

## **Response to *Policing Domestic Violence in Queensland***

The following response to the CMC Report *Policing Domestic Violence in Queensland* (2005) is a collaborative submission authored by the Domestic Violence Court Assistance Network (DVCAN), Central Queensland Combined Women's Refuge Group (CQCWRG), Combined Women's Refuge Group SE Qld (CWRG SE Qld), North Queensland Women's Services Network (NQWSN) and Queensland Domestic Violence Service Network (QDVSN). These five networks represent a significant proportion of services dealing with domestic violence including women's refuges, court support workers and regional domestic violence services. At a state wide meeting in June 2005, attended by 52 representatives from the five networks, the CMC Report was discussed and recommendations put forward to further improve the policing of domestic violence in Queensland. This submission details those recommendations. For ease of reading, the networks will be referred to as the Queensland Domestic Violence Sector (QDVS) throughout the report.

### **Overview**

The QDVS welcomes the release of the Crime and Misconduct Commission's Report *Policing Domestic Violence in Queensland: Meeting the Challenge* (CMC, March 2005). The Report documents a research project undertaken by the CMC on police responses to domestic violence across Queensland. Underpinning this research was the notion that improved police responses would have tangible benefits for the Queensland Police Service (QPS) and for those who experience domestic violence or are impacted by it. As highlighted in the report, domestic violence continues to be a major social problem in Queensland with serious and significant safety, health, financial and personal consequences.

Given the large number of issues and problems contained in the Report, QDVS is surprised that only five recommendations emerged. It is also surprising that, given the extent of indigenous family violence, there were no recommendations put forward to respond to it. The QDVS expresses concern that many of these issues and problems may be ignored. Valuable material from the report could be lost or forgotten and more resources will need to be injected for future research, covering similar ground.

The QDVS believes that many of the issues and problems identified in the Report will only be addressed through broad systemic change within the QPS and articulation of a vision which provides a way forward for overall improved response to domestic violence. It is disappointing therefore that the Report offered no broad template for the systemic reform of policing domestic violence in Queensland.

Given our limited resources to respond as a sector to such a report, this paper primarily focuses on the need to address policing domestic violence in a holistic and consultative manner. Although, QDVS members have significant knowledge of and experience with

the QPS response to domestic violence we have not been able to go in to more detail in this report.

The QDVS's considered response to the CMC Report is detailed below.

## **Vision**

“... the NSW ombudsman (99) found that more resources are utilized by police in responding to domestic violence than any other reported crime.”<sup>1</sup>

“...over the past 13 years, the number of applications to the courts in Queensland for protection orders has increased more than five fold”<sup>2</sup>

“...domestic violence is up to 45 times higher in the indigenous population than in the non-Indigenous population (Ferrante *et al.*, 1996).<sup>3</sup>

Information from the CMC report has shown that domestic violence takes up a significant amount of police time. However, because of limitations in statistics recording, calculations do not usually include the offences associated with domestic violence i.e. juvenile delinquency, assault, break and enter, stalking, rape, prostitution, arson, murder, child abuse, child abduction etc. Even car accidents can be related to the actions of a perpetrator of domestic violence

The impact therefore of domestic violence when considered in total is massive. In the light of this, the amount of police time spent on domestic violence associated offences is difficult to quantify, but surely must comprise a significant proportion of their workload. Rather than being an integral role for policing, it appears to be considered an attachment – something that is not ‘real’ police work. Given the significance of the workload it is crucial that the QPS dedicate resources to ensure that the framework, and consequently the practices and procedures, are working to maximum effect.

Generally speaking, the domestic violence sector is committed to the following goals:

- gaining safety for victims of domestic violence;
- the prevention of domestic violence; and
- promoting a violence free community.

Because experience and research shows that much more can be achieved through working collaboratively with other organisations impacting on domestic violence, we believe it is critical that the sector and the QPS work collaboratively.

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<sup>1</sup> Crime and Misconduct Commission Report *Policing Domestic Violence in Queensland. Meeting the challenges*, March 2005

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

Over the past 16 years since the *Domestic Violence (Family Protection) Act 1989* was introduced, there have been significant advances in co-operation and collaboration between the QPS and Domestic Violence organisations with some excellent innovative responses and pioneering work being achieved.

We have seen some very dedicated police officers who have worked hard towards improving the response of the QPS. Over time, the community sector has become more skilled and knowledgeable and so have the QPS. There has been a process of sharing this knowledge and skill development by the community sector through organising and providing training, conferences, and promoting regular contact with the QPS in an attempt to meet the above goals.

Whilst in some districts much has been achieved at a local level, there are inconsistencies in approach across the State; the learnings in one area are not always transferred to other areas; and there does not appear to be strong overall framework that guides and supports all police at the local level. The QDVS believes that the QPS has the ability to become far more progressive in its overall approach to domestic violence. The following recommendations support this approach:

**(1) Development of a Strong Vision which**

- Incorporates a commitment to prevention, protection and promotes violence free relationships;
- Reflects a commitment to a collaborative response;
- Promotes the development of guiding principles and policies based on cutting edge research and experience; and
- Is widely publicized and promoted throughout the Service and the community.

It is our experience that many police officers are pro-active and dedicated. However, we and our clients have also had experiences with those officers who believe that domestic violence is not ‘real’ police work and that perpetrators are not ‘real’ criminals. These police go on a domestic violence callout with the mindset of resenting having to be there. Sixty percent of the sample of QPS officers surveyed by the CMC believed, in spite of research and statistics to the contrary, that the woman was as equally to blame as the man.<sup>4</sup>

The QDVS believes that with the development of a strong vision, it is possible to promote more effective ways for police to work with domestic violence, and in particular, ways in which they can see they are making an impression on reducing the level and impact of domestic violence and achieving more job satisfaction.

The QDVS would welcome the chance to participate in developing this vision.

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<sup>4</sup> Ibid. Members of the community sector have said that from their experience of the attitudes of Police that this figure seemed low.

## **(2) Commitment to a Collaborative Response**

The premier stated in his message to the coming International Conference on Engaging Communities that :<sup>5</sup>

*“the role of governments across the world is changing. Globally and locally governments are being challenged to increase their focus on more effective community involvement in planning, decision making and service delivery.”*

By involving the community in decision-making the opportunity for more responsive and creative solutions becomes possible.

The Queensland government addresses domestic violence in a multifaceted approach. Government departments such as Housing, Child Safety, Justice, Police all interact with and provide services to those affected by domestic violence. Through the Department of Communities the Queensland Government funds community organisations to provide a range of services and to work towards reducing the impact of domestic violence on our community.

Given the overlap in our work, it is critical that we combine our diverse expertise, knowledge and experience to develop a much more effective and innovative response to domestic violence.

In 1998 members of the domestic violence community sector met with the QPS and the Police Minister. Workers were aware of the need for a better, more co-ordinated response to domestic violence. A proposal was developed for a Domestic Violence/Community Police Consultative Committee. Although at the time the proposal received favourable recognition, for a range of reasons, it was not implemented. The QDVS would welcome the opportunity to work with the QPS in the development of a state wide plan and we believe the above proposal is worth revisiting.

While there are many communities, where police participate in coordinated / integrated responses at a local level, with high degrees of success, this is not consistent across the state nor is it replicated at a state level. A collaborative working relationship between the Domestic Violence Sector and the QPS would better ensure that responses and services to those affected by domestic and family violence are timely, appropriate, safe and coordinated.

## **(3) The development of a state wide strategy through which domestic violence workers and victims are able to work with the QPS at all levels of management to ensure that efforts to eliminate domestic violence in Queensland are developed in a coordinated and collaborative manner.**

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<sup>5</sup> International Conference on Engaging Communities Registration Brochure 2005.

## Indigenous Issues

It is noted by QDVS that Aboriginal and Torres Strait Islander women have received little attention within the CMC report. There needs to be recognition by the QPS of the different indigenous groups and their specific issues. Anecdotal evidence collected by QDVS suggests that the following are issues of concern:

- The QPS appear to have knowledge but lack understanding of family violence as defined in the report *Aboriginal and Torres Strait Islander Women's Taskforce on Violence*, (Boni Robertson, 1999);
- There is a lack of clarity about whether community police have the power to police family violence in Aboriginal and Torres Strait Islander communities. There is concern around the lack of power community police have to arrest perpetrators of violence in family violence situations, especially given that the Community Police, Police Liaison Officers and Queensland Aboriginal and Torres Strait Islander Police are at the frontline of responding to family violence within these communities. This type of response compromises the safety of women and children in communities;
- The QPS committed itself to providing training for the community police in Aboriginal communities. However, there is a lack of clarity within the community as to where the training is up to;
- Within urban areas police do not always attend family violence incidents if they know it is an Aboriginal and / or Torres Strait family;
- In small communities there is a role for police to play in developing a whole of community response. This should be consistent across all communities.

**(4) The QDVS recommends that the QPS hold consultations with the various Aboriginal and Torres Strait Islander groups, within both rural and urban areas to address the issues raised in this response.**

## Interpreter Issues

The census of 2001 stated that 17.1% of Queensland's total resident population was born overseas. Bearing in mind that 180,000 did not state their birthplace, this figure may be understated. The census also identified that 8.2% of this group did not consider they had proficient English capacity. In considering these figures it is essential for the QPS to have in place processes / policies and procedures that ensure access and equity issues for people from non-English speaking backgrounds (NESB) in particular women in domestic violence.

QDVS is concerned that the QPS's 'Interpreter Checklist' contains statements that breach fundamental ethics regarding the use of children and / or perpetrator partners as a 'suitable' interpreter. For instance, the section "informal enquiry" states that "you may use another person who is proficient in that language, a friend or relative of the inquirer may be available". The consequences of such actions have been that women continue to

come across situations with gross outcomes when police intervene in domestic violence situations.

Individual interpretation and discretionary powers by police officers are also not the best way to ensure access and equity and just representation of issues. Police officers need to be trained in the guidelines / policies and procedures. For example, it is not appropriate for an officer to state that “[My] supervisor is not available... and therefore [I] cannot make the decision to call an interpreter” when the woman is at the police station bleeding and cannot communicate her needs in addition to her emotional and psychological trauma.

The Queensland Government Multicultural Policy 2004 upholds the value of ensuring access to all Queenslanders and in view of anecdotal cases such as the one above, and others identified across the state of women from NESB in domestic violence, the QPS must take this into consideration.

The QPS should also consider the use of specialist interpreters for people with disabilities, for example the hearing impaired and tracheotomy patients and to the provision of indigenous interpreters for people identified to have a need. With this in mind, there may be a need to support and train people in communities who are identified as potential interpreters within the indigenous community. QDVS believes that it is essential that the professional practice of police officers be appropriate for the clients identified in the community.

- (5) QDVS recommends implementing guidelines / policies and procedures and providing officers with skills to meet clients’ unique needs. Interventions with a thorough understanding of domestic violence must be incorporated. Additionally, the QPS is encouraged to examine its cross cultural service practice and to ensure the training of all police officers in relation to cross cultural understanding and sensitivity when working with people from NESB, particularly women.**

## **Response to the CMC Recommendations**

### **CMC Recommendation 1**

That the Queensland Police Service develop policies and procedures that specifically direct officers responding to domestic violence incidents to investigate and collect evidence with a view to proceeding with criminal charges where sufficient evidence exists.

QDVS supports this recommendation.

Although it has been argued that policies and procedures currently exist which satisfy this recommendation, it is our experience that these are not working. It would appear that:

- The policies and procedures are not clear or effective; and/or
- There is not a sound enough framework for them to be effective.

We believe that this recommendation needs to be addressed with reference to the other actors in the criminal justice system, in particular, the Justice Department. If the QPS has excellent policies and procedures, and follow through but the DPP has a limited knowledge of domestic violence, then the effectiveness of the QPS response becomes diluted.

### **CMC Recommendation 2**

That the Queensland Police Service implement a case management approach that incorporates strategies to address chronic repeat calls for service for domestic violence.

QDVS recommends that the development of case management models should focus on a model of best practice that includes:

- A focus on early intervention so that repeat calls for service are avoided;
- Identification of the barriers to women's safety;
- An intersection with domestic violence services in providing case management;
- An analysis of the history of the domestic violence in each case;
- Lines of accountability and consequences of failure to act on repeat contacts;
- An internal monitoring of repeat contacts;
- A proactive response to prevention of DV.

### **CMC Recommendation 3**

That the Queensland Police Service undertake a comprehensive review to fully consider the merits of police-issued protection orders. The review should have particular regard to ensuring that legal mechanisms allowing a protection order to be contested, amended or revoked are in place.

QDVS expresses our concern regarding the introduction of police issued protection orders into police response to domestic violence. Currently, there are many cross applications for Domestic Violence Orders taken out by police across the state. The victim, who may have been the person who called the police in the first instance, finds themselves a respondent to domestic violence proceedings.

Prior to any consideration of police issued protection orders, a definition of predominant aggressor and a framework for identifying and responding to predominant aggressor should be adopted by the QPS. This, together with training on recognizing and responding to self-defense injuries could ensure that victims are no longer treated as perpetrators.

The term predominant aggressor is used in reference to decision-making within a domestic violence response. It charges officers with the responsibility of determining who has the most potential for doing the most harm, and what actions were done in self-

defense. It encourages officers to desist from 'equalizing' the violence or seeing domestic violence as mutual combat. Factors to consider include the intent of the law to protect domestic violence victims, the history of domestic violence between the people involved, the threats (real or implied) and fear level of each person, and whether either person acted in self-defense. These are appropriate considerations when determining who the predominant aggressor is, and therefore which of the two parties should be arrested or subject to a domestic violence order:

Other factors to be considered include:

1. Height/weight of the parties;
2. Criminal history;
3. Level of violence;
4. Corroborating witnesses;
5. Offensive/defensive injuries (injuries consistent with explanation);
6. Seriousness of injuries;
7. Corroborating evidence;
8. Presence of fear;
9. Existing court orders.

When the intent of the law is to provide enhanced protection to victims of domestic / family violence, then actions which undermine their confidence in the system should be addressed. Not responding appropriately to a victim of domestic violence who has called police seeking protective intervention can have devastating consequences.

QDVS advocates the implementation of a policy on predominant aggressor and self-defense as a precursor to the consideration of extended discretionary police powers in respect to police responses.

#### **CMC Recommendations 4 and 5**

That the Queensland Police Service review the role and function of the State Domestic Violence Coordinator. The review should also consider the level of the position to ensure that the rank of the State Coordinator is commensurate with the position's responsibilities.

That the Queensland Police Service review the role and function of Regional Domestic Violence Coordinators.

QDVS supports these recommendations. However, there is a need for cultural and organisational behaviour changes to take place within the QPS, with a greater recognition of the additional skills and time required to deal appropriately with domestic violence incidents. The expertise of domestic violence services should be used to inform the change process.



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