

Queensland Domestic Violence Services Network's response to *Policing Domestic Violence in Queensland*

The Queensland Domestic Violence Services Network is a state wide network with a key function of lobbying and advocacy for appropriate responses to domestic and family violence on a state and national level.

QDVSN membership includes the following services:

- Domestic and Family Violence Prevention Service (South West)
- Working Against Violence Support Service (WAVSS)
- Caboolture Regional Domestic Violence Service
- Brisbane Domestic Violence Advocacy Service
- Domestic Violence Resource Service (Mackay & Region) Inc.
- Working Against Abuse Service
- Domestic Violence Service (Gold Coast)
- Domestic Violence Service of Central Queensland
- North Queensland Domestic Violence Resource Service
- Cairns Regional Domestic Violence Service
- Ipswich Women's Centre Against Domestic Violence
- Immigrant Women's Support Service (IWSS)
- dvconnect: Domestic and Family Violence Telephone Service
- SCOPE Domestic and Family Violence Service 4 Safer Communities
- Queensland Centre for Domestic and Family Violence Research (CDFVR)

Overview

The Queensland Domestic Violence Services Network (QDVSN) 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 the 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.

While the Report makes five specific recommendations, only three of which relate directly to police responses, it is disappointing the Report offered no broad template for the systemic reform of policing domestic violence in Queensland. The Report documents many issues, inconsistencies and other problems within the QPS relative to policing domestic violence. These problems have been identified by victims, domestic violence workers and police officers themselves. Given the large number of issues and problems contained in the Report, it is surprising that only five recommendations emerged. QDVSN expresses our concern that many of these issues and problems may be ignored.

In addition, QDVSN believes that many of these issues and problems will only be addressed through broad systemic change within QPS and articulation of a vision which provides a way forward for overall improved response to domestic violence.

QDVSN's considered response to the CMC report is detailed below.

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.

QDVSN supports this recommendation.

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.

It is suggested that the approach to case management be broader than just repeat 'calls' for service and that the policy also include repeat 'contacts'. The reasons for this are as follows:

- Such an approach will increase the safety of greater numbers of women;
- There is an opportunity to increase the number of people who can be case managed because not all domestic violence is reported through calls to an address. Many women report violence and abuse at the front counter of the police station for example, or report to other service providers such as domestic violence services;
- Managing repeat contacts rather than repeat calls for service will provide opportunities to focus on the perpetrators and monitor their contacts with the victim as well as new partners with whom they may establish new relationships.

The development of case management models should focus on a model of best practice which 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.

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.

QDVSN 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 history of domestic violence between the people involved, the threats 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:

Main factors to be considered:

1. The intent of the law to protect domestic violence victims;
2. Any threats - real or implied - which instill fear of violence by one partner toward another;
3. Any history of violence between the partners;
4. If either partner acted in self defense.

Other factors to be considered:

5. Height/weight of the parties;
6. Criminal history;
7. Level of violence;
8. Corroborating witnesses;
9. Offensive/defensive injuries (injuries consistent with explanation);
10. Seriousness of injuries;
11. Corroborating evidence;
12. Presence of fear;
13. 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.

QDVSN advocates the adoption 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.

QDVSN 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.

Additional Issues

As mentioned above, the Report documents many issues, inconsistencies and other problems within the QPS relative to policing domestic violence. These issues are dealt with more fully below.

Engaging with the Domestic Violence Sector

The Domestic Violence Sector would welcome the opportunity to work with the QPS in the development of a plan to implement the recommendations of the CMC Report. 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 ensure that responses and services to those affected by domestic and family violence are timely, appropriate, safe and coordinated.

Within a state management approach to domestic violence, a new domestic violence strategic plan needs to be developed that incorporates principles and practice aimed at enhanced responses, the development and adoption of a code of practice specific to domestic violence, the introduction of quality control mechanisms to ensure that

responses are appropriate and consistent across the state, and enhanced focus on training and employment with specific focus on police officers who perpetrate domestic violence.

In addition, the state wide strategy should be developed in conjunction with domestic violence workers and victims, working 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.

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.

It is of grave concern to QDVSN members that the 'Interpreter Checklist' (<http://www.qldpol/qupid/ooc/cultural/int.htm>) "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". This statement breaches fundamental ethics around the use of children and / or perpetrator partner as the interpreter. The consequences of such action have been that women continue to come across situations of gross outcomes when police intervene in domestic violence situations. Individual interpretation and discretionary powers by police officers are not the best way to ensure access and equity and just representation of issues.

In addition, 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.

QDVSN believes that it is essential that the professional practice be appropriate for the clients identified in the community. This entails having guidelines / policies and procedures and skills to meet clients' unique needs and not rigidly applying interventions in the same manner to all clients. Interventions with a thorough understanding of domestic violence must be incorporated. Additionally, we encourage the QPS 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.

The QPS should also consider the use of specialist interpreters for people with disabilities, for example the hearing impaired and tracheotomy patients (National Relay Service – speech to speech) 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.

Indigenous Issues

It is noted by QDVSN that Aboriginal and Torres Strait Islander women have received little attention within the CMC report. There needs to be recognition of the different indigenous groups and their specific issues.

Anecdotal evidence 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 seems to be no 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.

QDVSN Recommendations

Recommendation 1

- That 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 QPS.

Recommendation 2

- That the development of a case management model should focus on a model of best practice which includes a focus on early intervention, the identification of the barriers to women's safety and intersect with domestic violence services.

Recommendation 3

- That cultural and organisational behaviour changes are needed within the QPS which include 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 this process of organisational change.

Recommendation 4

- That a new domestic violence strategic plan is developed incorporating principles and practice aimed at enhanced responses, the development and adoption of a code of practice specific to domestic violence, the introduction of quality control mechanisms to ensure that responses are appropriate and consistent across the state, and enhanced focus on training and employment with specific focus on police officers who perpetrate domestic violence.

Recommendation 5

- That a state wide strategy is developed 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.

Recommendation 6

- That a review is undertaken of the Guidelines currently available to the QPS that includes consultation with key domestic violence, multicultural and specialist interpreter services. The review must encompass guidelines / policies and procedures that are specific to domestic violence interventions, address issues of police training in relation to cross cultural understanding and sensitivity and promote the wide dissemination of these procedures at all levels of the QPS.

Recommendation 7

- That the QPS hold specific consultations with the various Aboriginal and Torres Strait Islander groups, within both rural and urban areas to address issues raised in this response.

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