things that if it's not in the original application  
29 it may be the case that I have to put it before the court  
30 and seek the adjournment to seek that further information  
31 that may well be in the officer's notebook or on the  
32 body-worn, but they're things that I can't - obviously when  
33 you're checking in Brisbane between 40 and 60 files a day,  
34 or in Logan it's between upwards of 80 to 100, depending on  
35 the day of the week, these are things that take time that  
36 you may or may not be able to do on a first appearance.

37  
38 Q. If you do have to seek an adjournment and go back to  
39 the officer to ask them for further information, can you  
40 give us a sense of how frequently you're met with a very  
41 cooperative officer and how often you come up against the  
42 difficulty of an officer who feels a bit put out to have to  
43 go and do further enquiries?

44 A. I'd say on the whole the officers are helpful to be  
45 able to follow up on that. There are occasions where  
46 I will get a response where the officer says, "Well, that's  
47 all I've got on the matter and just leave it to the

1 magistrate to decide," when we know that's not how the  
2 process works. That's difficult for me then because then  
3 often I'll end up - we end up speaking with the aggrieved  
4 ourselves offline to seek further information, which we  
5 often do, or we'll then speak to - for example, I maintain  
6 a very good relationship with both of our vulnerable  
7 persons units both when I was at Logan as well as in the  
8 Brisbane region to ask them to do some follow-up as well.  
9 In any event, I'm able to get some information, if it's  
10 there.

11  
12 Sometimes it may be the case that if an officer says,  
13 "What's in the application is all that we intend to rely on  
14 or that we can rely on," if it is the case that it doesn't  
15 meet that third limb of "necessary or desirable", it's a  
16 matter for me to then speak with the applicant officer and  
17 look at consideration of whether the application should  
18 continue on that basis.

19  
20 Q. If you have an application come through and the police  
21 officer has identified that there's a domestic relationship  
22 between the parties and that there's been at least an  
23 incident of domestic violence but doesn't nominate what  
24 makes it necessary or desirable for an order to be there,  
25 is that a result of necessarily laziness on the part of the  
26 officer or could it be a lack of understanding of what the  
27 legislation requires and how the courts work to make a  
28 determination?

29 A. I think from my experience at least, and I'm trying to  
30 do a bit of work at the local level at the moment in our  
31 DVLOs, the domestic violence liaison group as well as our  
32 brief checkers, because I think there is a general  
33 misunderstanding or lack of understanding of what  
34 "necessary or desirable" means and the number of things  
35 that fall under that category that can be included in an  
36 application. That's why my initial default when I'm giving  
37 instructions to brief checkers and the like is, "You should  
38 be using your protective assessment framework when you're  
39 going through these applications" to see have they asked  
40 these questions. It may be, for example, that there is an  
41 isolated incident of quite extreme violence that seems out  
42 of the ordinary, but they haven't asked the question,  
43 "What's been happening behind the scenes?" There's been a  
44 recent separation or they've lost their job, and you'd  
45 argue, "Well, this is a clear escalation in conduct.  
46 Coupled with those other two things, all of a sudden we now  
47 can understand why the order is necessary or desirable to

1 put it in the application."  
2

3 Q. You said that sometimes you've had the experience of  
4 speaking to aggrieveds directly yourself rather than going  
5 through the original officer.

6 A. Yes.  
7

8 Q. In those circumstances have you had occasions where  
9 you're confronted with an application or presented with an  
10 application and then when you've spoken to the aggrieved  
11 person you've in fact found out a lot more information than  
12 is on the face of the application?

13 A. That is the case and I do - on occasion have found  
14 where an aggrieved has been able to give more information;  
15 particularly I'll speak to them at court or liaise with  
16 the duty lawyer that's assisting them as well on the basis  
17 that there's an opportunity when things are calm. Often  
18 I find a lot of the applications are taken - the officers  
19 are on the night shift. They're expected to make a  
20 decision in the space of a 45-minute interaction with the  
21 two parties; where for me as a prosecutor I've got the  
22 opportunity to speak to the aggrieved, to speak to a legal  
23 representative that's offered to them through both Brisbane  
24 and at Logan to get a better understanding of what's  
25 actually going on in the relationship, not just the  
26 incident management, which I think a lot of our police are  
27 very good at and default to but don't have the time to be  
28 able to then unpack and go through what we know is a much  
29 more trauma-informed approach, to go through those layers  
30 on that basis.  
31

32 Q. We've heard in recent days that there will shortly be  
33 rolled out some more extensive training for police officers  
34 around domestic and family violence, and in particular in  
35 relation to coercive control and how that can operate  
36 within a relationship. Do you consider that that's going  
37 to be helpful for your police officers when they're filling  
38 out applications to make sure they're capturing more  
39 information than is presently being captured?

40 A. I think for me the more training we do the better we  
41 get, and I just find that the more we do - in terms of the  
42 experiences gained through each interaction is a learning  
43 for police as they move forward. So I think that the  
44 benefits I've seen from just the online training that we've  
45 done in coercive control has some huge benefits for police  
46 in terms of how they ask questions of parties to work out  
47 in actual fact not just, "What's wrong with you," but as

1       opposed to, "What's happened here? Can you tell me more  
2       about this?"  
3

4               So I think it will have a huge benefit in terms of how  
5       we approach domestic violence more broadly in terms of the  
6       understanding, but then how our police frame their  
7       questioning as well so it's not so finite but more of an  
8       open-ended ability to have people tell us what's going on,  
9       and then we can make a much more informed decision about  
10      the acts of domestic violence, understand what coercive  
11      control is going on behind the scene or any other forms of  
12      domestic violence that may be present in the relationship.  
13

14      Q.    If you do receive an application and it merely  
15      discloses one incident between, for example, a couple in an  
16      intimate relationship who have had a relationship of long  
17      standing and does nothing more than identify that one  
18      incident, how likely is that to succeed in the absence of  
19      you directing the police officer to do anything more in  
20      having an order made?

21      A.    Ordinarily we will get - from my experience both in  
22      Logan and in Brisbane the majority of - I will know at the  
23      first mention whether a temporary order is made as to the  
24      weight in terms of what information has been put before the  
25      court to which the presiding magistrate's considered as to  
26      what prospects of a final order on that basis, if that is  
27      all the information we're intending to rely on. Ordinarily  
28      that's something that I would use as part of my  
29      decision-making process when consulting with the applicant  
30      and then the authorising officer, if it got to the point of  
31      being withdrawn on that basis.  
32

33      Q.    Can I ask you about something slightly different.  
34      Private applications. How much visibility do you have over  
35      how many private applications there are before, say, the  
36      Brisbane court at any one time?

37      A.    In terms of our general monitoring we don't have a  
38      set - we don't keep copies of every private application.  
39      But how our Brisbane office works is myself or one of the  
40      other prosecutors that we have will go over on Thursday,  
41      because Thursday is the private application day, and we  
42      will sit at the Bar table and be present for every  
43      application. In the day prior I have both my  
44      administrative officer and the officer who's going over  
45      will run a desktop audit of each of the matters before the  
46      court, doing an assessment of what interactions have police  
47      had with the parties previously, is one of the parties an

1 aggrieved or respondent in another application that may be  
2 a police, and I think I said in my statement I'd say on  
3 average of the 30 private matters that go through on a  
4 Thursday there would be at least half a dozen or more where  
5 the party filing the application is in fact a respondent in  
6 a police application, or it may be that a party is trying  
7 to remove conditions through a private act to vary where we  
8 are the original applicants and for whatever reason it's  
9 made its way onto the private list on the Thursday.

10  
11 But we do - well, from my office and my instruction to  
12 my prosecutors is that we run a desktop audit of each  
13 private matter in the day leading up to the hearing and we  
14 appear on each of them and inform the court of anything  
15 that we think is appropriate. As the Act allows for the  
16 court to inform itself, it may be that - often I'll inform  
17 the court of things like if the respondent, a private  
18 application relevant criminal history that the court may  
19 seek to inform itself of, for example, recent drug  
20 convictions, which are an indicator again of behaviour,  
21 unaddressed domestic violence behaviour that can be  
22 contributing towards that, so they're things that the court  
23 can choose to take that into consideration or not, but  
24 they're the sort of things that we're looking for in  
25 private applications to assist in the process.

26  
27 Q. When you go through that process the day before where  
28 you're doing your desktop review of the applications are  
29 there ever any occasions where you decide to become  
30 involved to assist the applicant, I don't know if there's  
31 some mechanism whereby it might become a police  
32 application, or do you always just appear to assist the  
33 court?

34 A. There are formal processes and in the OPMs there are  
35 steps for us to take where we wouldn't take - we would be  
36 effectively assisting the aggrieved right through the  
37 process as if it were a police application. There would be  
38 few occasions where I have seen where an aggrieved has  
39 filed a private application where we've also filed a  
40 protection notice as well, and that's usually after we've  
41 made our own assessment. It does happen where I will look  
42 at a private application and say, "This really  
43 needs" - "This should be a police application."

44  
45 There's instances where I've seen police attend to an  
46 aggrieved where they've said, "We were going to file a  
47 police application but she had already filed a private

1 application," and on those ones on our basis I run a due  
2 diligence against what's required in the OPMs; do they have  
3 access to adequate legal support already. I'd have to  
4 reference them, but there are a few steps before we would  
5 formally start that process, because what would normally  
6 happen if that was the case and we've determined that we  
7 would then task the relevant station where the aggrieved  
8 lives to then have her go in and assist in any affidavit  
9 material and then filing of material as if we were running  
10 the application, as you said, ourselves on that basis.

11  
12 Q. Have there been any occasions where you have seen  
13 private applicants explaining to the magistrate that they  
14 had tried to have the police bring the application but  
15 police declined to do so?

16 A. I've seen occasions where that is so. That's where we  
17 appear and I'll see that there's been a DV - and we've  
18 heard it come up today, a DV other action where the officer  
19 will say, "The aggrieved has attended the station, provided  
20 certain information, and I've given them advice as to how  
21 to apply for an application," and often they'll say,  
22 "Because it didn't meet the threshold." I'm not sure what  
23 that is. But there are times when I've put that on the  
24 record and then done my own assessment and said, "Well,  
25 Your Honour, this is clearly a case where an application is  
26 appropriate. I'm not sure why" - but then I'll often - not  
27 often; I should rephrase. There are occasions when I've  
28 seen a private application come to the court maybe two days  
29 after they have attended the station and I've looked at the  
30 information given to police at the time versus what's in  
31 the private application and I would say that had that  
32 information been given to police at the time their decision  
33 about referring them back as a private may have been  
34 different on that basis. As I said, that's not all the  
35 time.

36  
37 I have seen occasions where it's just - we have given  
38 them the advice on how to do it because we don't think  
39 there's sufficient grounds for police to get involved. But  
40 there's certainly occasions where I've seen information in  
41 a private application that wasn't given to the police at  
42 the time that I believe would have perhaps changed the  
43 outcome from the original police interaction.

44  
45 COMMISSIONER: You mean it wasn't recorded by the police?

46 A. That may be the case, Your Honour. It may be that  
47 they haven't - they have given them all that information

1 and the officer - I can't make - I don't want to assume  
2 that, but having looked at --

3  
4 COMMISSIONER: Just because we've heard this morning that  
5 sometimes they underplay what they've been told.

6 A. Yes, and I must - on that point, Your Honour, if  
7 I may. I find when you read an application as a prosecutor  
8 you can see where - and the officer has sought an order in  
9 good behaviour conditions only where it's obvious that more  
10 conditions should have been sought but they've defaulted to  
11 the standard conditions on the basis that that's the path  
12 of - what I would see as the path of least resistance when  
13 I as a prosecutor go, "This definitely needs further  
14 conditions," and always invite the court to make those  
15 based on our own application.

16  
17 MS O'GORMAN: You also mentioned circumstances where you  
18 found that private applications are being brought by  
19 persons who are respondents to police applications.  
20 I think you explain in your statement that there may be a  
21 mechanism for marrying up those applications in those  
22 circumstances; do I understand that correctly?

23 A. Yes. So under the Act it requires cross-applications  
24 should be heard together so that the appropriate test of  
25 the person most in need of protection can be applied in  
26 those circumstances. Ordinarily where I've identified  
27 those cases, the matters I appear on, I will make strong  
28 submissions that an order shouldn't be made against the  
29 party that's now applying, it's usually a male aggrieved in  
30 the private application, and I would make the submissions  
31 as to why that a court has already determined that the  
32 other party is the person in need of protection and put on  
33 the record all of those other risk factors that I have  
34 mentioned previously that I can find on the material that  
35 we've got before us, and then adjourn it back to the police  
36 list either on the Tuesday or the Wednesday so they can be  
37 heard together.

38  
39 Q. And in those circumstances do you have a sense of how  
40 often the court will accede to the prosecution's  
41 submissions that it's only necessary or desirable that  
42 there be one order and not cross-orders?

43 A. So on those circumstances ordinarily my experience has  
44 been the magistrate won't make the order on the  
45 cross-application but will adjourn it back to allow them to  
46 be heard together. Sometimes I've found that they may make  
47 a temporary order just in the good behaviour terms for on

1 their reasons, perhaps against my submissions. But at the  
2 end of the day that's the discretion of the court to do  
3 that. I'm simply there to assist in making that decision.  
4 They can ultimately take what weight on each on that basis.  
5

6 There are occasions when police have  
7 cross-applications where I myself I've made - and it is  
8 probably the exception, but there are rare occasions where  
9 both parties need protecting from each other for a number  
10 of factors, where in the best interests of ensuring the  
11 safety of each of them that they have mirroring orders that  
12 say they can't be together. One example from  
13 South Brisbane that I'm aware of, I think I counted at  
14 least 30 call-outs to the parties in an 18-month period,  
15 where it's obvious that it is what I would define as a  
16 toxic relationship and it is evident that they are not  
17 willing to protect themselves from each other and  
18 unfortunately it defaults to the court to do that. I've  
19 made those submissions. It's not something you like to do  
20 because you're effectively breaking up a relationship. But  
21 on those sorts of instances I think it's appropriate, on  
22 the rare occasion that that does happen.  
23

24 Q. What about protecting children? How often do you see  
25 applications come through in respect of a couple who do  
26 have children and who had children at home when  
27 domestic violence was occurring where they're not sought to  
28 be named persons on the application?

29 A. It does happen. My issue with applicant officers, and  
30 I was at a brief checkers course before today and I raised  
31 this, often we do see the children being named on the order  
32 but in the particular I think 6A of the application the  
33 officer writes, "See grounds". The expectation is then  
34 that based on that one line and then what they're  
35 defaulting back to in the standard grounds that that's  
36 sufficient reasons for a court to then name a child on an  
37 order. It's not appropriate in the circumstances. We need  
38 to be able to understand why the child has sought to be  
39 named. We know what the research tells us about children  
40 even being in the next room and hearing domestic violence  
41 or after the fact.  
42

43 But in those circumstances where a child isn't named  
44 but it is evident that they're present at the time, as a  
45 prosecutor I would still make the submission that the child  
46 should be named. Often I'll work with my aggrieved duty  
47 lawyer because it's often they'll assist and say, "Look,

1 Michael, this has been missed. The aggrieved really wants  
2 the child named. Here's the reasons why." I said, "Look,  
3 I think that's a sensible approach. I'm happy to make  
4 those submissions because it is our application and the  
5 applicant has not done that, and if you're happy that  
6 that's also the views of the aggrieved then I'd support  
7 that."  
8

9 Q. Can I ask you then about negotiations with the  
10 defence, and you set out some of the procedures associated  
11 with that from your point of view in your statement. You  
12 do identify that often you're asked to consult with  
13 applicant officers on the defence submission that there  
14 should be a removal of conditions or potentially withdrawal  
15 of an application, I assume --

16 A. Yes.

17  
18 Q. When you say that officer has had no further dealings  
19 with the parties and it's been more than 12 months since  
20 the original order was made.

21 A. Yes.

22  
23 Q. Where does that leave you and the applicant officer in  
24 terms of trying to negotiate a satisfactory resolution?

25 A. Because often - and as prosecutors we're applying the  
26 same risk framework when that application to vary comes  
27 through because the first - the Act requires  
28 the Commissioner or a delegate to be served with a copy.  
29 Often we'll get it the day before and then the first time  
30 we're being asked to comment on it is at the Bar table, and  
31 I'm having myself or one of the prosecutors applying that  
32 risk framework to say, "Would we support this application  
33 to vary to wind down conditions?" Most of the time we're  
34 the ones making the initial decision to oppose because, as  
35 I said, the order has been in place for 12 months, three  
36 days ago there was a contravention, the respondent's been  
37 put into custody and the aggrieved has walked into court  
38 trying to remove conditions, and we're on the record  
39 opposing it, and then the matter if it is contested at that  
40 point is sent back to the applicant officer to comment, and  
41 this is the first interaction they may have had with the  
42 parties since the original application back 12 months ago  
43 on that basis.

44  
45 So often we're making a risk assessment as well as  
46 prosecutors in how we approach some of those applications  
47 to vary. Often we will provide advice and guidance to the

1 applicant officer as to our professional opinion as to  
2 whether we think it's appropriate to wind them back or  
3 whether the order should continue or not, and then ask, as  
4 I think we said earlier, what other evidence - "If the  
5 defence are seeking for it to be withdrawn, what are we  
6 intending to rely on? Should this fail and it be  
7 contested, we need to be able to advise defence the reasons  
8 why we believe the order should continue on that basis."  
9

10 Q. If you receive a submission from defence asking that  
11 an application be withdrawn, whose decision is it  
12 ultimately to accept that submission or not?

13 A. So under the OPMs it says - it's a commissioned  
14 officer or the officer in charge, senior sergeant, who  
15 makes the decision about that. We make the recommendation  
16 on that basis and where appropriate and we're able to  
17 consult with the applicant officer in the first instance.  
18 Our practice in Brisbane is to always consult with an  
19 applicant officer beforehand, and my officer in charge in  
20 Brisbane always consults with the officer in charge of the  
21 station where the application originated from before making  
22 any final decision.  
23

24 But ultimately we step through with the applicant,  
25 consult with the aggrieved, and then prepare a response on  
26 that basis as to whether we think the order should be  
27 withdrawn - the application should be withdrawn, and then  
28 my submission is then conferenced with the station OIC for  
29 a decision with our officer in charge at Brisbane.  
30

31 Q. You talk in your statement about times when there's  
32 consultation with the individual officer who was  
33 responsible for making the application at first instance  
34 and then ultimately it having to be consultation with the  
35 officer in charge of that officer. How often does it  
36 happen that in the consultation with that officer at first  
37 instance you get pushback against the advice that you're  
38 giving and you have to escalate the matter?

39 A. The exception - sometimes not - it would be, as  
40 I said, the exception not the standard. But there are  
41 occasions when officers have said, "No, I don't support  
42 this." On the handful of occasions I've said, "I need you  
43 to then go away and prepare further material to support  
44 your decision on that basis," or there are occasions and  
45 I will say to the officer in charge, I've said, "I have  
46 consulted with the applicant officer. They are not  
47 supportive of withdrawing it. However, these are the

1 reasons why under the law we believe that it should still  
2 be withdrawn." In those occasions it's then a matter for  
3 our officer in charge to make that decision in consultation  
4 with the officer in charge at the station.

5  
6 Q. What do you do when you have an aggrieved who is  
7 either considering withdrawing support for an application  
8 or is in fact indicating that he or she does not support  
9 the application? How is that taken into account in  
10 formulating your advice about whether the application  
11 should continue?

12 A. Ordinarily if the evidence that we're relying on for  
13 the application solely comes from the aggrieved and that is  
14 occurring, my first port of call is to the applicant and/or  
15 the vulnerable persons unit to go and speak to the  
16 aggrieved further to make sure there's been no coercion or  
17 influence on that basis. Sometimes an aggrieved will  
18 just - I understand how the cycle of violence works and it  
19 may just be that she doesn't want to participate in the  
20 process any further. That wouldn't inform me to say, "We  
21 should just withdraw it then."

22  
23 In fact because the direct evidence of the aggrieved  
24 is not mandatory for the court to consider making an order,  
25 hence we have that valuable tool in the body-worn as to the  
26 version of the aggrieved that she's given us that we can  
27 still use along with all of that other supporting material  
28 that we as officers can rely on for the making of the  
29 order, that wouldn't be the default. I think the last two  
30 hearings I've run have been without an affidavit of  
31 the aggrieved and in both occasions orders were granted at  
32 the end of that on that basis.

33  
34 Q. What about where you have domestic violence  
35 applications come through and you can see that the grounds  
36 for the application include facts which would give rise to  
37 criminal charges? How often are the associated criminal  
38 charges charged?

39 A. Criminal investigations are approached differently to  
40 how a domestic violence application is taken out. So often  
41 the first mention of the application there is still a live  
42 criminal investigation and I'll often inform the court that  
43 the matters have been referred to CIB. It may be that  
44 there's an attempted strangulation that's articulated in  
45 the grounds that is still being investigated on that basis,  
46 or there are other matters where a criminal complaint has  
47 been made. So as a prosecutor my job is to inform the

1 court that there is still a live investigation ongoing.

2  
3 Sometimes the aggrieved will not wish to proceed.  
4 I couldn't quantify it, but it does happen and it's  
5 probably more than rare. It's often that an application  
6 will be the default. I always will see that "the aggrieved  
7 did not wish to pursue a criminal charge at this time".  
8 Usually that's in the application, which is an indication  
9 that at least the officers have asked them. I know that  
10 there are provisions to refer attempted strangulations and  
11 the like to CIB and other branches for investigation. So  
12 they will still review them even if in the first instance  
13 the aggrieved says, no, she doesn't wish to pursue them.  
14 But as I said it does happen and as I said on occasion  
15 you'll see they've asked and the aggrieved didn't wish to  
16 pursue any criminal charges on that basis.

17  
18 Q. Finally, in relation to aggrieveds' attendances at  
19 court is there the availability of DV support services for  
20 such aggrieveds when they're attending a court and how do  
21 you see that operating?

22 A. From my experience both as a prosecutor and a police  
23 officer I still think - I think there is a gap in services  
24 from the time we issue the protection notice through to the  
25 time the aggrieved attends court. So, for example, a  
26 police officer may attend a residence on a Thursday, issue  
27 a protection notice within (indistinct). There's a six-day  
28 window where the aggrieved is now sitting at home with  
29 three kids. No further support. She's got no other  
30 family. That applicant officer - the next time they'll  
31 have an interaction is when they walk in the door at court.

32  
33 Yes, there are some support services here and we do  
34 make the referrals and police officers should be making  
35 referrals. But unless they're a high-risk category where  
36 the VPU actually has the capacity to come in I think there  
37 is a gap in services as to how we can better support  
38 aggrieveds from application to getting to court. Usually  
39 it's that window where I find some aggrieveds will start to  
40 already withdraw from the process on that basis.

41  
42 MS O'GORMAN: All right. Thank you, Sergeant Read. Those  
43 are the questions that I have.

44 A. Thank you. Thank you.

45  
46 COMMISSIONER: Sergeant Read, I take it from what you say  
47 that your view is that it's helpful to have the aggrieved

1 at court?

2 A. Absolutely.

3

4 COMMISSIONER: Even at the first mention?

5 A. Yes.

6

7 COMMISSIONER: So that you can have a chat with them and  
8 work out what's going on?

9 A. That's so.

10

11 COMMISSIONER: And you talk about at Beenleigh as an  
12 example there's 70 to 80 matters a day, sometimes 100, and  
13 two prosecutors.

14 A. Yes.

15

16 COMMISSIONER: So are those 70 to 80 matters partly  
17 mentions, partly hearings?

18 A. No, no, that's just the call-over list. That is the  
19 daily call-over list.

20

21 COMMISSIONER: So 70 to 80 called over a day?

22 A. Yes, Monday to Thursday. When I was at Beenleigh  
23 hearing day was Friday. So we could have upwards of four  
24 or five listed hearings; not all of them proceeded. But  
25 given the volume, there was an increase post COVID with  
26 hearings, they then put on a second court for Mondays to do  
27 some hearings as well, and I think that's still the  
28 practice at Beenleigh at the moment. I haven't been there  
29 for eight months. But, no, on average I'd say it is that  
30 number of just literally file after file, and that's a mix  
31 of police and private. So every day it's not a set day for  
32 police or set for private.

33

34 Mondays are usually the busiest because you get a lot  
35 of police applications over the weekend where you've got  
36 not just your - the list of adjournment mentions but you've  
37 probably got 30 new applications on average over a long  
38 weekend because you've got Thursday night, Friday night,  
39 Saturday night, Sunday night, and, like, the volume of work  
40 in Logan is certainly probably one of the highest in the  
41 state, from my experience, and I've done a bit of time in  
42 Mackay and Rocky as well.

43

44 COMMISSIONER: Right. And two prosecutors are supposed to  
45 read through all those files, is that --

46 A. Two prosecutors. And we have one full-time admin as  
47 well. We work very hard in Logan with what resources we've

1 got. In terms of locality, the next room to our office is  
2 the vulnerable persons high-risk unit. So that's so  
3 invaluable, particularly when you're coming back from court  
4 and you can read - like, you see how the parties interact  
5 when they're standing in line together and they walk up and  
6 the aggrieved is not even allowed to talk. You can see  
7 things that you can then feedback and say, "Look, this  
8 needs to be followed up. I know it's not high risk at this  
9 point, but you guys need to follow up." That relationship  
10 works really well in Logan, having the two offices side by  
11 side.

12  
13 In Brisbane I still work very closely with both my  
14 VPUs in the south and the north side, but it's just on the  
15 phone. I email them every time I come back from court.  
16 I think sometimes they get sick of me. But, look, it's a  
17 good relationship. They ring me if they've got questions  
18 as well. As I said, it's a positive for us and we're  
19 building on that. I'd like to think we can do more in  
20 terms of interagency work on that basis to get involved.  
21 As I said, I think there is more that we can do once the  
22 application is lodged before it gets to court on that  
23 basis.

24  
25 COMMISSIONER: So then the volume in Brisbane is about  
26 what a day?

27 A. So, as I said, on a Tuesday we can do between 40 and  
28 60 files. That's the A to K. So if your respondent's  
29 surname --

30  
31 COMMISSIONER: So that's a call-over again?

32 A. That's a call-over. Wednesday, similarly. Wednesday,  
33 I think there's more people with surnames L to Z because it  
34 seems to be a little higher.

35  
36 COMMISSIONER: There's Smith for a start.

37 A. We sit for a full day both days normally until about  
38 four or five. So it's a full day. Mondays is hearings  
39 day. I think the last hearing week we had there were eight  
40 listed. At one stage when I walked in - before I went over  
41 to court six were still possibly running. In the end two  
42 ran. Some resolved or there were some adjournments for  
43 further material. Then as I said on a Thursday we have a  
44 prosecutor over in court for the duration of the call-over  
45 to assist on that basis. Friday is take a breath and start  
46 preparing for the hearings and call-overs for the following  
47 week.

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COMMISSIONER: Okay. So I take it from that sort of volume and the hearings that a very large percentage must resolve without a hearing?

A. Yes.

COMMISSIONER: Ninety per cent?

A. Probably more. We wouldn't be able to cope if there was more contested matters. Like, we would probably need just a unit to do hearings as opposed to the way it works at the moment on that basis. But, look, as I said, given the volume there is - in Logan I found a lot of them consent on the basis that there is - I don't know what the reason is for that. And in Brisbane as well. Thankfully it's the work with our duty lawyers, the support services, engaging the respondents in the men's behaviour change programs, I think that's a really effective tool, because particularly I find in Logan, I think I put it in my statement, that support service is standing in line when they're walking up saying, "Have you got your paperwork," and they're going through. "You need to come and talk to me after you've checked in." So there's already starting that process. That's I think the beauty of the specialist court having all of the services there, because you can really cut off at the pass things that can be resolved on that basis, for parties to understand what are the implications and what needs to be done for a positive relationship, really, at the end of the day.

COMMISSIONER: Yes. So three prosecutors in Brisbane and they're just doing DV?

A. Just doing DV.

COMMISSIONER: Okay.

A. And two in Logan, doing a lot of work.

COMMISSIONER: So there could be a few more prosecutors.

A. We'd love more prosecutors, of course.

COMMISSIONER: You always want more staff. We all want more staff, probably.

A. Yes.

COMMISSIONER: And is there burn-out amongst the prosecutors? Do they find that work stressful?

A. For me I've just finished - as I've said, I've done eight months in Brisbane and two years in Beenleigh. As of

1 last week I have asked for a break just to refresh. I love  
2 working in the DV space because of the positive impact that  
3 you can have on people's lives. But even for me I just  
4 knew I needed to have just a reset for a while. As a  
5 prosecutor DV is not the area that people go, "I want to go  
6 and work in the DV court." I enjoy it. You can see in my  
7 statement I'm passionate about it. That's not every  
8 prosecutor. For example, my experience in Rocky and Mackay  
9 and the short stints I've done, it's rotated around.  
10 "You're up this week for call-over for DV." "Okay. All  
11 right." So it is different on that basis.

12  
13 It's not something that people are fighting over to go  
14 and do. I don't know why. I think it's an area where we  
15 can make a lot of positive impact, considering now that a  
16 lot of our hearings in the criminal space are all  
17 contraventions of orders. So it's not just the civil  
18 space. DV has now moved into the broader prosecuting  
19 service. So it's a part of everything that we do, really.  
20 It is a part of everything.

21  
22 COMMISSIONER: Okay. Thank you. Thanks.

23  
24 **<EXAMINATION BY MS HILLARD:**

25  
26 Q. Just picking up on some of the Commissioner's  
27 questions there, the call-over that you referred to down in  
28 Beenleigh, does that include your review mentions?

29 A. Yes. A lot of the time mixed in there will be review  
30 mentions where we've got a brief of evidence, often the  
31 parties have had a look at what evidence is being put  
32 forward, and they may consent at that stage in the process.  
33 That is a good - I find that is a good way to at least tell  
34 the parties, "This is what police are relying on in their  
35 application" as an understanding of what's being put  
36 forward.

37  
38 Q. And is that the same in Brisbane as well, the  
39 call-overs are included as part of the reviews?

40 A. The review mentions are part of that as well.

41  
42 Q. There's been a practice direction from earlier this  
43 year in the Magistrates' Court, and as I understand it it's  
44 meant to apply statewide. But you can only probably only  
45 speak about South-East Queensland. The matters aren't  
46 listed for hearing usually until that review mention; is  
47 that correct?

1 A. That is what the practice direction says. If you have  
2 a look in the practice direction it still says "at the  
3 discretion of the magistrate". From my experience in  
4 Brisbane at least, because that's when the practice  
5 direction came in, matters are still being listed for  
6 hearing up front. I have a personal view as to - I don't  
7 wish to speak against the direction of the  
8 Chief Magistrate. That's the decision they've made and  
9 that's what we're bound by. But, as I said, it's not  
10 always the case. It's still at the discretion of the  
11 magistrate and we're still seeing matters listed for  
12 hearing at the mention when the party says, "I wish to  
13 contest this," on that basis. Sometimes we don't get a  
14 review mention. Some magistrates won't give us a review.  
15 It goes straight to hearing.

16  
17 Q. And in respect of the volumes that you were telling  
18 Her Honour about, the Commissioner about, in respect of the  
19 time for those it's not like a criminal call-over where it  
20 might take a minute per matter. Sometimes these can take  
21 20 minutes while there's discussions in court, the  
22 magistrate is talking to the parties and the like; isn't  
23 that right?

24 A. It is, and that's how it should be. It's what we call  
25 a case managed list. It's not the churn that you would see  
26 at Roma Street court 1 for arrests on that basis. That is  
27 the nature of what - particularly from Beenleigh, the  
28 specialist court. It's not supposed to be that and it  
29 shouldn't be. So if we're sitting there until five, six at  
30 night so be it on the basis that we're at least investing  
31 in those two people at that time to come to an outcome as  
32 to what protections they require on that basis, and that's  
33 what it should be.

34  
35 Q. Just in respect of the call-overs perhaps I as counsel  
36 might have the luxury of getting out of court earlier, but  
37 the call-overs will frequently continue until after  
38 5 o'clock, won't they?

39 A. That's right.

40  
41 Q. Sometimes they continue past 6 o'clock, depending on  
42 how big the list is for the day?

43 A. That's so. That is the experience, particularly for  
44 unrepresented parties, that this is their interaction with  
45 court, particularly for an aggrieved party who's got to sit  
46 there for eight hours; they've got little kids. I often  
47 have, "I've got to pick the kids up from school" in that

1 process, and it's hard. It is. Can we have another three  
2 prosecutors and another magistrate maybe  
3 to - unfortunately, I would rather still invest the time  
4 and do what we're supposed to. But I understand it is a  
5 risk that we could disengage one or both parties just  
6 because of the wait that occurs on that basis.  
7

8 Q. The other thing as well you talked about gaps in  
9 services, particularly from the court perspective, and  
10 you've mentioned it there in your last answer. There are  
11 no child-care facilities and no child-care support that's  
12 provided, is there?

13 A. No, not at all. I don't like seeing parents have to  
14 bring their children to court, but that is the reality.  
15 I think that's for policy makers to consider. But I think  
16 it would certainly be a positive thing if we can make it as  
17 parent/child friendly as possible. As I say, the DV Court  
18 is not a court of punishment. It's a court of protection  
19 and a court of positive change. We need to make it as  
20 interactive for the parties so that they get a positive  
21 outcome from it on that basis.  
22

23 Q. And you've spoken about your experience in the  
24 domestic and family violence specialist courts in Beenleigh  
25 and here in Brisbane. They have in each jurisdiction  
26 regular stakeholder meetings, don't they?

27 A. They do.  
28

29 Q. So the question I was going to ask around that is your  
30 practice of reviewing the applications on the private list  
31 and cross-checking them against police occurrences and  
32 things and the like, do you know whether that is  
33 Beenleigh-Brisbane specific or if that is statewide?

34 A. I can only talk of my experience. So I know from  
35 Brisbane that's always been the case from what  
36 I understand, even before I came to Brisbane, and that's  
37 from - so myself and one of the other sergeants, she  
38 recently retired, she had been there for six, seven years,  
39 she taught me everything I know about domestic violence and  
40 I've carried on her practice. She's very invested - it was  
41 a great loss when she had to retire, but unfortunately she  
42 did. But that's how we have done it at Beenleigh and  
43 Brisbane in that time period. I can't speak if they're  
44 continuing, but my understanding is that we still do that  
45 for the whole list on that basis.  
46

47 Q. You mention in your statement about sufficiency of

1 evidence and you've answered a few questions around that.  
2 If I can just focus in on some aspects of the affidavits  
3 that are provided. They're generally prepared by the  
4 police officers?

5 A. Yes.

6  
7 Q. You would obviously support a clear need for increased  
8 training and time for police officers to adequately prepare  
9 those affidavits?

10 A. Yes. Without speaking out of - that's definitely an  
11 area of improvement and we can do better in. I've had the  
12 luxury of being through the Police Academy twice, both  
13 early 2000s and in 2017, and on both occasions I can say  
14 that we didn't learn - there was no training around  
15 affidavits for DV at the academy at the time. It may have  
16 changed since. But it's certainly an area when you  
17 consider an affidavit that I've seen prepared by a private  
18 representative versus what the police have done would have  
19 to do better, is what I would say.

20  
21 Q. Is there perhaps a bit of a disconnect between the  
22 quality one sees in a Queensland Police Service statement  
23 for a criminal complaint, should be the same quality  
24 perhaps as what is going into a PPN or an affidavit  
25 particularising what's happened?

26 A. That is so, and it comes back to that how we've asked  
27 the questioning to extrapolate on the incident itself, but  
28 also back to my point about "necessary or desirable".  
29 Often I find a lot of those other parts that we need to  
30 inform the court about are not captured in the affidavit  
31 material. But if we can get that in our applications up  
32 front I'm hoping that that will translate into better  
33 affidavits because I know that the officers are going to  
34 pick that up as well.

35  
36 Q. And, for example, very simple things about the  
37 presence of the children and where the children are is  
38 evidence to support those conclusions?

39 A. Absolutely, and sometimes it's not there.

40  
41 Q. In respect of the withdrawals, Counsel Assisting asked  
42 you a few questions. Can I just ask you at what stage are  
43 you able to identify that something should be withdrawn:  
44 PPN stage, affidavit stage or sort of hearing review  
45 mention stage?

46 A. It varies. There have been on occasions where I have  
47 read a set of grounds and I've identified I think - and

1 it's on the rare occasion where I've identified that  
2 I think perhaps we've identified the wrong party on that  
3 basis or it goes to the first mention, I have a discussion  
4 with the duty lawyers and the parties, and from that point  
5 I can see that perhaps maybe we've got it wrong on that  
6 basis, or there may not be sufficient evidence. Most of  
7 the time when we're withdrawing on a lack of evidence it's  
8 usually once the brief material has been prepared and we've  
9 been served with the respondent's material as well. I can  
10 make a more informed assessment of all of the material  
11 before us as to on the legal standard with regards to  
12 "necessary or desirable" whether we're in fact going to  
13 achieve that on that basis.

14  
15 Q. You spoke about a little bit of pushback in trying to  
16 get officers to do things and you also mentioned about the  
17 DVLOs and the VPU's might be able to assist.

18 A. M'hmm.

19

20 Q. The reality is, though, that you have a quite heavy  
21 workload.

22 A. Yes.

23

24 Q. Obviously there would be a benefit to more resources  
25 devoted to contacting the aggrieved, wouldn't there?

26 A. There would be.

27

28 MS HILLARD: Thank you, Commissioner, those are the  
29 questions.

30

31 **<EXAMINATION BY MR HUNTER:**

32

33 Q. Sergeant, I just have a few questions for you. Do  
34 I understand from what you're telling us that you haven't  
35 personally experienced what you would describe as any sort  
36 of systemic or entrenched problem with the approach of  
37 frontline police when dealing with domestic and family  
38 violence matters?

39 A. No, I wouldn't say that.

40

41 Q. In particular you've not experienced an attitude by  
42 frontline police or first responders that they would rather  
43 see a matter discontinued rather than go to hearing?

44 A. No. As I said, the large majority of files police  
45 invest in and on the odd occasion - it's ordinarily I'm the  
46 one making the recommendation to withdraw the matter, not  
47 the applicant.

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Q. You haven't, when you've reviewed body-worn footage, detected an attitude from the first responding police that they were disinterested in the task?

A. Not the ones that I've - there were probably one or two cases in the hundreds and hundreds, possibly thousands, I've seen where there were some questioning where I would have said, "That's not appropriate." But in general I can honestly say that I think the police have been professional in the way they've approached the matters, and that's in general. But, as I said, there are occasions where we've got it wrong, and usually we've got it wrong.

Q. Of course. And in that sense again talking about the body-worn footage have you detected occasions where police appeared to you to be in a rush to finish the job and just move on to the next one?

A. Not in the body worn, but I must admit I've seen occasions where we've spent - I think there was one occasion where we spoke to a respondent party for seven minutes and an aggrieved for 12 minutes and then - on one matter I had reviewed that had gone to hearing, and that was as much time as the officer had spent with the two of them. It was a case where he had had a drug-induced psychosis, and the urgency of we had to go and try and find him. But she had disclosed that he had held her up against the wall by the throat. But on that basis with what information was able to be gleaned we then took the application out. Usually the ones I've seen it's because of an urgency of either there's other factors at play; it's not by a sense of, "I just want to get out of here."

Q. Now, are you familiar with first responders describing breaches of protection orders as being technical or merely technical?

A. I've heard the term. I don't prescribe to it. I don't believe there are. I have on occasion heard either the term "technical" or a "contact breach". I don't support that.

Q. But is that a widespread experience of yours, that a breach of the order is trivialised on the basis that it's a technical or contact breach?

A. I've on a rare occasion heard police refer to it. I've also heard solicitors refer to it in their submissions in court, and even from the Bench accepting, "Well, the aggrieved invited him over. So why should I" - there is a

1 small portion of people that are still - but it's not  
2 widespread that I would say.

3  
4 Q. Thank you. And just touching on the issue of the  
5 withdrawal of complaints, your experience has been I think  
6 you were telling us that when you identify that it appears  
7 as though an error has been made and the wrong respondent  
8 has been identified you have no difficulties in having that  
9 application withdrawn?

10 A. No, and often it's really a matter of putting  
11 that - maybe with additional information through the court  
12 process that we've had from my interactions. I'd say  
13 there's probably - on all of the matters where that has  
14 occurred, and as I said it doesn't happen very often, but  
15 I could probably count on two occasions where I've had some  
16 pushback where the officer either wasn't willing to accept  
17 that they got it wrong or that they were of the view, "Oh,  
18 well, that's a matter for the magistrate now to make that  
19 decision."

20  
21 Q. But you were able through the appropriate processes to  
22 achieve the correct outcome?

23 A. That's right.

24  
25 MR HUNTER: Thank you. No further questions, thank you.

26  
27 MS O'GORMAN: No further questions from me. Thank you.  
28 If Sergeant Read might be excused.

29  
30 COMMISSIONER: Thanks very much, Sergeant Read. You're  
31 excused.

32  
33 **<THE WITNESS WITHDREW**

34  
35 MR HUNTER: Commissioner, can I raise a matter, I was  
36 going to say in the absence of the jury, but in camera?

37  
38 COMMISSIONER: Yes, you can raise a matter in camera. Can  
39 we turn off the camera? Do you want the court closed?

40  
41 MR HUNTER: Please.

42  
43 COMMISSIONER: I don't think there's anyone here other  
44 than police. Are you happy for the Assistant Commissioner  
45 to remain?

46  
47 MR HUNTER: Yes, he can remain.

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COMMISSIONER: Yes.

(IN CAMERA HEARING FOLLOWS)

AT 3.06PM THE COMMISSION WAS ADJOURNED UNTIL MONDAY,  
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