



St Vincent de Paul Society
NSW
good works

Police Responses to Domestic and Family Violence

Submission to the 2021 audit conducted by the Audit
Office of New South Wales

28 September 2021

Acknowledgement of Country

The St Vincent de Paul Society acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Custodians of the land on which we live and work, with deep respect. May Elders, past and present, be blessed and honoured. May we join together and build a future based on compassion, justice, hope, faith, and reconciliation.

About the St Vincent de Paul Society

The St Vincent de Paul Society (the Society) seeks to shape a more just and compassionate society by working to address the causes of poverty and injustice.

The Society is a significant provider of services to people experiencing disadvantage. We provide supported accommodation and case management services to people experiencing domestic or family violence, homelessness, or the risk of homelessness; food supply services; services to people with complex mental health diagnoses and/or complex behavioural support needs, people experiencing problematic alcohol or other drug use, people with disability, and young people at risk of exclusion.

Our services include 12 specialised domestic and family violence case management, supported and transitional accommodation services across Sydney and in Southern and South Western NSW. Our services support women, women with children, men and people living in lesbian, gay, bisexual, transgender, gender diverse, intersex, queer, asexual and questioning (LGBTIQ+) relationships. As a Society, we work from a person-centred framework that is supportive of the choices that individuals make, whether they decide to stay in the relationship or not. In 2020-21 our domestic violence services supported 2,203 people dealing with domestic and family violence.

In addition to our domestic and family violence services, St Vincent de Paul Society NSW provides support to victim-survivors of domestic and family violence in our other specialist homelessness services, when people approach us for support through Vinnies shops, and through a range of other programs. Our extensive network of member volunteers also provides immediate care and assistance in the form of financial and material support: food parcels or vouchers, assistance paying energy and other bills, no-interest loans, and clothing and household items including furniture.

Introduction

The Society appreciates this opportunity to contribute to the audit of *Police responses to domestic and family violence*, conducted by the Audit Office of New South Wales, and share our experiences of the effectiveness of these responses and how they could be improved to better support victim-survivors.

As a provider of a range of domestic violence services, we regularly work with men, women, and women with children who have sought help from the NSW Police following violent incidents and/or experiences of coercive control. Our submission has been informed by consultation with the St Vincent de Paul Society NSW Domestic and Family Violence Network, and by a survey completed by more than 20 of our casework employees. Overall, the experience of employees working in our domestic violence services is that while there have been significant improvements to the ways in which NSW Police respond to domestic and family violence and support victim-survivors, there are still several challenges and areas for improvement.

This submission focuses predominantly on question 2, and to a lesser extent question 3, as outlined by the Audit Office of New South Wales:

- Question 2: Has the NSW Police Force effectively resourced its approach to respond to domestic and family violence and support victim-survivors with the required capability?
- Question 3: Is the effectiveness of domestic and family violence policing and NSW Police Force support to victim-survivors improving over time?

We also provide a number of case studies towards the end of this submission that outline our experiences and the experiences of those we assist with the NSW Police Force.

While under-resourcing within the NSW Police Force is a factor that impacts responses to domestic and family violence, there are a range of other obstacles that need addressing. These include but are not limited to inconsistent police responses to domestic and family violence reports; varying levels of understanding and empathy when responding to domestic and family violence incidents; and barriers to interagency collaboration and coordination.

We appreciate that the outcomes of this audit would be valuable at any time. But they will be particularly relevant in coming months as we respond to an increase in domestic violence emerging out of COVID-19 and associated lockdowns. Evidence from 2020 suggests an increase in the number of people seeking assistance for domestic and family violence, an increase in the number of new clients, and an increase in the severity of abuse.¹ This year, our own services have already seen a 40% increase in the number of requests for assistance during the first month of lockdown compared with the same period last year.

In this context, a review of police responses and support for victim-survivors of domestic violence is particularly pertinent. This audit provides an opportunity to learn from the experiences of those who have faced domestic and family violence, to better understand the barriers to effective responses, and to work collaboratively to improve responses to domestic and family violence in our communities.

¹ Queensland University of Technology Social of Justice (2021) The impact of COVID-19 Pandemic on Domestic and Family Violence Services, Australia

Recommendations:

To increase the effectiveness of police responses to domestic and family violence and support provided to victim-survivors, we make the following recommendations. The NSW Police Force should:

1. Take statements and produce an event number for all reported domestic violence incidents, regardless of whether the evidence meets the “standard of proof”.
2. Progress efforts to better capture, record, and display domestic violence-related data.
3. Develop processes to ensure employees provide regular updates to victim-survivors about their case, including the timely delivery of any legal documentation to the victim-survivor, i.e. copies of a newly issued Apprehended Domestic Violence Order (ADVO).
4. Provide training to all NSW Police, including administrative employees, on:
 - domestic and family violence, including non-physical forms of violence such as coercive control,
 - trauma-informed and victim-centred practice,
 - minimum standards for recording reported incidents and issuing event numbers,
 - the value of gendered and culturally safe responses,
 - vicarious trauma and burnout within the police force and where to receive help.
5. Invest in the recruitment of more domestic and family violence specialist police officers who are trained to understand the nuanced and cumulative nature of domestic and family violence.
6. Provide funding to ensure that victim-survivors have 24/7 access to domestic violence liaison officers when reporting an incident to police and ensure domestic violence liaison officers are available at every location.
7. Invest in the recruitment of more female police officers and ensure that victim-survivors are offered a female police officer, if preferred.
8. Identify and implement measures to support improved coordination and referral pathways between police and other domestic violence services in NSW.
9. Ensure the timely referral of all relevant domestic and family violence cases to Safety Action Meetings and relevant domestic and family violence support services.
10. Work with people with lived experience and the organisations who represent them to develop standards, guidelines and processes that will help ensure:
 - culturally safe responses for victim-survivors, (including, at minimum, improved access to interpreters),
 - effective responses to, and support for, victim-survivors living with disability, including mental ill-health.

Has the NSW Police Force effectively resourced its approach to respond to domestic and family violence and support victim-survivors with the required capability?

What constitutes an effective response to domestic and family violence and support for victim-survivors?

To determine whether the NSW Police Force are effectively resourced to respond to domestic and family violence and support victim-survivors, we consulted with managers, team leaders and caseworkers in Vinnies Services with expertise in domestic and family violence. They concluded that an effective response by the NSW Police Force to domestic and family violence would include consistency in approach; a timely response to incidents; strict record-keeping standards to ensure that each incident is issued with an event number regardless of severity or perceived sense of risk; and a comprehensive understanding of non-physical forms of violence, including coercive control.

The provision of sufficient support for victim-survivors from the NSW Police Force, according to our respondents, would include victim-centred and trauma-informed approaches; an empathic response to victim-survivors that includes listening, validating their experiences and taking all reports seriously regardless of evidence; excellent communication between police and the victim-survivor, which includes follow-up conversations and updates on the case; culturally appropriate responses - including access to interpreters; and good interagency collaboration and referral.

Practical experiences with the NSW Police Force

The overall experience of St Vincent de Paul Society NSW domestic and family violence specialists is that the NSW Police Force are not effectively resourced to respond to domestic and family violence, and this directly impacts the support offered to victim-survivors.

Consultation participants had mixed views on whether the NSW Police Force are effectively responding to domestic and family violence in NSW, but more than 64% stated that their experiences with the NSW Police Force in response to domestic and family violence incidents had been inconsistent and varied.

Concerningly, almost 60% of respondents said that a client had to report an incident two, three or more than three times before sufficient action was taken by the police, and only 10% of respondents reported positive or neutral experiences with the NSW Police Force.

The St Vincent de Paul Society NSW acknowledges that there are a range of factors impacting the effectiveness of the NSW Police response to and support for victim-survivors. Most respondents noted that the NSW Police Force do support victim-survivors to a certain extent, and believe many individuals are likely trying their best, but that there is significant room for overall improvement.

Below, we outline key areas of concern observed by services support clients who have interacted with the NSW Police in relation to their experience of domestic violence.

Incident reporting and case information

Across a range of systems and structures there is a need to reconceptualise how domestic and family violence, and especially the experience of coercive control is understood. The way in which NSW Police responds to domestic and family violence needs to move from approaches that consider isolated events, or a series of events, to approaches that can better consider patterns of behaviour over time. Protocols

that clearly outline how reported incidents should be recorded, and the creation of new coercive control laws may assist in capturing the cumulative effects of coercive abuse.

Several victim-survivors being supported by the St Vincent de Paul Society NSW have reported that police did not take a statement following a domestic violence incident, primarily due to insufficient evidence or their cases not being 'severe enough'. Ensuring that police produce an event number for each reported incident even when they do not believe it will be possible to meet the 'standard of proof' in relation to the incident, may assist police to better understand the history of cases when responding to a domestic incident, and identify prior patterns of behaviour.

When responding to coercive control-related cases, a clear understanding of case history relies on timely and accurate access to information. Our case workers raised concerns about the inconsistent ways in which domestic violence incidents are captured by police officers, and the apparent lack of time and resources available, especially during peak times. This has been at least in part attributed to the complicated and time-consuming systems and processes associated with police responses to domestic violence incidents. A careful balance must be struck to ensure processes are not overly onerous, but offer appropriate protections to victim-survivors, and ensure the collection of evidence needed to identify patterns of coercive control over time.

There is also a need to review and improve systems to ensure responding police officers have timely access to accurate case information so that they can better identify and respond to domestic violence-related matters. This need has been identified in previous policy processes, with the 2015-2017 NSW Domestic Violence Death Review Team (DVDRT) report recommending that: *'the NSW Police Force reviews how it captures, records and displays data on domestic violence events with a view to making appropriate changes that would support operational police to view the incident holistically and in the context of the history of the parties and relationship. This will assist police to make informed decisions as to what action to take in the context of the incident they are dealing with'*.² We acknowledge Attorney General Mark Speakman and the NSW Government's support of this recommendation on 24 July 2020, as well as the NSW Police Forces' intention to implement a new Integrated Policing Operating System (IPOS).³ We look forward to seeing this progress.

Recommendations:

NSW Police should:

1. Take statements and produce an event number for all reported domestic violence incidents, regardless of whether the evidence meets the "standard of proof".
2. Progress efforts to better capture, record, and display domestic violence-related data.

Victim-survivor engagement

Our domestic violence services have observed numerous communication issues between police and victim-survivors, as well as, on occasions, a lack of cultural safety during criminal or Apprehended Domestic Violence Order (ADVO) proceedings. It is common for victim-survivors within our support services to be "left out of the loop" during the ADVO court process. This not only further disempowers victim-survivors but can also impact their legal outcomes in court. Some victim-survivors supported in our services have not been given a copy of their finalised ADVO following court and are unaware of outcomes for the perpetrator or their legal rights once decisions have been made.

² NSW Government (2017) Death Review Team Report 2015 – 2017, NSW Domestic Violence, p xviii

³ NSW Police Force (2019) NSW Police Force 2018-2019 Annual Report, Office of the Commissioner, p 10

Recommendation:

3. The NSW Police Force should develop processes to ensure employees provide regular updates to victim-survivors about their case, including the timely delivery of any legal documentation to the victim-survivor, i.e. copies of a newly issued Apprehended Domestic Violence Orders (ADVO).

Training for the NSW Police Force

Several of the barriers identified by our support services when liaising with police could be minimised through the delivery of domestic and family violence training. St Vincent de Paul Society NSW casework staff describe varying levels of awareness and understanding of domestic and family violence in the NSW Police Force.

Training on domestic and family violence should be made compulsory for all NSW Police Force staff, including administrative employees, and refresher courses should be encouraged on a regular basis. This will help build overall capacity to detect and respond to domestic and family violence and ensure victim-survivors are safely and effectively supported throughout the criminal justice process. Training should include general content on domestic and family violence, including non-physical forms of violence such as coercive control, trauma-informed and victim-centred practice, enforcing strict standards for recording incidents and issuing event numbers, and gendered and cultural considerations including requests for female police officers or use of interpreters.

Emergency responders including the police force are regularly required to respond to incidents that may be life threatening, violent, or distressing. A pilot study with Queensland Police highlighted that “work-related traumatic events were ubiquitous. 95 percent of participants reported experiencing a work-related event at some time in their career”.⁴ Exposure to potentially traumatic scenes places emergency responders at increased risk of vicarious trauma and burnout. While signs and symptoms of vicarious trauma and burnout differ slightly, physical and emotional stress, difficulty maintaining professional boundaries, feeling frustrated, judgemental, under pressure or overwhelmed are common for both.⁵

There are gaps in research related to help-seeking behaviour within the police force for mental health concerns, and the literature on individual perceptions of mental health, and attitudes towards colleagues experiencing mental ill-health, is limited.⁶ However, research suggests that many police feel pressure to be “strong yet kind, tough yet compassionate... (it is) not acceptable to show any weakness”.⁷ If workplace cultural pressure is dissuading police from seeking help, this may have significant implications for victim-survivors.

Domestic and family violence specialists within St Vincent de Paul Society NSW suggest there may be a correlation between dismissive police responses to domestic and family violence, and vicarious trauma and burnout. We encourage further investment into training which may help shift cultural attitudes towards vicarious trauma and burnout within the NSW Police Force, and better availability of support services for those within the NSW Police Force requiring assistance.

⁴ Railings (2000) as cited by Devilly, G.J & Varker, T (2013) The prevention of trauma reactions in police officers: Decreasing reliance on drugs and alcohol, Monograph Series No. 47, p 1

⁵ The LookOut (n.d) Vicarious trauma & burnout

⁶ Lane, J et.al (2021) Police attitudes towards seeking professional mental health treatment, *Journal of Police and Criminal Psychology*, 15 July 2021

⁷ Burns, C & Buchanan, M (2020) Factors that influence the decision to seek help in a police population, *International Journal of Environmental Research and Public Health*, 21 September 2020, p 12

We note that the need for training has been emphasised by numerous stakeholders in response to proposed coercive control legislation, including Women’s Safety NSW, who stated ‘it is vitally important that system reforms are accompanied by appropriate guidelines, training and specialisation’.⁸

Recommendation:

4. The NSW Police Force should provide training to all NSW Police, including administrative employees, on:
 - domestic and family violence, including non-physical forms of violence such as coercive control,
 - trauma-informed and victim-centred practice,
 - minimum standards for recording reported incidents and issuing event numbers,
 - the value of gendered and culturally safe responses,
 - vicarious trauma and burnout within the police force and where to receive help.

Improved access to domestic and family violence specialists within the police force

Improving access to domestic and family violence specialists within the criminal justice system would also help improve the systems’ capacity to respond to domestic and family violence and support victim-survivors. Some victim-survivors within our services are apprehensive about making a report to police as they fear repercussions, and some come from countries where there is a lack of trust in law enforcement. Trained domestic and family violence specialists can help overcome these apprehensions to some extent.

Many victim-survivors within our services also lack confidence when talking to a police officer who is the same sex as the perpetrator. While women often prefer to speak with a female police officer when reporting an incident, female police officers are not always available.

To this end, we recommend further investment in the recruitment of domestic and family violence specialist police officers, and female police officers. In addition, victim-survivors would ideally have 24-hour access to domestic violence liaison officers when reporting an incident, and all victim-survivors should have the option of speaking with a female police officer, if preferred.

Recommendations:

The NSW Police Force should:

5. Invest in the recruitment of more domestic and family violence specialist police officers trained to understand the nuanced and cumulative nature of domestic and family violence.
6. Provide funding to ensure that victim-survivors have 24/7 access to domestic violence liaison officers at when reporting an incident to police, and ensure domestic violence liaison officers are stationed at every location.
7. Invest in the recruitment of more female police officers and ensure that victim-survivors are offered a female police officer, if preferred.

⁸ Women’s Safety NSW (2020) Criminalising coercive control position paper, 11 September 2020, p 14

Interagency collaboration

A lack of coordination between human services agencies and the NSW Police Force is another factor that allows many victim-survivors of domestic and family violence to slip through gaps between systems. We acknowledge the NSW Police Force's commitment to work in partnership with other agencies to ensure coordinated responses for victims, as outlined in the Domestic and Family Violence Policy, as well as their recognition that prevention of domestic violence is a "family, community and whole of government responsibility"⁹. In practice, however, collaboration, coordination, and appropriate referral is not always apparent between the NSW Police Force and our support services.

The St Vincent de Paul Society NSW domestic violence specialists note varying levels of awareness within the NSW Police Force about domestic and family violence support services and appropriate referral pathways. Cases where there are indicators of coercive control and other forms of abuse should at minimum be referred by police to a domestic and family violence support service for follow up. In addition, referral of these cases to a Safety Action Meeting led by the NSW Police may assist in ensuring victim-survivors receive the support they require and the justice they deserve.

Within our support services there is the perception that the NSW Police do not always understand the value of interagency collaboration, or perhaps are insufficiently resourced to prioritise this. Casework staff have commented that at times police have appeared dismissive of the value of collaboration, implying that they are "too busy" or don't have capacity during busier times. Improved coordination between police, government, and non-government agencies is pertinent to effective policing responses and support to victim-survivors.

Recommendations:

The NSW Police Force should:

8. Identify and implement measures to support improved coordination and referral pathways between police and domestic violence services in NSW.
9. Ensure the timely referral of all relevant domestic and family violence cases to Safety Action Meetings and relevant domestic and family violence support services.

At-risk communities

While domestic and family violence is prevalent across all communities, we acknowledge that some women are at greater risk. The circumstances that increase the risk that someone will experience domestic or family violence can also make it harder for them to seek help, and less likely to receive an effective response, including from the NSW Police. For this reason, we recommend this audit pays particular attention to the NSW Police Force's capability to respond effectively to the following groups.

Culturally diverse communities

While the risk of domestic and family violence is not necessarily dependent on cultural background, socio-economic status or location, there are a range of factors that may increase an individual or family's vulnerability.

There are varied perceptions and differing levels of understanding of domestic and family violence within culturally diverse communities. Added complexities may include language barriers, a misunderstanding of legal rights, perceived threats to cultural norms, impacts on visa status, cultural

⁹ NSW Police Force (2018) Domestic and Family Violence Policy, *Commissioner of Police*

shame, and betrayal.¹⁰ Despite these additional vulnerabilities, respondents reported that there continues to be a lack of culturally appropriate responses to victim-survivors of domestic and family violence.

Our employees reported that the victim-survivors they support are often not provided access to interpreters when interacting with the police. In one situation, a client was required to travel over an hour on public transport during COVID-19 to record her statement in-person with an interpreter at the police station. The client was told that if she wanted an interpreter, she was required to attend on-site. This imposed a financial and time cost on the woman, and meant she also needed to make childcare arrangements for her child.

Aboriginal and Torres Strait Islander women

It is estimated that Aboriginal and Torres Strait Islander women are up to 35 times more likely experience domestic and family violence than non-Indigenous women, and they are 31 times more likely to be hospitalised due to domestic and family violence assaults.¹¹ This has been attributed to a range of factors, including the impact of colonisation, intergenerational trauma, displacement from traditional land and kinship groups, and the complexities surrounding the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system.¹²

Within the criminal justice system, approximately 24 percent of all adult prisoners and 52 percent of juvenile detainees are Aboriginal or Torres Strait Islander.¹³ Many Aboriginal and Torres Strait Islander women in prison have been victims of crime themselves, with one study suggesting that up to 90% of Aboriginal and Torres Strait Islander female prisoners were victim-survivors of family and other violence.¹⁴

The overrepresentation of Aboriginal and Torres Strait Islander people in our criminal justice system and deaths in custody impact help seeking behaviours and a willingness to report domestic and family violence incidents within First Nations communities. Barriers may include cultural or community fears of going to police to reduce the criminalisation of Aboriginal and Torres Strait Islander peoples, fear of child removal, a lack of understanding of legal rights and options, or general mistrust in the criminal justice system.¹⁵

Aboriginal and Torres Strait Islander people experiencing domestic and family violence are also vulnerable to ‘systems abuse’ – perpetrators using legislative instruments and the adversarial court system to control, threaten, or harass a partner.¹⁶ Staff working in our services report that a growing number of women accessing our services have experienced some form of systems abuse, and have noted that this brings added complexities for Aboriginal and Torres Strait Islander women.

Systems abuse includes incidents whereby women are misidentified as the primary aggressor – a situation Women’s Legal Service Victoria found occurred in about 10% of police-initiated applications for intervention orders.¹⁷ In extreme cases, victim-survivors being supported in our services have reported

¹⁰ Lu, M; Mangahas, X & Nimmo, J (2020) Domestic and Family Violence in Culturally and Linguistically Diverse Communities, *Pro Bono Centre – The University of Queensland*, 26 March 2020

¹¹ Council of Australian Governments (2019) National Action Plan to Reduce Violence against Women and their Children 2010-2022; Productivity Commission (2011) Overcoming Indigenous Advantage

¹² ¹² NSW Bureau of Crime and Statistics Research (2020) Reducing Aboriginal Overrepresentation in the Criminal Justice System 2018 - 2021

¹³ NSW Bureau of Crime and Statistics Research (2020) Reducing Aboriginal Overrepresentation in the Criminal Justice System 2018 - 2021

¹⁴ Council of Australian Governments (2019) National Action Plan to Reduce Violence against Women and their Children 2010-2022; Productivity Commission (2011) Overcoming Indigenous Advantage

¹⁵ Australian Law Reform Commission (2018) Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples (ALRC Report 133)

¹⁶ Jillard, A & Mansour, J 2014, ‘Women Victims of Violence Defending Intervention Orders: The Latest Developments in Practice and Policy in NSW’, *Alternative Law Journal*, vol. 39, no. 4, pp. 235-240.

¹⁷ Women’s Legal Service Victoria & Monash University (2018) ‘Officer she’s psychotic and I need protection’: Police misidentification of the ‘primary aggressor’ in family violence incidents in Victoria, *Policy Paper 1*, July 2018

“victim-blaming” approaches by police when there has been confusion about who is the victim and perpetrator, or when there has been a history of incidents from both sides. When incidents are viewed in isolation rather than as part of an ongoing pattern of behaviour, this increases the likelihood that the primary aggressor may be misidentified.

Other at-risk community groups

We acknowledge there are other groups who are more vulnerable to experiencing domestic and family violence, including people who identify as lesbian, gay, bisexual, transgender, gender diverse, intersex, queer, asexual and questioning (LGBTIQA+), women living with disability including mental health conditions, and women experiencing problematic alcohol or other drug use.

Women with a physical, intellectual, psychiatric, or sensory disability are more likely to experience violence and for longer periods of time.¹⁸ Barriers to seeking help or reporting incidents of domestic and family violence may include “reliance on the abuser, fear, and service gaps in disability and women’s agencies”.¹⁹ According to one study, the male spouse or partner is the abuser in 43% of all domestic and family violence cases for people living with disability.²⁰ Caseworkers in our services have reported that police can be dismissive and, in some cases, completely disrespectful towards people living with disability, including women with mental health conditions (see case study 9).

It is vital that police understand the added complexities associated with responding to domestic or family violence incidents involving individuals living with disability. These may include physical or cognitive barriers that impacts a person’s ability to communicate their experience, understanding of their rights, or hesitancy to speak out due to their reliance on the perpetrator for carer purposes.

Victim-centred responses require the NSW Police Force to understand the intersectionality between domestic and family violence and a range of other factors such as cultural background, gender and sexuality, gender and sexuality, socioeconomic status, physical and mental health concerns.

While many of the recommendations outlined above – particularly mandated training – will help build the NSW Police Force’s capacity to respond more effectively to people from a range of backgrounds, more focused efforts are needed to improve outcomes for specific groups. We recommend the NSW Police Force consults closely with people with lived experience and the organisations who represent them, in seeking to shape an approach that is victim-centred, culturally safe, and delivers better outcomes for those groups most likely to experience domestic and family violence.

Recommendations:

10. The NSW Police Force should work with people with lived experience, and the organisations who represent them, to develop standards, guidelines and processes that will help ensure:
 - culturally safe responses for victim-survivors, (including, at minimum, improved access to interpreters),
 - effective responses to, and support for, victim-survivors living with disability, including mental ill-health.

¹⁸ State Government of Australia (2020) Family violence and women with disabilities, *Better Health – Department of Health*

¹⁹ State Government of Australia (2020) Family violence and women with disabilities, *Better Health – Department of Health*

²⁰ State Government of Australia (2020) Family violence and women with disabilities, *Better Health – Department of Health*

Is the effectiveness of domestic and family violence policing and NSW Police Force support to victim-survivors improving over time?

Domestic and family violence specialists in St Vincent de Paul Society NSW agree that police responses to domestic and family violence have improved over time. In particular, we acknowledge the following developments have significantly improved the way in which victim-survivors are supported.

Safety Action Meetings (SAMS)

While interagency collaboration between the NSW Police Force, government and non-government organisations continues to present challenges, our services note the positive impact that Local Area Command Safety Action Meetings (SAMS) have had on victim-survivors and their experience within the criminal justice system. SAMS meetings have assisted agencies to provide more holistic, wrap around support for victim-survivors, maintain more consistent communication and coordination between relevant parties, and minimise further risk.

Improved Criminal Justice Processes

Since 2014, the implementation of body-mounted cameras on NSW Police Force personnel when entering potential domestic violence scenes has been noted as useful during court proceedings. While the videos are still required to comply with the rules of evidence to be able to be admitted in court, the body-worn technology allows the police to capture evidence from the scene itself, raw emotions of victim-survivors at the time, evidence of any injuries, and how perpetrators are interacting with the police.²¹ Body-mounted cameras have also promoted more trauma-informed responses by limiting the number of times a victim-survivor may be required to retell or clarify their story in explicit detail.

The implementation of the National Domestic Violence Order Scheme (NDVOS) in late 2017 has provided more protections to victim-survivors of domestic violence when they move interstate or are travelling outside of their usual State or Territory of residence. While this was a step in the right direction, for some victim-survivors in our services, it still does not offer sufficient protection (please see case study 3).

We welcomed the amendments to the *Crimes (Domestic and Personal Violence) Act 2007* in late 2020. These amendments provided several new safeguards for victim-survivors of domestic and family violence in NSW. These include acknowledging the intersection between animal abuse and domestic violence, and changes to criminal proceedings and Apprehended Domestic Violence Order (ADVO) hearings. The legislation has promoted more victim-centred policing responses within the ADVO application and court process.

Our services highly value the NSW Police Force's funding and recruitment of Domestic Violence Liaison Officers (DVLOs). DVLO staff and other trained domestic and family violence specialists within the police force can help ensure the quality of domestic and family violence responses, improve coordination between the police and other agencies, and establish partnerships for improved victim-survivor support. The recruitment of more DVLOs and ideally the creation of larger domestic and family violence teams at each Local Area Command is recommended.

Despite these significant improvements, as outlined earlier in this submission, numerous barriers to effective police responses to domestic and family violence, and support for victim-survivors, remain.

²¹ Marco Ghedini, as cited by Bevin, E (2018) Body-worn camera evidence could ease trauma for domestic violence victims, advocates say, *ABC News*, 17 September 2018

Case Studies

The comments and recommendations outlined in this submission have been informed by real stories and experiences of those we assist, and the domestic and family violence specialists who support them.

The case studies below are examples of NSW Police Force responses to victim-survivors who have accessed our services. They illustrate issues experienced by victim-survivors, and areas for improvement.

We acknowledge that these stories are not representative of all police responses to victim-survivors of domestic violence. We recognise that there are also many people working within the NSW Police Force who should be commended for their efforts to protect, respond to, and support victim-survivors.

Case Study 1

A victim-survivor in our service was fearful for her life as the perpetrator had made threats against her and her children, and he knew the location of where they were staying. The client was unable to convince the police to come to the refuge to take her statement as she had previously made reports of verbal abuse that did not escalate. Circumstances did escalate to physical abuse, but she did not notify police due to their lack of response last time.

Only when a caseworker phoned the police station and made the request directly did the police attend the refuge to take the statement. A male and female police officer attended, and the male police officer led the conversation. The male police officer didn't ask about the client's safety or how she was feeling, but focused on asking "where is he right now? Would he kill himself?". The victim-survivor felt disheartened that the police appeared to be more worried about the perpetrator's wellbeing and not her own. The victim-survivor told the male police officer that she was afraid that if the perpetrator found her, he would kill her and her children. The police officer responded, "well when that happens, give us a call then". The caseworker personally witnessed this conversation, and watched the victim-survivor's face drop, as she knew by then it would be too late.

Case Study 2

A victim-survivor living in one of our services advised that she was being followed home by her ex-partner. A caseworker called the police and asked them to take her statement, but the police did not attend the service to take the statement for approximately 5 hours. The victim-survivor was visibly upset and scared while talking to police and the police told her that the perpetrator was probably just following her because he wanted to see his children and that he wasn't trying to scare her. The victim-survivor wanted to file an ADVO at the time, but the police advised that these "can't just be handed out, there needs to be some evidence". This is even though she and her children were residing in the refuge and were visibly upset. Police were not contacted again after this situation.

Case Study 3

Mary* was the victim of domestic violence by her ex-partner in QLD, experiencing predominantly technological abuse. She relocated to NSW to escape her ex-partner's constant stalking, harassment, and online tracking. Mary made several reports to QLD police before relocating, and a 5-year nationally recognised protection order was put in place for her protection. When she moved to NSW, the stalking and harassment continued, and Mary continued to report near daily breaches to NSW police. As the abuse was being perpetrated via technology, the NSW police sent reports to QLD police. Mary was provided the contact details of a police officer in NSW but was often giving police reports to police that had no background of her situation. Mary had to retell her story from the beginning each time she gave her statement and was required to explain her current situation repeatedly. The police officer in charge

in NSW then went on leave for a period of months, and no one from NSW or QLD police followed up on Mary. Mary continues to be stalked, threatened, and harassed via technology, and there are seemingly no consequences for her ex-partner. Mary is left to follow up with police and constantly struggles to get in contact with the officer in charge, or the Domestic Violence Liaison Officers.

*Name changed for confidentiality reasons

Case Study 4

A victim-survivor being supported by our service advised that her neighbour had seen her ex-partner smashing her car with a baton, on the street. Police were notified, took statements and issued an ADVO, but they weren't sure whether they could press charges. The victim-survivor was appropriately referred to victims' services for support, but she had to keep calling the police to find out the status of the ADVO and the progress of the case. She felt that the police weren't keeping her well informed, and that she had to keep chasing information about what was happening.

Case Study 5

Amy* fled domestic and family violence a little over a year ago and has been residing in one of our women's crisis accommodation services. She has reported alleged sexual assault from the father (her ex-partner) to her young daughter, but as her daughter is extremely timid, she will not talk to anyone other than her mother about these allegations.

Amy has made child protection reports whenever her daughter has told her information. When the police and child protection services have asked the daughter about these reports, she will not talk as her father has made threats to kill her, her sibling, and their mother if she says anything about what her father has done to her or threatened to do.

A caseworker was able to encourage the daughter to make a statement to police, and the police were kind, supportive and encouraging. When the police checked the system, they told the caseworker that the allegations had already been made and no further action was to be taken. The caseworker had previously informed the police of the background information prior to the daughter attending, to minimise vicarious trauma. The police at the time had agreed to take the statement and action it - even with an ADVO.

The caseworker told the police that it was the first time that the daughter had ever been able to speak about her situation and make a report herself, and because all previous reports had been via a third party that nothing had been done prior as it hadn't been verified by the daughter. They advised still nothing would be done now, and that the children were protected by the mother's non-threats/harm ADVO.

The father is still seeking unsupervised contact, and sleepovers with the children, and there is no assistance from the NSW Police. The caseworker said, "I watched the family cry, heartbroken and tormented going through the Courts, reliving the experiences, being brave and making a huge effort to tell their story to try and prevent worse from happening and continuing, and there was no action, no support, no response, 'case closed'".

*Name changed for confidentiality reasons

Case Study 6

A referral was received by the NSW Police, seeking crisis accommodation for a woman and her children in one of our services. While the perpetrator was able to remain in the household, the mother and children who had experienced domestic and family violence were accommodated in a motel with no

money or clothes. The police stated that the mother just needed some time to cool off, as in the past she usually returns to the home the next day.

Case Study 7

A mother with three children was living in one of our transitional accommodation properties, but continued to experience domestic violence most days. Police attended the property on and off, but a caseworker was informed that many of the reported incidents and call outs had not been recorded by the police. A few months ago, police were called by a caseworker, but there is no record of that call out and police did not show up at the property for five and a half hours. Police have been very dismissive despite damage to property and regular reports by neighbours.

Case Study 8

Police attended a property after the victim-survivor called 000. The victim-survivor had been assaulted by her partner and was arrested, but the partner made bail and returned home to the family. He was angry that the victim-survivor called 000, so the victim-survivor and her children fled to her friend's house. The mother and her children presented at one of our services, looking for emergency accommodation. The caseworker enquired with the local police station as to why this had happened, and the police officer said that her partner had been released following bail because this was the first physical altercation that the victim-survivor had reported.

Case Study 9

A caseworker was supporting a victim-survivor with severe mental health concerns and a history of domestic and family violence from her partner. The caseworker confirmed that the victim-survivor was assaulted in her presence. Police responded to the report, saying "we know her ... do you know how many times my men have been placed at risk because of her (mental health)...there is no point in pursuing this as she would not make a good witness (due to her mental health), it's a waste of timequite frankly what she needs is a bullet to the head".

Conclusion

St Vincent de Paul Society NSW thanks the Audit Office of NSW for the opportunity to provide input into the audit into police responses to domestic and family violence.

We work with people experiencing domestic and family violence every day, who depend on the NSW Police Force to protect, respond to, and support them during times of need. While we note that while police responses have improved significantly in recent years, a number of concerns remain.

We hope that our contribution to this audit will help the NSW Police Force secure the resourcing needed to improve the effectiveness of their responses to domestic and family violence, and in turn produce better outcomes for victim-survivors.

The Society hopes that the Audit Office of NSW gives due consideration to the above recommendations. Should you have any questions about this submission, please contact Rhiannon Cook, Manager, Policy and Advocacy, at Rhiannon.cook@vinnies.org.au.