



Submission to the Audit Office of New South
Wales –
Police responses to domestic and family violence

Domestic Violence NSW (DVNSW)

October 2021

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Acknowledgement of Country

This report was written on the stolen and unceded lands of the Gadigal People of the Eora Nation. We pay respects to the Gadigal Elders past, present and emerging.

Domestic Violence NSW would like to acknowledge Aboriginal and Torres Strait Islander people across the breadth and depth of Australia. We recognise that Aboriginal and Torres Strait Islander people have lived and cared for Country for over 65,000 years and continue to do so, honouring ancestors and knowledge holders within community, and observing ancient cultural practices.

We would like to recognise the impacts of colonisation and the ongoing systemic racism and oppression that is still present within institutions and the broader community.

We acknowledge the strength and resilience of Aboriginal and Torres Strait Islander people and hold their stories with great care.

We concede that Aboriginal and Torres Strait Islander women are at the highest risk of sexual, family and domestic violence compared with other women in Australia. We acknowledge that domestic and family violence are not part of Aboriginal culture.

Domestic Violence NSW work to position ourselves as allies, to walk alongside, to listen, to give our voice and strength, to respect, to never forget and to learn from past mistakes.

About Domestic Violence NSW (DVNSW)

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Domestic Violence NSW (DVNSW) is the **peak body for specialist domestic and family violence (DFV) services in NSW**. We have over 125 member organisations across NSW. We work to improve policy, legislative and program responses to domestic and family violence and to eliminate DFV through advocacy, partnerships and promoting good practice.

DVNSW members represent the diversity of specialist services working in NSW to support women, families and communities impacted by domestic and family violence. They are non-government-funded organisations. Our member organisations include: crisis and refuge services, transitional accommodation and community housing providers, family support services, Aboriginal controlled organisations and specialist CALD organisations, specialist homelessness service providers, men's behaviour change programs and networks, community organisations working with high-risk communities, specialist women's legal support services, women and children's support services, and Safe at Home programs.

DVNSW gives the Audit Office of New South Wales permission to publicly publish this submission.

Recommendations

DVNSW makes the following recommendations regarding police responses to domestic and family violence, and seeks a response to these recommendations from the Audit Office of NSW:

1. That the NSW Police Force implement a regular and comprehensive audit process of officer compliance with the Domestic Violence Standard Operating Procedures (DVSOPs), which includes the results of 'dip sampling' conducted by an independent body. Until an existing independent body is established, the current dip sampling performed by the NSW Police Force should be published.
2. Publish the Domestic Violence Standard Operating Procedures (DVSOPs) and the Sexual Violence Standard Operating Procedures (SVSOPs).
3. Review and improve the complaints response mechanism, including increasing the capacity and scope of the Law Enforcement Conduct Commission (LECC), to reduce instances of police investigating police.
4. Fund mandatory, regular, in-depth, trauma informed domestic, sexual, and family violence (DSFV) training delivered by sexual assault and domestic abuse experts, including,
 - a. training on the dynamics and mechanisms of domestic and family violence, including the gendered, powered, patterned and relational contexts in which family violence occurs;
 - b. training on improving practice where there is a federal/state intersection;
 - c. training on the gender and power dynamics of sexual violence, including the policing of consent;
 - d. training to better identify persons who have used family violence and persons who need to be protected from family violence, and to distinguish one from the other;
 - e. training explicitly focused on coercive controlling behaviours, violent resistance to ongoing abuse, and identifying these patterns, particularly within the context of non-physical forms of abuse;
 - f. ensure that NSW Police Force personnel who routinely support victim-survivors and respond to domestic and family violence situations are properly supported to reduce the risk of vicarious trauma, compassion fatigue and burnout.

5. Improved NSW Police Force capacity to respond to breaches of Apprehended Domestic Violence Orders (ADVOs) through increased training and resourcing, with progress in this area tracked and monitored.
6. Fund mandatory training on including children who are in a domestic relationship with the Person in Need of Protection (PINOP) as named people on ADVOs, and consideration of mandatory compliance checks where children are listed as protected people on ADVOs.
7. Implement an action plan to improve police identification of the primary aggressor, including:
 - a. Amend the NSW Police Force *Domestic and Family Violence Policy* to clarify that the focus of identification of the primary perpetrator is focused on a pattern of behaviour, not per incident, emphasising the examination of the history of domestic and family violence and the circumstances surrounding the incident;
 - b. Ensure capacity for Domestic Violence Liaison Officers (DVLOs) to establish and maintain professional relationships with all domestic and family violence specialist services in their area to ensure errors in misidentification can be rectified;
 - c. Introduce legislative concepts for the primary person in need of protection and primary perpetrator for effective evaluation;
 - d. Fund the development of a new core operational policing system (COPS) system that makes domestic and family violence histories easily accessible to frontline police;
 - e. Fund and evaluate co-location/responder models;
 - f. Fund the Domestic Violence Safety Assessment Tool (DVSAT) review and investigation of the practical assessment tools used by the NSW Police so assessment tools are more useful and accurate.
8. Positively influence a cultural shift in the police force in the view of DVLOs.
 - a. Examine the concept of original authority and shifting a portion of this responsibility to DVLOs;
 - b. Examine a minimum period for DVLOs to spend in General Duties to ensure frontline experience, with transfer into the domestic violence team not be used as an excuse to 'get off the truck';
 - c. Additional training requirement for DVLOs on DSFV delivered by sexual assault and domestic abuse experts;

- d. Remove being a DVLO as a reason to deny promotion to a Leading Senior Constable (LSC), retaining experienced Senior Constables who do daily on-the-job training;
 - e. Increase the number of DVLOs and ensure they are resourced and supported properly, especially in regional areas where police stations can be spread over a large Police Area Command / District area;
 - f. Ensure DVLOs are not redeployed for emergency management;
 - g. Consider creating new, additional roles within the NSW Police Force to respond to different aspects of domestic and family violence such as Domestic Violence Community Liaison Officers, Victim Support Officers and Perpetrator Coordination Officers to reduce the pressure on existing DVLOs.
9. Review and improve training and use of the Automatic Referral Pathway (ARP) program.
- a. Ensure the NSW Police Force leadership continue to endorse and proactively support the uptake and promotion of the ARP program throughout the workforce and regularly and meaningfully promote the ARP program to raise awareness within the NSW Police Force;
 - b. The NSW Police Force to review procedures in relation to when users of violence are informed of the ARP program, in consultation with the Department of Communities and Justice (DCJ), DVNSW and No To Violence (NTV), to improve the uptake of the ARP program;
 - c. Improve collaboration between the NSW Police Force and specialist domestic and family violence services, including local Men's Behaviour Change Programs and organisations not involved in Safer Pathway, to ensure accountability of users of violence and safety of victim-survivors.
10. The NSW Police Force to continue to actively implement workforce diversity and development strategies to attract, develop and retain a workforce that represents the diverse community of NSW including women, and people from First Nations, migrant and refugee, LGBTIQ+ communities.
11. Greater utilisation of Aboriginal Community Liaison Officers (ACLOs):
- a. ACLOs mandatory for each Police Area Command (PAC);

- b. Ensure capacity for ACLOs to establish and maintain professional relationships with Aboriginal and Torres Strait Islander specialist services in their area to build greater trust and cooperation between the community and the police.
12. Greater consultation with Aboriginal and Torres Strait Islander people for regular cultural awareness training for all police officers, including Aboriginal women's use of violent resistance.
13. Review use of the Suspect Target Management Programs (STMPs) for Aboriginal and Torres Strait Islander peoples and young people.
14. Consult with key external stakeholders and peak bodies to ensure current specialist culturally appropriate training and police responses when assisting women from culturally and linguistically diverse (CALD) and refugee backgrounds, including specific forms of abuse including dowry abuse, modern forms of slavery, forced marriage, immigration-facilitated abuse, technology-facilitated abuse, elder abuse, violence by extended family members and coercive control.
 - a. Ensure capacity for Multicultural Community Liaison Officers (MCLOs) to establish and maintain professional relationships with CALD specialist services in their area to build greater trust and cooperation between the community and the police.
15. Reinforce NSW Police Force policy to ensure trauma-informed interpreters are offered to anyone with language needs when required.
16. Introduce national requirements for police to collect and report on the sexuality and gender of clients.
17. Consult with key external stakeholders and peak bodies to ensure specialist disability training and high-quality police responses.
18. Consult with key external stakeholders and peak bodies to ensure specialist, best-practice LBGTQIA+ training and police responses.

Endorsements and thanks

This submission is endorsed by:

- No to Violence- the largest Australian peak body for organisations and individuals working with men to end family violence.
- The Immigrant Women’s Speakout Association- a key, community-based organisation providing advocacy, education and information to women of non-English speaking backgrounds in NSW.
- Older Women’s Network- a peak body advocating for older women on issues such as violence and abuse, homelessness, transport, health and housing, and home, community and residential care.
- Muslim Women Australia- a specialist provider of DFV services for Culturally and Linguistically Diverse and faith-based communities.
- People with Disability Australia- a national disability rights and advocacy service that is made up of, led, and governed by people with disability.

DVNSW endorses the submissions of:

- Women’s Legal Service NSW – a community legal centre providing women across NSW with a range of free legal services.
- ACON- a NSW-based organisation leading the country in support and advocacy for people of diverse sexualities and genders.

We would like to thank the DVNSW members and organisations who gave their time and expertise to our interviews and participated in our survey.

We would like to thank the DVNSW Aboriginal and Torres Strait Islander Women’s Steering Committee who shared with us their expertise and knowledge as well as their time.

We would like to thank Muslim Women Australia who shared with us their expertise and knowledge as well as their time.

Audit Objective and Criteria

In order to assess the effectiveness of the NSW Police Force in responding to domestic and family violence and in supporting victim-survivors, the Audit Office of NSW will answer the following questions:

1. Does the NSW Police Force effectively conduct capability planning for responding to domestic and family violence and supporting victim-survivors?
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?
3. Is the effectiveness of domestic and family violence policing and NSW Police Force support to victim-survivors improving over time?

This submission will answer these questions collectively, as DVNSW does not believe they are separable concepts, however, will do so in reference to the *NSW Police Force Statement of Strategic Intent* in order to place the knowledge and experiences of Domestic Violence NSW members in the context of NSW Police Force capability planning.

Overview

It is estimated that, since the age of 15, one in six women have experienced partner violence (ABS 2017). In their overview of the health burden of intimate partner violence (IPV), VicHealth (2017) found that intimate partner violence accounts for 5.1% of the total disease burden in women aged 18-44. This is higher than the disease burden for any other risk factor of women in this age group, including smoking, high cholesterol and drug use. LGBTQA+ people experience similar and for some groups, higher rates of gendered violence than cisgender, heterosexual women (Hill, Bourne, McNair, Carman and Lyons, 2020).

The overwhelming harm domestic and family violence (DFV) poses is recognised across government organisations and, as a result DFV is reportedly a top priority for the NSW Police Force, with policy documents stating that DFV is taken very seriously and is an area of commitment. This priority status is integral, as police attend a domestic and family violence call approximately every 2 minutes (Department of Communities and Justice, 2020). As the gatekeepers of the justice process, it is imperative that the policies, procedures, and practices of the NSW Police Force are adequately protecting victim-survivors of domestic, sexual and family violence. DVNSW hold concerns that there are inconsistent and at times poor responses to domestic, sexual and family violence in NSW. This submission makes 18 recommendations for improved practice including independent auditing, regular, mandatory training in domestic, sexual and family violence and investment in cultural change.

DVNSW welcomes the opportunity provided by the Audit Office of NSW to provide feedback on our member organisations experiences with the NSW Police Force. The major themes of this submission include accountability and transparency, cultural changes to improve police response to DFV, training recommendations, and the priority needs of marginalised groups and communities.

Survey

In conjunction with the Audit Office of NSW, DVNSW developed a survey on 'Police Responses to Domestic and Family Violence' and distributed it to its members.

The survey consisted of a maximum of 60 questions, depending on how many Police Area Commands were selected by respondents. The questions were primarily multiple choice, with the option to expand upon an answer in a free text box. Three questions required a short-written answer.

13 questions requested the respondent to specify a Police Area Command that they work with up to a maximum of five Police Area Commands. This allowed respondents who work across multiple Police Area Commands to tailor their responses, as they may have varying experiences across the Police Area Commands.

The survey was open from 14 September to 29 September 2021 and received 93 responses. This is a high figure comparative to other surveys conducted by DVNSW, noting the importance of this issue to specialist domestic and family violence workers. Quantitative data was analysed primarily through cross-tabulation and qualitative data was analysed primarily through thematic analysis.

A note on terminology

In the specialist domestic and family violence sector, the preferred term is *victim-survivor*. DVNSW notes that the justice sector, including the NSW Police Force, use the term *victim*. In this submission, although used interchangeably, the emphasis has been placed on the term *victim-survivor*, with *victim* used at times particularly when discussing the justice system.

Accountability and transparency

Victim-survivors and specialist domestic and family violence services rely on accountability and transparency in NSW Police Force policies and procedures. As a key gatekeeper to the justice process, it is imperative that the NSW Police Force maintains transparency and is accountable where policies and procedures are not adhered to.

The NSW Police Standard Operating Procedures and complaints process

Goodman-Delahunty and Corbo Crehan (2016, p. 1008) explain the importance of procedural justice and public faith when policing and discuss the police complaints process as an avenue of accountability should “police officers fail to perform their duties effectively (or are perceived not to)”. Unfortunately, in NSW it is incredibly difficult to utilise this complaints accountability mechanism when victim-survivors and their support services do not have access to the measures of appropriate police conduct. In the NSW context these are the Domestic Violence Standard Operating Procedures (DVSOPs) and the Sexual Violence Standard Operating Procedures (SVSOPs).

DVNSW recommends that the Domestic Violence Standard Operating Procedures (DVSOPs) and the Sexual Violence Standard Operating Procedures (SVSOPs) are made public, as they are in other Australian jurisdictions. While some of this information is contained in the Code of Practice for the NSW Police Force response to DFV, a significant amount of the Code contains information about legislation, and victim and service engagement, rather than specific operational procedures. For example, this document does not detail the timeframes within which police need to act.

It is DVNSW’s understanding that the NSW Police Force is concerned about releasing police methodology to the public, which could be utilised by perpetrators of violence. These fears have not been realised in the transparent publishing in other jurisdictions, such as Victoria. Alternatively, the NSW Police Force could release a redacted version of the SOPs or provide the SOPs confidentially to domestic violence support services so they are equipped to assist clients. This would allow victim-survivors the opportunity to seek redress through the police complaints system should there be a failure to comply with NSW Police policy.

There are fundamental flaws within the NSW Police complaints system, such as relying on accountability being ensured almost solely on individual victim-survivor complaints rather than

auditing or monitoring mechanisms. Goodman-Delahunty and Corbo Crehan (2015) outline the impact of these concerns, explaining that women who are victim-survivors of DFV often choose to not engage with the police complaints process for a variety of reasons, including fear of repercussions, the idea that it would be futile and/or being too scared, overwhelmed or stressed.

When victim-survivors do engage with the police complaints process, further concerns are raised around transparency, particularly the negative perception that stems from police investigating police internally. According to NSW Police, complainants receive communication about the complaint and,

“if it is feasible [NSW Police] will consult with [the complainant] on the action [NSW Police] intend to take as a result of the complaint, and advise [the complainant] on the outcome of the complaint, and obtain advice from [the complainant] on whether [they] are satisfied with the action taken in response to [their] complaint.” (NSW Police Force 2021)

While this would suggest that individual complainants may receive feedback about the outcome of a complaint, there is a lack of clarity around what is considered ‘feasible’, and this raises significant concerns around access and fairness as well as police investigating themselves.

If a complainant is not satisfied with the outcome of a complaint at the Police Area Command level, it is suggested that they speak with the investigator to begin with and if still unsatisfied, refer the matter to the Law Enforcement Conduct Commission (LECC). However, LECC is designed, and only has the capacity, to address serious examples of misconduct and maladministration such as accepting bribes, planting evidence at a crime scene, serious assaults, and other serious indictable offences. Many complaints made by victim-survivors of DFV do not remotely approach this threshold, and as such, would be referred back down to the Police Area Command where there was an unsatisfactory response initially. This lack of available recourse, transparency, accountability, and independent oversight creates a shroud of secrecy around individual complaint outcomes, as well as how complaints are dealt with systemically.

The call for transparency in the complaints process is supported by Galovic et al. (2016), who suggest that the complaints process requires review. Under current procedures, there is a risk of perceived mismanagement due to the lack of transparency. They also raise how harmful the process is to the police subject to it, impacting on workplace conditions, environment, and relationships with

colleagues. Galovic et al. (2016) explain how susceptible the current system is to being used vexatiously, particularly by fellow officers, placing the integrity of the complaints process in question.

Similar concerns were identified by Nancarrow et al. (2020). When speaking with frontline police, the authors found that police needing to ‘cover [their] ass’ was expressed in every focus group, and was identified as a fundamental barrier to police identifying the primary victim. Widespread ‘weaponising’ of the internal complaints process by senior police has also been the subject of recent news media (Gladstone 2020a, 2020b), and LECC’s Operation Tabarca investigation demonstrated the extreme bullying and harassment that can be ongoing and unchecked within the NSW Police Force.

The lack of a thorough, transparent complaints system also provides yet another system for abusers to manipulate and an opportunity for systems abuse such as the threat of a complaint to force police to take action in their favour. As a result, **DVNSW recommends that the NSW Police complaints response mechanism is examined and improved, and the capacity and scope of the LECC is increased to afford transparency.**

The current complaints process places a significant responsibility on the victim-survivor to continue muddling their way through complex and unclear systems so they can achieve an appropriate outcome. The fatal consequences of poor practice are realised yearly with tragic consequences, including the case of Jack and Jennifer Edwards, who were shot and killed by their abusive father, John Edwards. The Coronial Inquest found that errors were made by numerous NSW Police Force officers that resulted in a lack of correct records, which then in part allowed John Edwards to obtain a firearms licence and firearms (Coroners Court of New South Wales, 2020)¹. These errors were partially administrative, partially a failure to properly investigate, and partially an “erroneous focus” (Coroners Court of New South Wales, 2020, p. 69) on family law proceedings.

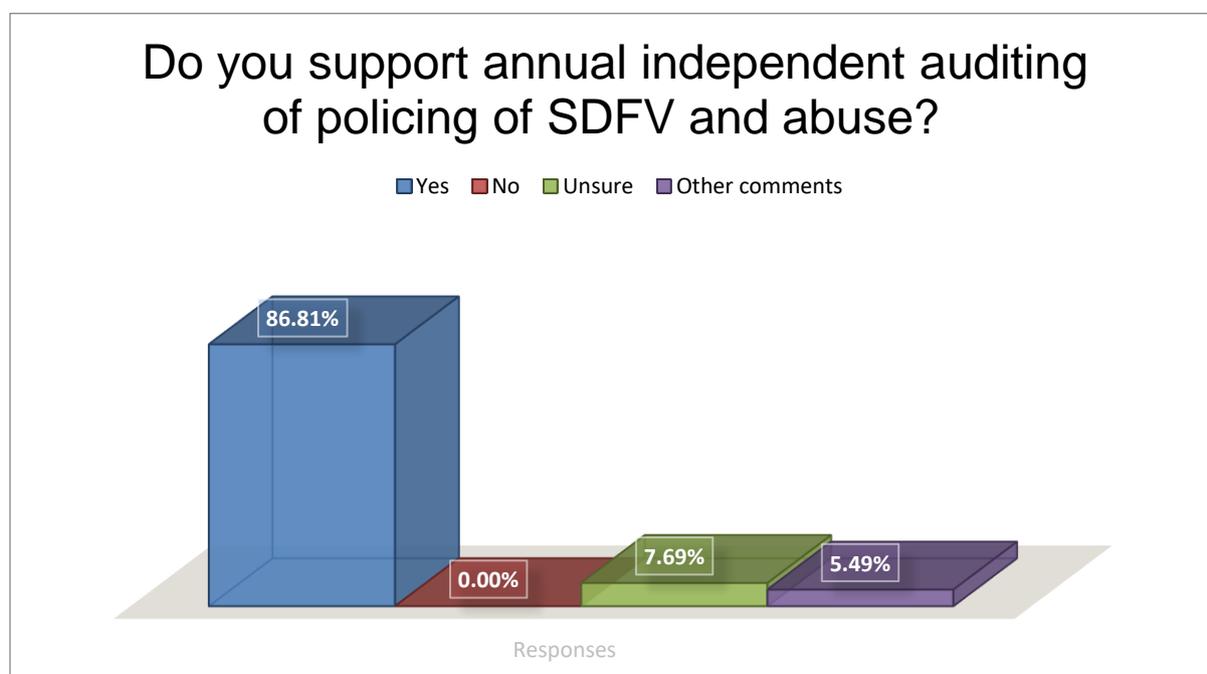
As such, **DVNSW supports the recommendation of the coroner:**

That the NSW Police Force give consideration to implementing an annual, comprehensive audit process of officer compliance with the DVSOPs and SASOPs, which includes the results of ‘dip sampling’ conducted by Domestic Violence Officers in each Police Area Command.

¹ It is important to note that the coroner found errors and failures at numerous junctures along the firearms licencing process, and as such did not lay full responsibility on police. However, these other errors may not have been made had Olga’s reports been properly recorded.

The deidentified results of the audit should be published and include information as to any material variations or trends between Police Area Commands, and measures that will be taken to resolve any concerns. While DVNSW supports the concept on an annual audit, we also recognise that to complete this process annually would be a significant, and potential insurmountable, demand on resources. As such, we instead suggest that it be a regular audit, approximately every 2-3 years. **DVNSW recommend this audit process is undertaken by an independent body to increase transparency.**

When asked whether DVNSW members supported an annual independent audit of policing of DFV, overwhelmingly 86.81% responded 'yes', with the remaining 7.69% and 5.49% responding 'unsure' or 'other comments' respectively. No members answered 'no'.



Where police employees are accused of perpetrating abuse

Further concerns around transparency and accountability have gained renewed traction regarding circumstances where police employees are accused of perpetrating abuse. There have been significant concerns raised on two fronts: first, the perception that stems from police investigating their colleagues, and second, the statistical underrepresentation of police officers as perpetrators. DVNSW members demonstrate that this is a persistent issue in practice.

In the year ending June 2020, Gleeson (2021) found there were approximately 38 DFV offenders per 10,000 people in NSW. However, out of over 17,000 sworn police officers in the NSW Police Force,

only 16 officers were charged in the same time period, or approximately 9 per 10,000. This is despite research finding that police are at least as likely (Larsen and Guggisberg, 2009), if not more likely (Hope and Roslin, 2015; Gleeson 2020) to be perpetrators of DFV. There have been no published Australian studies examining how many police officers commit DFV offences, however American research suggests police perpetration of DFV occurs at rates of two to four times the national average (Gleeson, 2021).

The issue of perpetrators of abuse employed by police was noted as absent from the 2016 Royal Commission into Family Violence in Victoria, however, was noted as “deserving of special attention” (Neave, Faulkner and Nicholson, 2016, p. 42), despite being understood to be outside the scope of the review by the Victorian Equal Opportunity and Human Rights Commission (2019). In order to address this gap, the Victorian Police Force announced in May 2021 that they are formulating a new specialist unit to investigate family violence perpetrated by police officers. The Chief Commissioner stated, “It’s about practicing what we preach, it’s about setting the standards and applying those standards that we do in the community” (Paynter 2021, p. 1). **DVNSW would like to see a similarly pro-active approach to investigating family violence perpetrated by police officers in NSW.**

In a recent 2021 meeting with DVNSW, the NSW Police Force Domestic Violence Team committed to overseeing the Standard Operating Procedures (SOPs) that cover complaints of domestic, sexual and family violence against police officers. The NSW Police committed to investigations no longer being conducted within the same Police Area Command, and to investigating policies for significant oversight for all such matters. This is incredibly important, as victim-survivors already face additional barriers when reporting to police, as pointed out by Law Reform and Policy Coordinator at Women’s Legal Service NSW, Liz Snell (cited in Gleeson 2021). Victim-survivors have often been repeatedly told by the perpetrator that they won’t be believed, are fearful of the perpetrator having easy access to a firearm and are fearful that the perpetrator knows the loopholes in the system all too well (Gleeson 2021).

There were significant issues raised on the issue of police as perpetrators in the DVNSW member survey:

**Victim was spoken to at front counter at station where Police Person of Interest worked.
Was asked if they really wanted to make a report.**

DVNSW Member

The perpetrator is able to minimise and nullify the victim's concerns [describing them as] "one of those" like a hidden code between Police members.

DVNSW Member

In the few instances I've encountered, police take care of one another, response is extremely slow and ineffective.

DVNSW Member

Other police engaged in victim blaming and made inappropriate comments about the case in the safe room in front of Women's Domestic Violence Court Advocacy Service workers. The matters took a very long time to move through the local court and then was transferred to [location] court. Our client felt extremely scared during the whole process. We had another client who refused to make a statement due to her fear of the police and the ramifications that her speaking out may have.

DVNSW Member

Other members reported mixed experiences, or experiences where victim-survivors were too fearful to even begin this process:

Yes, police from the same command as the perpetrator has investigated and no action taken against the perpetrator. But I've also had another incident where an ex-police officer has been investigated and had action taken against him.

DVNSW Member

I have had many clients whose perpetrators are police correctional officers or legal representatives. In my experience there has always been an elevated risk. Clients have almost always identified that their Person Of Interest had threatened them with his police powers and used this role as a way to further control.

DVNSW Member

I had a client relocate to our area from a rural part of NSW as her perpetrator was a senior police officer and other police in the area were not responding to the safety needs of the client at all. Our local Police, and particularly the DVLOs, allowed her to provide a

statement and applied for an AVO which protected her from the perpetrators continuing harassment.

DVNSW Member

General duties officers have poor response but good response if matter taken straight to Inspector.

DVNSW Member

It is very difficult to get charges against police as perpetrators and victims are at high risk.

DVNSW Member

Other members detailed more positive responses by police:

I've had only good experiences with this.

DVNSW Member

On one occasion and it was managed very well and investigated to a high standard.

DVNSW Member

Very professionally and dealt with by higher up Police.

DVNSW Member

Members clearly indicate that frontline officers pose the most challenges to victim-survivors reporting an alleged perpetrator who is a police officer. It is primarily at this stage that already hesitant victim-survivors are able to be dissuaded or persuaded. Once the matter reaches a duty officer, it is largely dealt with appropriately. As a result, we look forward to the proposed changes to the Domestic Violence Standard Operating Procedures (DVSOPs), as well as the ongoing training and work required to encourage victim-survivors to come forward. For example, it may be appropriate and safer for local police and support services to work together to bypass frontline police with these complaints, approaching duty officers directly.

Recommendations

1. That the NSW Police Force implement a regular and comprehensive audit process of officer compliance with the Domestic Violence Standard Operating Procedures (DVSOPs), which

includes the results of 'dip sampling' conducted by an independent body. Until an existing independent body is established, the current dip sampling performed by the NSW Police Force should be published.

2. Publish the Domestic Violence Standard Operating Procedures (DVSOPs) and the Sexual Violence Standard Operating Procedures (SVSOPs).
3. Review and improve the complaints response mechanism, including increasing the capacity and scope of the Law Enforcement Conduct Commission (LECC), to reduce instances of police investigating police.

Cultural change informed by training

Domestic and family violence consumes a large proportion of general duty police officers' time and requires specific, ongoing, detailed education from the commencement of employment, continuing throughout the career of each officer. DVNSW are concerned that inconsistent responses by police to these crimes by individuals may stem from workforce culture which minimises the importance of domestic, sexual and family violence. In jurisdictions internationally, this work is called homicide prevention work, which more concisely speaks to the importance of high quality responses.

It is the opinion of DVNSW members that, systemically, these needs are not being met and that police do not have sufficient resources to meet the level of demand:

Mostly police are understaffed and do not have the staff available to respond appropriately

DVNSW Member

DVNSW are concerned that there is a lack of consistency across NSW, when victim-survivors have a right to a high quality of response regardless of whether they reach out for help in a city or metro area, with a General Duties officer or Commander. The inconsistent approach to police responses was pointed out frequently by DVNSW member survey respondents, with many members expressing that the police responses often depend on the attitude of the individual officer who responds:

Current police responses are really inconsistent. I do believe that police are under-resourced.

DVNSW Member

Again, depends on the Officer in Charge (OIC).

DVNSW Member

We do have a fabulous DVLO but the rest is hit and miss

DVNSW Member

Some members expressed how detrimentally negative interactions with police impact their clients:

Being a Case Worker in DFV the clients I work with repeatedly tell me that the assistance given to them from the police is poor, and the judgment and negative reaction that male police officers in particular have given to my clients in a regional area has been disgraceful, there has been no support for the victim.

DVNSW Member

The absence of specific, ongoing, high-level training has resulted in deeply entrenched problematic cultures and attitudes:

You have some great police but sadly not enough to change the police culture around domestic violence and sexual assault- it is the victim's fault. We still blame the victim and make them accountable not the person that has committed the offence. Policing has a very patriarchal structure and this culture permeates throughout the force.

DVNSW Member

[Location] areas- Police attitude towards DFV is terrible, response time is shocking, we are lucky more women and children have not been murdered

DVNSW Member

Police have an opportunity to pro-actively approach educating and addressing concerning attitudes regarding gendered violence in the workforce.

Police training in domestic, and family violence

A key and ongoing recommendation is **increased, improved, mandatory and ongoing police training on domestic and family violence**. This call for training was echoed almost unanimously in recent discussions around the criminalisation of coercive control (Barlow et al. 2020; Barwick, McCorrey & McMahone, 2020; Nancarrow et al., 2020; Snell, 2020), and was reinforced in recommendation 19 of the NSW Government's Joint Select Committee's report on Coercive Control in Relationship's (New South Wales Parliament, 2021) and again by CI McDermott in the Coronial Inquest into the deaths of John, Jack, and Jennifer Edwards (Coroners Court of New South Wales, 2020). CI McDermott emphasised that,

It is necessary that individual police officers are properly trained, and their workload is not excessive, and that appropriate policies and resources are in place. The issues arising in this

matter also highlight the importance of not placing junior officers with limited experience in a position where they make significant investigative decisions without appropriate input and oversight from their superior officers.

Nancarrow et al. (2020) interviewed 39 police officers, including general duties officers, domestic violence specialist police, and police prosecutors. In the focus groups Nancarrow et al. found that general duties officers felt they required significantly more training, not just on their response, but also the dynamics of DFV, citing the example of 20- or 21-year-old police who “never came from that background” not knowing how to handle DFV incidents (2020, p. 79). Another officer in Nancarrow et al.’s (2020) research stated that, even though he has created training packages for his more junior officers, he is unable to schedule the individual officers through to complete the training on a regular basis,

...in reality, it probably happens every couple of years, maybe I get the teams through for a couple of hours’ session. But pretty much everything we learn is just by osmosis or trial and error.

Police officers identify and respond appropriately to the complex and insidious nature of DFV without thorough, ongoing, evidence-based training. This was demonstrated in the Coronial Inquest into the deaths of John, Jack, and Jennifer Edwards (Coroners Court of New South Wales, 2020, p. 50), where the coroner found:

329. SC Cooper gave evidence that she was aware that the mere existence of family law proceedings was not an excuse not to respond appropriately to an allegation of family violence. Nevertheless, SC Cooper conceded that was the only reason why she included the final paragraph in the narrative field, in the absence of any other information to support this assessment.

As detailed by the Coroner, the lack of training SC Cooper received regarding DFV and Family Court resulted in an erroneous focus on the Family Court proceedings. This is despite warnings in the DVSOPs that research does not support the myth that women report false allegations of violence to obtain an Apprehended Violence Order (AVO) with the intention of using it to gain a tactical advantage in the Family Court. Unfortunately, it is evident from the Coronial Inquest into the deaths

of John, Jack, and Jennifer Edwards (Coroners Court of New South Wales, 2020, p. 69) that the belief to the contrary is strongly imbedded in policing culture:

331. ...Given that both SC Cooper and Sgt Jackson were aware of the substance of the 2012 DVSOPs on this point, and yet still allowed themselves to be influenced by the existence of family law proceedings, I find that the evidence indicates that there is still not complete alignment between the principles set out in the DVSOPs on this point, and the decisions being taken by frontline police officers dealing with allegations of domestic violence by victims involved in family law proceedings.

With the above tragedies in mind, it is important that police receive significant, mandatory, regular, trauma and gendered-violence-informed training, delivered by sexual assault and DFV experts. This is supported by the majority of the DVNSW membership who responded to the DVNSW survey, with 68.35% disagreeing or strongly disagreeing that both specialist and frontline police provide a trauma-informed service. One member elaborated on these concerns:

There appears to be a disparity when it comes to Trauma informed practice by Police, I have seen Police have no understanding of trauma responses by victims at times Police attend the home after a call out. I had a client inform me that she was so traumatized by the assault, but ended up being humiliated by Police when one stated to her "what wrong with you why can't you remember it just happened" plus she had 5 Police (male) in her home and children very upset. There appeared to be no understanding of the trauma that had just happened for this victim.

DVNSW Member

Further concerns from DVNSW members included:

Police need to be educated on how DFV presents and isn't just physical. Police also need to be educated on the mental, emotional, and cohesive control aspect of domestic violence. Police also need to understand why some women don't report incidents immediately after its happened.

DVNSW Member

I think they try but the competing pressures (lack of resources) and lack of training and guidance to adhere to code of practice impacts the provision of service.

DVNSW Member

Concerns about a lack of training are not solely focused on the frontline, however, with the Coronial Inquest into the deaths of John, Jack, and Jennifer Edwards also examining the training of shift supervisors. The inquest found that that shift supervisors were unaware of related policy, despite the Police Commissioner denying there was any evidence that that shift supervisors required training (Coroners Court of New South Wales, 2020).

According to NSW Police Force policy, shift supervisors are higher-ranked officers who are required to verify all police events from the shift, including DFV-related events. This verification process is designed to be a check point, to ensure that any mistakes made by frontline officers are identified and rectified imminently. To assist supervisors in verifying whether all aspects of a DFV event are correctly recorded, the NSW Police DFV Team produced and disseminated a “Supervisor Checklist for Domestic & Family Violence Related Incidents” (DV Checklist) in November 2017. However, Sgt Jackson, who verified one of the events that was the subject of the Coronial Inquest into the deaths of John, Jack, and Jennifer Edwards (Coroners Court of New South Wales, 2020), was provided with a copy of the DV Checklist when appearing before Coroner’s Court. Sgt Jackson stated he had never seen nor heard of the checklist before but agreed that it would have been useful in assisting in identifying errors in the verification process.

When questioned about the possibility of additional training being provided to shift supervisors to assist in verifying domestic violence-specific events in order to avoid similar errors, the Police Commissioner responded that this was unnecessary, because shift supervisors didn’t receive any additional training at all:

354. Relatedly, counsel assisting proposed a recommendation that the NSWPF implement regular mandatory training for shift supervisors in relation to the appraisal and verification process for domestic violence incidents in COPS. The Commissioner submits that this is unnecessary because there is “currently no separate training for shift supervisors regarding verification of incidents”. The Commissioner also submits that there is no evidence to suggest that supervising officers do not understand how the appraisal and verification process works on a daily basis (emphasis added).

It is concerning that the lack of any training at all was offered as a reason to not implement targeted training. Further, the fact that the coroner found failings in the shift supervisor verification of both police events in question is, contrary to the Commissioner's statement, demonstrating ample evidence that supervising officers do not understand how the appraisal and verification process works. Not only did Sgt Jackson admit in Coroner's Court that he was unaware of the DV checklist that was designed to assist him in performing his job, but the Commissioner also stated that there is no separate training for these processes. **DVNSW would question how frontline police are meant to know how to perform their duties without the required DFV training** and emphasise how incredibly important the DVNSW membership find this issue. Furthermore, in order to be effective, **DFV violence training must be regular, of high quality and evaluated and measured to ensure it is implemented well and is achieving its goals of improving performance and creating cultural change.**

Training needed to respond to sexual violence

Police responses were identified by DVNSW members to be of particular concern in incidents of sexual violence. Sexual violence is a pervasive and underreported form of violence, primarily occurring in a domestic context (Cox, 2015). In NSW, reporting rates of sexual violence have grown at significant rates, 21% over 24 months (BOCSAR, 2021) demonstrating an increasing demand on the attention of police officers.

1 in 6 women (17%, or 1.6 million) and 1 in 25 men (4.3%, or 385,000) have experienced sexual assault since the age of 15 (Australian Institute of Health and Welfare, AIHW, 2020a), but victims of intimate partner sexual violence are less likely to seek help than victims of any other form of domestic violence (Cox, 2015). This is often due to fear of not being believed, with Cox (2015) finding that a range of populations found the likelihood that victims were lying or there was a 'miscommunication' increased with greater familiarity between the victim and perpetrator. As such, women who reported sexual violence from an intimate partner were much more likely to be met with negative reactions from friends and family. This also extended to police, with a psychological test finding that Australian police officers were more likely to consider a victim to be credible if she alleged being sexually assaulted by an ex-boyfriend rather than a husband (Cox, 2015). As a result, women are likely to only report severe sexual intimate partner violence to police, with women who

were victims of sexual intimate partner violence half as likely to report to police than women who had experienced other forms of domestic violence without sexual violence (Cox, 2015).

DVNSW hold concerns that DVSOPS may not always be followed in regards to sexual violence, including not correctly administering the DVSAT. DVNSW members have raised specific concerns around the ways in which general duties officers and detectives approach victims of sexual violence:

In my experience, [sexual assault] was handled poorly. The police interviews lacked trauma-informed methods and were extremely triggering to clients. The police undertaking the interviews were always male and when using interpreters only male interpreters were used.

DVNSW Member

Victims are interrogated by detectives and often choose not to provide statements as they have no confidence in police.

DVNSW Member

I had a client that police did not believe because she had been drinking. They believed the perpetrator and this is a constant theme, that men's voices are heard and prioritised and perpetrators are able to align themselves with responding police who say they are 'neutral' but in fact are unaware of their unconscious gender bias. In this case the OIC would not work with DFV service and this delay in communication of essential information meant the client was too late to attend a forensic examination.

DVNSW Member

I often feel that police dismiss sexual violence particularly if both parties are in a relationship together, that police can be dismissive and flippant.

DVNSW Member

Needed to be a more timely approach to response and handled with more dignity and respect to the client.

DVNSW Member

Poor response-dismissive and discourage victims to give statements or proceed.

DVNSW Member

It is often the case that the DVSA question is not asked or not investigated when a victim does respond that SV has been used in the context of DFV. It seems that if there is action being taken in regards to an ADVO then that will address the safety needs instead of holding the perpetrator accountable for the SV crime.

DVNSW Member

Terrible. Marital rape is widely not accepted misunderstood no listened to or heard or often completely missed by police.

DVNSW Member

Police handling of sexual abuse is not good but in a DFV setting it is even worse and many times don't take it seriously or believe the woman. I have had extremely poor outcomes around sexual assault and the police and courts.

DVNSW Member

I think it would be beneficial for detectives to undertake further training in trauma-informed practice and responses to sexual violence within a DFV context.

DVNSW Member

The above feedback is concerning and demonstrates considerable need for change in providing evidence-based responses to allegations of sexual assault. It is essential that the NSW police are trained to be able to respond appropriately and that implementation of training is monitored to ensure a high quality of response.

A collaborative approach to policing

The strong collaborative approach with WDVCS and NSW police is the result of a major shift to the policing of DFV since 2016, with the introduction of Safer Pathway which promotes a more comprehensive, collaborative approach. Significantly, the reforms included information sharing legislation between organisations. Over time, police officers understand the Safer Pathway process more comprehensively and generally work well alongside WDVCS services in supporting victim-survivors. DVNSW has found that when DVLO's, general duties officers, duty solicitors, seconded

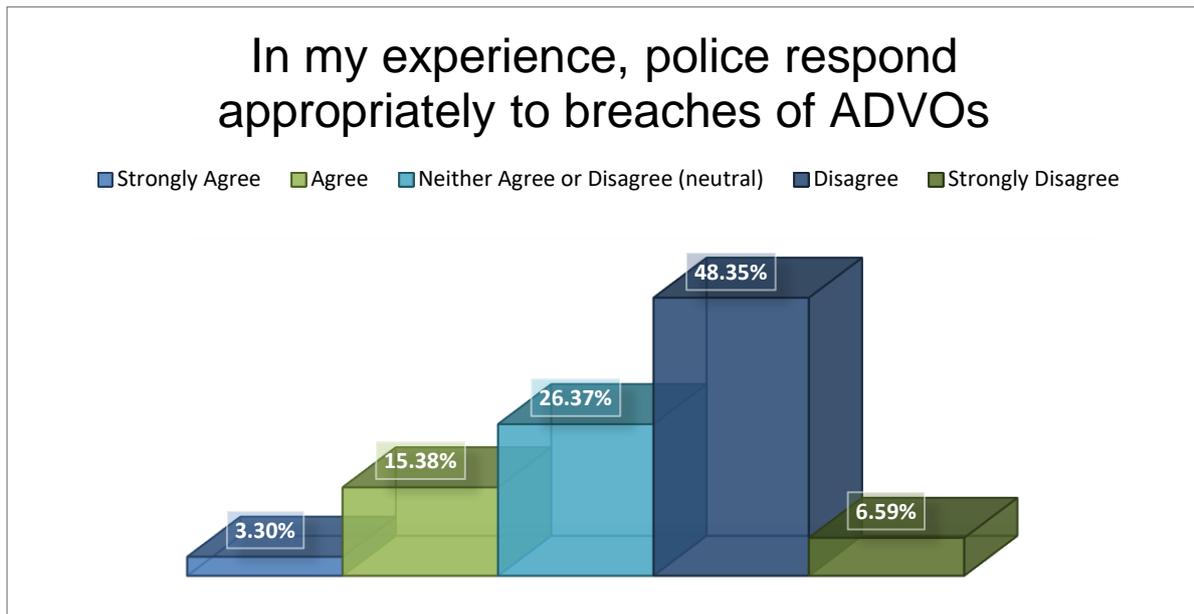
refuge workers and DFV specialist workers support each other's work, the outcomes for victim-survivors are life-changing. Working in collaboration, with respect and trust in each other's expertise has the potential to transform DFV work and create a safer community. Ideally these systems should work consistently across NSW, and **more could be done to evaluate and monitor the implementation of Safer Pathway.**

For WDV CAS services' intake and referral officers, having the police explain to victim-survivors that they will receive a call from a specialist DFV worker via the Central Referral Point (CRP) makes phone contact in the hours/day after an incident more effective. WDV CAS services are able to undertake safety planning, provide referrals, offer support during court proceedings, safe room facilities and information about court. Data entered to the COPS system is integral to WDV CAS workers to improve the service offered to women who are referred through the CRP. Unfortunately, there are frequently gaps in information such as cultural background, disability status or translation and interpreting needs. It is also very challenging for WDV CAS workers not having access to the narrative of an event. This leads to practice which is not evidence based- i.e. not minimising victim-survivor's need to repeat their stories to multiple agencies. **DVNSW recommends updating police systems to enable information sharing with WDV CASs.**

Safety Assessment Meetings (SAMs) are an important way to collaborate for the improvement of the safety of people experiencing violence. Generally, these have been positively viewed by DVNSW members, noting that a frequent, transparent process for demonstrating police action or lack thereof is key. Members have observed that there is a varied commitment to SAM meetings by NSW police depending on the DVLOs involved and the location of the SAM. SAMs rely on the ability of members to be forthcoming with information and to follow through actions that they say they will undertake. Another key component is the building of relationships which supports a collaborative approach to safety outside of the meetings.

Responding to breaches of ADVOs

The NSW Premier committed to a priority to reduce DFV reoffending by 25 percent by 2023 (Australian Government, 2021). As such, **strong response to breaches of ADVOs** is integral to assessing the success of this priority. When DVNSW member survey respondents were asked whether police respond appropriately to breaches of ADVOs, only 29.16% agreed or strongly agreed, with the majority disagreeing or strongly disagreeing (54.94%).



The expanded responses provided a range of concerns around training, resourcing, and the lack of continuity across both. These were primarily the reasons cited by DVNSW members as to why reports of AVO breaches were met with subpar responses:

Breaches are on many occasions not done because police cannot deal with women experiencing trauma and the behaviours associated and don't feel that they should if the woman is still with the partner.

DVNSW Member

Police have especially refused to review situations where POI has used other family member to harass client. Many times police have refused to recognise a breach even with clear evidence in place. Or the police will also say that the matter has not been reported fast enough if outside of the 2-week window [despite the statute of limitations being 12 months]. This is especially true with breaches that fall into technology abuse.

DVNSW Member

Breaches are common but not commonly followed up, as it is dependent on the officer you speak to if they see it as a breach, but the client is terrified of the perpetrator, but this is minimized by the Police.

DVNSW Member

I often have to follow up police over and over again and go directly to the DVLO before anything is done.

DVNSW Member

Always there's other urgent matters they need to deal with first

DVNSW Member

Nancarrow et al. (2020) likewise examined how lack of resourcing, stress, and the high volume of incidents general duties officers have to attend in a shift contribute to the number of organisational barriers to investigating incidents thoroughly. Dowling and Morgan (2018) similarly criticise multi-agency calls for an increase in police effort as ignoring the time and bureaucratic constraints that officers operate within.

The consequences that stem from this lack of resourcing are well documented. For example, despite it being DVSOPs to speak with DFV victims away from the counter, this is often not adhered to, because of resourcing issues (New South Wales Domestic Violence Death Review Team, 2020). This was also identified by the DVNSW member survey respondents:

On entry to the police station, clients are routinely asked to disclose sensitive information about incidents in the general waiting area with no respect for their privacy. Police also frequently mis-identified victim-survivors as perpetrators due to trauma-related behaviours

DVNSW Member

Victims are expected to shout tell their stories through a Perspex screen at the counter with many other people in the reception area.

DVNSW Member

Other systemic issues were also raised by DVNSW members, such as a lack of follow up in border areas. Despite ADVOs being nationally recognised so breach charge proceedings can be commenced by any jurisdiction, services often express how poorly police forces from different states communicate and the complete lack of communication between computerised police systems. This means that cross-border breach charges are slow, if pressed at all, and communication to services and victim-survivors is poor.

Often women have to have STRONG evidence of breaches and if perp returns over the border due to slow response times, police advise there is nothing that can be done.

DVNSW Member

Given being charged with a breach of an ADVO is the only legal power an ADVO holds, it is of high concern that the response to allegations of these breaches is so routinely subpar. It is for this reason that **DVNSW emphasises the importance of responding to reports of ADVO breaches, recommending improved NSW Police Force capacity to respond to breaches of ADVOs through increased training and resourcing, with progress in this area tracked and monitored.**

Recommendations

4. Fund mandatory, regular, in-depth, trauma informed domestic, sexual, and family violence (DSFV) training delivered by sexual assault and domestic abuse experts, including,
 - a. training on the dynamics and mechanisms of domestic and family violence, including the gendered, powered, patterned and relational contexts in which family violence occurs;
 - b. training on improving practice where there is a federal/state intersection;
 - c. training on the gender and power dynamics of sexual violence, including the policing of consent;
 - d. training to better identify persons who have used family violence and persons who need to be protected from family violence, and to distinguish one from the other;
 - e. training explicitly focused on coercive controlling behaviours, violent resistance to ongoing abuse, and identifying these patterns, particularly within the context of non-physical forms of abuse;
 - f. ensure that NSW Police Force personnel who routinely support victim-survivors and respond to domestic and family violence situations are properly supported to reduce the risk of vicarious trauma, compassion fatigue and burnout.

5. Improved NSW Police Force capacity to respond to breaches of Apprehended Domestic Violence Orders (ADVOs) through increased training and resourcing, with progress in this area tracked and monitored.

Misidentification of the primary perpetrator

The misidentification of the primary perpetrator has been identified across the sector as a significant problem (Barlow et al., 2020; Mansour, 2014; Nancarrow et al., 2020). Many first responders – such as the police – find it challenging to identify the primary aggressor. This may be as a direct consequence of lack of appropriate training, resourcing and policy. Concerns were raised extensively by DVNSW members in the survey on this issue:

On many occasions, women are reporting a domestic violence incident and when the police arrive, if she admits to having hit the other party as in self-defence and trying to get him out of her face... she will be charged and an ADVO be taken out against her... that is because she tells the truth...

DVNSW Member

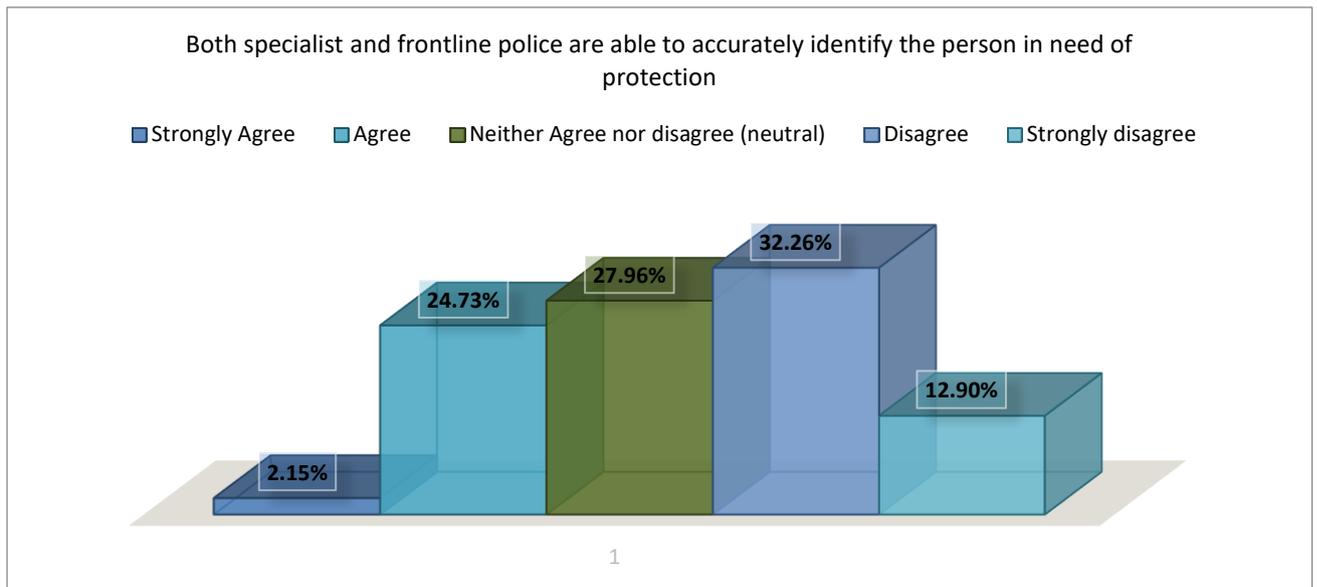
It is common for women to contact our service whose been identified as the POI despite the extensive history of domestic violence (reported or not to police), DVLO's are quick to assist.

DVNSW Member

There is still a lot of work needed in this space, women that are upset or that fight back are still being arrested and charged. Men are believed over women on many occasions and the primary aggressor is not looked at

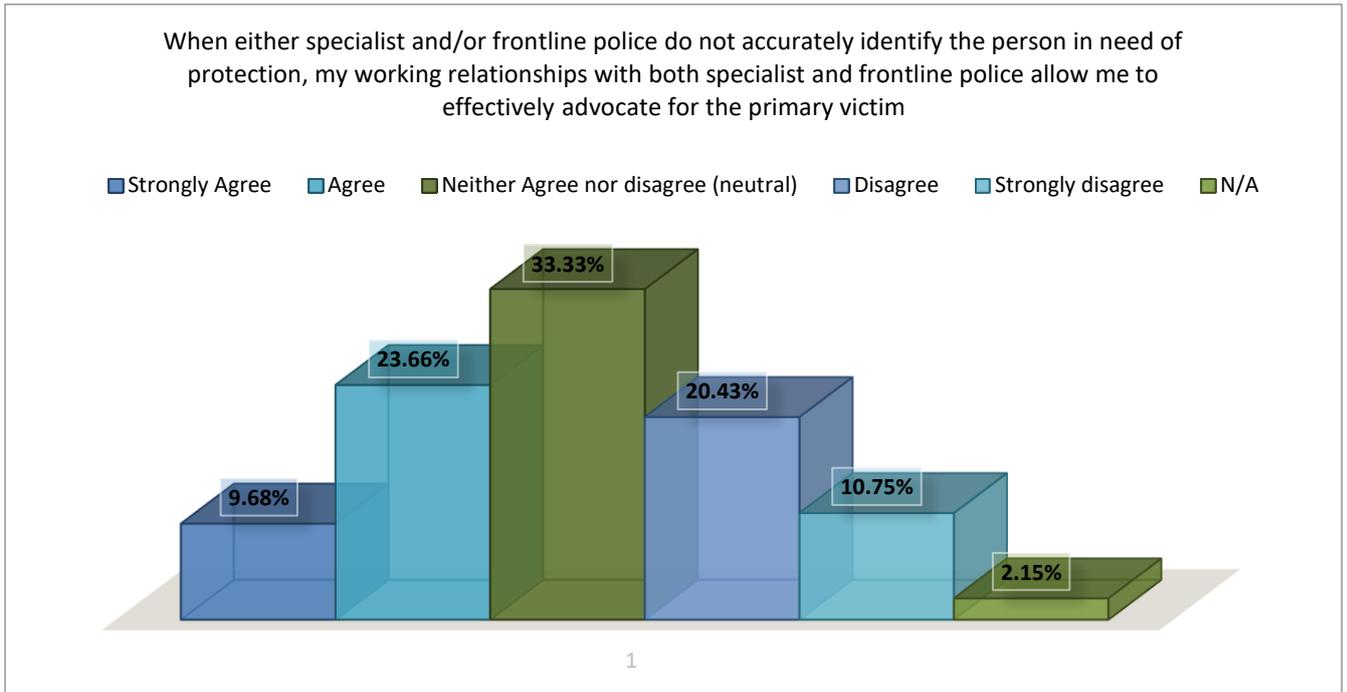
DVNSW Member

Almost half of DVNSW survey respondents (45.57%) disagreed or strongly disagreed that both specialist and frontline police are able to accurately identify the person in need of protection. 27.85% agreed or strongly disagreed and 26.58% were neutral.

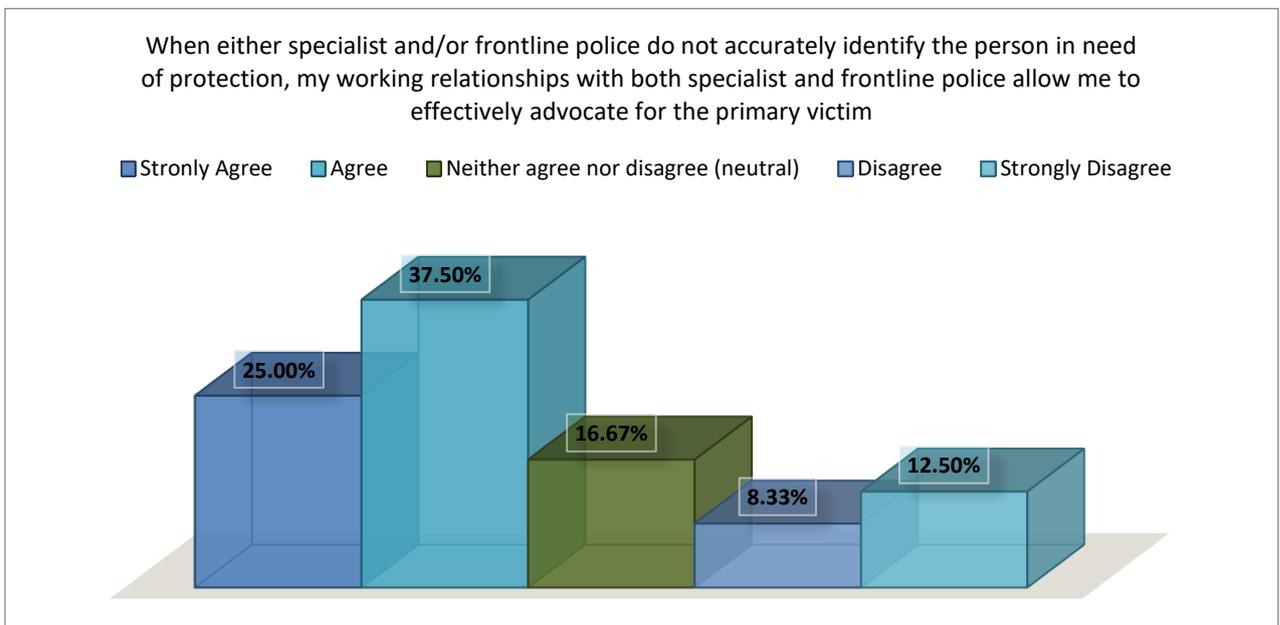


It is important to note that the NSW Police Force does not have any statistical data related to the misidentification of primary aggressors (Joint Select Committee on Coercive Control hearing, 2021). Due to the nature of their work the Women’s Domestic Violence Court Advocacy Services (WDVCASs) play a significant role in working with female defendants who they believe are the primary victims in the relationship rather than the primary perpetrators. Their ongoing professional relationships with local members of the NSW Police Force, and their regular attendance at court houses across NSW place the WDVCAS services in the best position to be able to advocate for women who they believe have been misidentified.

Answers to the DVNSW member survey question “When either specialist and/or frontline police do not accurately identify the person in need of protection, my working relationships with both specialist and frontline police allow me to effectively advocate for the primary victim” demonstrated how imperative it is that DVLOs have the capacity to establish and maintain professional relationships with all DFV specialist services in their area to ensure errors in misidentification can be rectified.



36.71% of DVNSW member survey respondents agreed or strongly agree, with 31.65% remaining neutral and 30.38 disagreeing or strongly disagreeing. When filtering for WDVCSs only, this changed to a majority of positive responses, with 65.22% agreeing or strongly agreeing that these working relationships allowed them to effectively advocate for the primary victim.



It is important to note, as stated by Dowling and Morgan (2018, p. 9),

Research highlights the limits of recommendations that police should simply “do more” in their investigations of domestic violence to achieve positive criminal justice outcomes... We need to ensure that the systems are in place, rather than just saying they need to ‘do better’.

DVNSW seeks to examine the ways in which policies, training, and systems are hindering police from being able to identify the primary perpetrator of violence accurately. As previously mentioned, issues surrounding police training, time, and resources were of significant focus throughout Nancarrow et al.'s (2020) research. Extensive and onerous paperwork, inexperienced officers, and unhelpful policies, procedures, and systems of review add to the already mentioned heavy constraints on NSW police general duties officers. To then expect that general duties officers are able to identify the primary perpetrator in the relationship, as well as identify the complexities of coercive control, all while receiving no extra resources, does not seem reasonable. In fact, a lack of any extra resourcing and training has been pointed out by Barlow et al. (2020) as a significant contributing factor to the slow uptake of coercive control offences in England and Wales, with similar results found by Barwick, McGorry and McMahon (2020) in the Tasmanian uptake of new offences.

However, as Nancarrow et al. (2020) points out, even with additional training, general duties officers may not be best placed to perform this highly specialised work, and instead offers the co-responder model, where DFV specialists accompany police to investigations or scenes to support police assessments. This was widely supported by participants in Nancarrow et al.'s (2020) research, allowing them to focus on securing the safety of the scene, and allowing experts in the field to make more informed safety assessments. The model has also garnered support from the NSW Domestic Violence Death Review Committee (2020), who recommended the co-location of specialist DFV services at police stations. This is the logical first step in the process of moving to co-response, which Police Ambulance and Clinical Early Response has proven to be incredibly successful. Concerningly, this pilot remains entirely unfunded.

The current *Code of Practice for the New South Wales Police Force Response to Domestic and Family Violence* (2021, p. 44) actively discourages police from arresting and charging both parties, stating police must attempt to determine the primary victim:

NSWPF discourages police from arresting and charging both parties arising out of a domestic or personal violence incident with limited exception (e.g. outstanding warrants (or if a victim maliciously damages an offender's property after being assaulted)). To determine who the

primary victim is when attending the scene, police will consider whether there is any prior history of domestic violence or ADVOs, witness statements, the behaviour of the people involved, and whether there are any injuries, etc. If an officer is having difficulty determining the primary victim at the scene they are to consult their Supervisor or the DVLO for advice.

Furthermore, when responding to a DFV incident, there may be very little information to assist police. There may not be a recorded history, and the victim-survivor may, as identified by a number of DVNSW members, be aggressive towards police, due to the trauma they're experiencing and potential mistrust of police. Without a recorded history, as Nancarrow et al.'s (2020, p. 72) participants express, frontline police "don't have the three hours to sit down with her and get a history". Here, we refer to the previous discussion regarding resourcing, again reiterating how imperative it is that frontline police are adequately resourced to respond to DFV incidents. That is, if the job requires three hours to obtain a history and correctly identify the primary perpetrator, then that is how long police should be resourced to attend. If specialist support is required, then a specialised team or partnership with a specialist service should attend.

Conversely, even when a recorded history is available, the current policing system, COPS, is long outdated at 24 years old, and does not allow for a quick and accurate examination of history. While this issue is well known and an attempt to update the system is underway (Hendry, 2020), it is one that continues to have ongoing effects. In the Edwards inquiry, it was commented that the current COPS coding, which has been in place since the early 1990's, also posed problems for information sharing with the NSW Firearms Registry. As such, **DVNSW continues to recommend the funding of the development of a new COPS system that makes DFV histories easily accessible to frontline police.**

DVNSW recommends that **the current *Code of Practice for the New South Wales Police Force Response to Domestic and Family Violence* is amended to clarify that the focus of identification of the primary perpetrator is not per incident, emphasising the examination of the history of DFV and the circumstances surrounding the incident.** Advances in both resourcing and technology will make this feasible.

While the current *Code of Practice for the New South Wales Police Force Response to Domestic and Family Violence* mentions identifying the primary victim, this is still in the context of that particular scene and stems from discouraging arresting *both* parties. However, it is common practice for police

to charge a victim-survivor, knowing the extensive history, because she was the one who initiated the physical confrontation that specific time, and thus is the primary aggressor in that incident. The continuation of assessment primarily being made from the incident continues to put victim-survivors at risk of being arrested, particularly in instances of violent resistance. It is important to note here the significant movement towards introducing coercive control legislation in NSW and nationally, and the outcome of Coercive Control in Domestic Relationships (Parliament of NSW, 2021) ultimately recommending the introduction of coercive control legislation. As such, there is a significant need for police to be better equipped to understand DFV in this context.

This would be aided by legislative concepts for the primary person in need of protection and primary perpetrator. As proposed by the Australian Law Reform Commission (ALRC) and the NSW Law Reform Commission (NSWLRC) (2010), the concept of the person most in need of protection was introduced into DFV legislation in Queensland and Western Australia (Nancarrow 2020). While research on the effects of these legislative changes is largely inconclusive, Nancarrow (2020) suggests that the concept itself can be useful in police training, codes of practice and guidelines, and to assist in distinguishing between parties.

Another suggestion put forward to assist with police misidentification of the primary perpetrator is that of risk assessment tools (Snell, 2020). As identified by Nancarrow et al. (2020, p.12),

While all jurisdictions have risk assessment tools, no jurisdiction currently has tools for police to assess patterns of coercive control that would detect which party is the perpetrator and which is acting in self-defence or violent resistance.

While the DVSAT is an excellent start to this process, it is currently undergoing review, and cannot lift the entire risk assessment load alone. Significant concerns have been raised with the DVSAT, including the lack of consideration of time passed since the violence occurred, and a lack of different weighting to questions of varying levels of severity (for example, a question about whether the other party is employed or not is given the same weighting as whether the other party has strangled the victim-survivor). Relevant training, resources, and support, along with professional judgment and experience are necessary to complete the DVSAT appropriately, which is a key reason why, when applying the DVSAT, the outcome of WDVCS workers' risk assessments are often entirely different than that of police. Alternatively, the Family Violence Multi-Agency Risk and Management Framework (MARAM) is a similar tool used in Victoria, but markedly more detailed and nuanced.

However, criticisms have been raised around the MARAM that it is *too* detailed and nuanced for a risk assessment tool and can be difficult to complete as a result.

DVNSW fully supports the current WDVACS co-location trial, which supports police response with a specialist, trauma-informed and gendered-violence informed approach. The trial was also referred to by the coroner in the Edwards Inquiry and used as a reason to not propose a recommendation regarding walk in reports being investigated by officers with only appropriate experience of DFV matters:

340. In this regard, I particularly note the information in relation to the pilot program commencing in 2021, wherein advocates from the Women's Domestic Violence Court Advocacy Service are co-located at four to six police stations in NSW to assist people in relation to reports of domestic and family violence. In light of the commencement of the pilot program and the other recommendations made to the NSWPF in relation to reports of domestic violence, I decline to make the proposed recommendation.

Currently, this pilot is unfunded, and therefore relies on WDVACS workers to establish this service that is clearly much anticipated, whilst completing their current work. Given this trial was mentioned by the coroner twice, once in the Coronial Inquest into the deaths of John, Jack, and Jennifer Edwards (Coroners Court of New South Wales, 2020) and once in the New South Wales Domestic Violence Death Review Team (2020) report, and that co-location/response has been identified as the way forward in policing DFV (ALRC & NSWLRC 2010; Nancarrow et al. 2021), it is clearly being relied upon by many in the sector. **DVNSW recommend funding police/specialist DFV worker co-responder pilots in NSW.**

Recommendations

6. Implement an action plan to improve police identification of the primary aggressor, including:
 - a. Amend the Domestic and Family Violence Policy to clarify that the focus of identification of the primary perpetrator is not per incident, emphasising the examination of the history of domestic and family violence and the circumstances surrounding the incident;

- b. Ensure capacity for Domestic Violence Liaison Officers (DVLOs) to establish and maintain professional relationships with all domestic and family violence specialist services in their area to ensure errors in misidentification can be rectified;
- c. Introduce legislative concepts for the primary person in need of protection and primary perpetrator for effective evaluation;
- d. Fund the development of a new core operational policing system (COPS) system that makes domestic and family violence histories easily accessible to frontline police;
- e. Fund and evaluate co-location/responder models;
- f. Fund the Domestic Violence Safety Assessment Tool (DVSAT) review and investigation of the practical assessment tools used by the NSW Police so assessment tools are more useful and accurate.

Protection of children

DFV affects children's physical and mental wellbeing, development, and schooling (Campo, 2015). Children who are exposed to or experience DFV can have difficulty building and maintaining healthy relationships later in life and are also more susceptible to developing insecure attachment styles to primary caregivers, as children exposed to violence may not feel safe with the primary caregiver (Relationships Australia, 2015).

The protection of children is another key element missing from the *NSW Police Force Statement of Strategic Intent*, particularly in prevention and response. According to section 38 of the *Crimes (Domestic and Personal Violence) Act 2007*:

Apprehended violence orders made by court or authorised officer can also protect persons with whom person seeking protection has a domestic relationship

- The power of a court or an issuing officer under this Act to make an apprehended violence order for the protection of a person extends to authorise the making of such an order for the protection of a person with whom the person for whose protection the order was sought has a domestic relationship.
- If the court makes an apprehended domestic violence order, or the court or issuing officer makes an interim apprehended domestic violence order, for the protection of a person of or above 18 years of age, **the court or issuing officer must include as a protected person under the order any child with whom the person of or above 18 years of age has a domestic relationship.**
- A court or issuing officer is not required to comply with subsection (2) **if satisfied that there are good reasons for not doing so.** However, in that case the court or issuing officer is to give the reasons for not doing so.

Under this section, the children of a victim-survivor should be included as a protected person on the ADVO. This does not simply mean that the child is covered by the mandatory conditions as someone the victim-survivor has a domestic relationship with, but as someone who requires protection in their own right. This seems to be a common misunderstanding:

This is not used enough, especially when the victim has specific concerns about the child/ren's safety. This is explained away by some police as the children being covered by Condition 1 anyway.

DVNSW Member

Police continue to be reticent to include children on ADVO's even when children are present. Police continue to mis-understand how an ADVO works and say the children are "covered" under 1abc... whereas if there are additional orders for protection, if children are not named, they are not protected.

DVNSW Member

Despite section 38 mandating children being listed as protected people unless there is a good reason not to, the majority of DVNSW members did not find that this is occurring on a regular basis. Less than a third of DVNSW member survey respondents agreed or strongly agreed that children are included on ADVOs where appropriate to do so (28.26%). 21.74% of respondents remained neutral, while a significant 50% disagreed or strongly disagreed with the statement.

DVNSW members expressed significant concern that children were not being treated as at risk themselves, and that the perpetrator's right to see their children overrode the safety of the children:

Police need clarity prioritising risk to children rather than perpetrator's access to contact with children. Children need their own risk assessments.

DVNSW Member

This seems to depend on the officer's discretion at the time, loosely based on the rights of the parent as opposed to the safety of the child.

DVNSW Member

Despite repeated risk to children, police response often takes into consideration the POI's "rights" to their children

DVNSW Member

They are barely ever seen as victims.

DVNSW Member

Even when children are present in the home during DFV incidence it is rare police include them on the ADVO

DVNSW Member

Poor police practice in this regard may be based in the erroneous belief that a child is not a victim if they're not the subject of direct abuse which is not supported by any research, in fact quite the contrary, with the devastating impact that witnessing violence, or even living in a household where violence is occurring, has on children being thoroughly researched (Geffner, Jaffe and Sudermann, 2018; Hester, Pearson and Harwin 2007).

Other respondents expressed concern the safety risks caused by poor police practice regarding safety of children:

Police will only nominate order 6 on ADVO when biological children of defendant present during DFV incident. When asked why they won't put 2 they respond that child was not direct victim and is bio child of defendant and needs to be able to arrange contact... This is not protective while victims wait for court or when the perpetrator now uses child to continue to abuse... This is particularly important during separation as this increases risk time for homicide and abuse. Police attitude is that the victim has left and the abuse risk has gone down. Our understanding and the reality of DFV is in fact the opposite as we can see from the death rate of women killed by PREVIOUS and current partners [edited for length].

DVNSW Member

A reoccurring theme that arose in the survey data was the suggestion that children are frequently not listed because of a belief that it is a family law matter, despite the risk posed to the children:

Police tend to be a less inclined to include children on ADVOs where appropriate as they view it as a family law matter.

DVNSW Member

I have seen children left off ADVOs purely because Police don't want to complicate issues for family law and ignore the risk to children

DVNSW Member

Often children are not included and when women want them on, police advise this is a family law matter. This puts the children at risk of being taken and not returned, another threat and control tactic used by perpetrators

DVNSW Member

Police are very hesitant and unwilling to include children on ADVO due to family law and the rights of the parent to see the child even in severe cases of DFV.

DVNSW Member

It is very hard to get police to add children they feel the family court orders do that

DVNSW Member

The discourse of equal parental rights to children despite acts of abuse became popularised in the early 21st Century during the Howard era, with the empowerment of men's and father's rights groups (MRAs and FRAs respectively). Emerging in the 1960's, MRAs and FRAs rose further in prominence in Australia just prior to 2006, when the Howard government introduced sweeping reforms to the *Family Law Act (1975)*. Primarily, the Howard government brought the concept of 'equal shared responsibility' to the forefront of family law disputes, which has often since been misconstrued as equal shared care time (Neilsen, 2011). These reforms were based off the well-documented FRA tactics of 'the language of rights' and 'the conflation of children's and father's interests' (Kaye & Tolmie, 1998).

The legacy of these reforms, and the tactics utilised to achieve them, are evident today in police attitudes towards naming children as people in need of protection on ADVOs. The 'language of rights' is evident in the data; the right of the father to have access to his child overrides the child's right to safety. These arguments partially stem from suspicion that the victim-survivor is making up the allegations of family violence, which has long been a theme of family law discussions, and yet is not based in evidence (Kaye, Stubbs and Tolmie, 2003; Kaye & Wangmann, 2019).

The lethal danger of prioritising men's rights to their children over their children's safety is painfully evident in cases such as the murder of Jack and Jennifer Edwards by their father, John Edwards. Debbie Morton, the Independent Children's Lawyer for Jack and Jennifer Edwards, received heavy

criticism for prioritising John Edwards having time with his children weekly, despite it not being in the children's best interests (Coroners Court of New South Wales, 2020). Further, as detailed by CI Sean McDermott in the Coronial Inquest into the deaths of John, Jack, and Jennifer Edwards (Coroners Court of New South Wales, 2020), 80% of Family Court matters involve allegations of DFV. As such, the presence of Family Court proceedings should not suggest a lack of risk, but rather highlighting an increased risk for children and young people.

It is important to note that section 38 could pose further risks to victim-survivors if they are misidentified as the primary perpetrator. If section 38 is used as intended, then it further enables the abuser to weaponize systems to facilitate abuse. This is more evidence as to why identifying the primary perpetrator correctly is imperative, and where co-location/co-response could prevent significant hardship for victim-survivors.

The theme of police being reluctant to add children to ADVOs, or avoiding it, was incredibly common in responses to the DVNSW member survey:

The police appear to be actively avoid putting children on AVOS even when there is a safety risk

DVNSW Member

I think some Police are hesitant to add children to orders

DVNSW Member

Police are sometimes reluctant to include children

DVNSW Member

This is important to note, as it points to a systemic misunderstanding of section 38, and children on ADVOs in general as opposed to the misunderstanding of a few individual police officers. Also of concern is the lack of support and nuanced response where older children are involved. In older children and young people especially, impacts of DFV can manifest in self-blame, self-harm, suicidal ideation, substance abuse, risk-taking behaviour, criminal behaviour, poor social networks, disaffection with education, depression and eating disorders (Lloyd, 2018). These children need to be recognised as victims in their own right. Therefore, **DVNSW recommends the funding of mandatory training on including children who are in a domestic relationship with the PINOP as**

named people on ADVOs, and consideration of mandatory compliance checks where children are listed as protected people on ADVOs.

Recommendations

7. Fund mandatory training on including children who are in a domestic relationship with the Person in need of protection (PINOP) as named people on ADVOs, and consideration of mandatory compliance checks where children are listed as protected people on ADVOs.

Domestic Violence Liaison Officers

Many DVNSW members provided positive feedback about their local Domestic Violence Liaison Officers:

I do think we have great DVLOs here, we are very lucky to have them.

DVNSW Member

Again, I can't speak more highly of the DVLO's in our LAC.

DVNSW Member

A stark contrast was frequently identified between the experiences DVNSW members have with their local DVLOs, as opposed to the General Duties Officer at the same Police Area Command:

As above I can't speak more highly of the DVLO's on the [location] and [location] and that they will always be available to offer support and information. I've also had limited contact with the [location] DVLO's who's happily assisted and offered support. This isn't the same for general duties, I've experienced officers coming off as judgemental and dismissive. Clients have advised that this prevents them from making reports.

DVNSW Member

The DVOs are usually more understanding with clients when discussing DFV matters, however we have had multiple complaints about general duties officers in their responses to DFV incidents. Some clients have been mistakenly listed as the perpetrator. Also instances where women have been dismissed as having "mental health issues" or substance abuse problems

DVNSW Member

The DVO's understand the dynamics of DFV but not sure about all frontline police.

DVNSW Member

When asked if Officers in Charge (OIC) communicate effectively with victims, only 16.46% of DVNSW member survey respondents agreed or strongly agreed, 20.25% were neutral, and an overwhelming

62.02% disagreed or strongly disagreed. Often, respondents found that this heavily depended on the specific OIC or resourcing:

Many times, Police do not communicate what is happening in relation to the investigation, that the victim doesn't receive the copy of the ADVO without having to chase OIC to get copy, or to find out what has happened at court.

DVNSW Member

There has been poor communication that is irregular and lacks clarity. I have experienced officers in charge informing clients of information late on Friday afternoons, without awareness that the client will have no support of the weekend. I have also found that I have had to facilitate communication with the police and often follow up requesting more information.

DVNSW Member

It depends on the OIC and their availability.

DVNSW Member

OICs have very little communications with the victims. In my experience, there is contact on the day of the matter being reported and again at Hearings.

DVNSW Member

Tight work schedules often make it difficult for GDs to follow up relevant information for victims

DVNSW Member

Typically, not seen as an integral part of the [GDs] policing job. Interactions typically have been cold, hard, and clinical. Get in, get the facts, get out.

DVNSW Member

Some DVNSW members raised concerns over how lack of police communication affected clients:

I have had many, many clients who have no understanding of their AVOs no follow up by police no update not being informed about the outcome of court proceedings perpetrators being released from custody clients being unaware it's very common.

DVNSW Member

Only communicate if they are seeking further information from victim - not good at informing of follow up actions occurring or further potential risks i.e.: perp granted bail or parole.

DVNSW Member

It is important to note that the New South Wales Domestic Violence Death Review Team (2020) has raised OICs notifying victim-survivors about defendants' bail or early release as unrealistic due to systems and OIC schedules, suggesting that this responsibility needs to sit elsewhere. The absence of a replacement system has resulted in an increase in the danger and frequency of this issue throughout COVID-19, with perpetrators being released from prison in higher numbers, with no notification to victims. This is a matter that DVNSW has raised with the relevant government departments, joining agencies including DCJ Child Protection and Housing in approaching Corrections for a solution.

When asked if DVLOs communicate effectively with victims, only 16.45% of DVNSW member survey respondents disagreed or strongly disagreed, 18.99% were neutral, and the majority agreed or strongly agreed (62.03%). Despite this, concern was frequently raised about the resource shortage of the local DV teams, even when the officers individually were passionate and dedicated:

Our DVLO in [location] is brilliant but just hard to get a hold of due to his insane workload. We need 5 of him.

DVNSW Member

They do but it is very difficult to get access to them because they are busy and there is not enough of them.

DVNSW Member

DVLO is so busy it is difficult to get in contact with him.

DVNSW Member

The DVLO in [location] is tremendously overworked and often when we need assistance in matters, general duties officers direct us to speak to him, but he is impossible to reach/get email replies from.

DVNSW Member

There was a clear trend for most DVNSW members that their experience with DVLOs was more positive than their experiences with General Duties Officers. This indicates the benefit of the specialised work performed by DVLOs. It was identified by DVNSW members that the DVLO positions are often not afforded significant status within the police force, with recognition of their expertise or respect from the police force generally:

There seems to be no glamour/status/honouring in policing DFV for police.

DVNSW Member

DVOs should also be given higher authority to monitor DFV responses

DVNSW Member

Not all DVNSW member survey respondents had positive interactions with DVLOs. Some perceived DVLO work as 'lighter' work performed where police officers require a part-time position, not necessarily when they have passion or skill in responding to DFV:

Sometimes DVLO's are worse than general duties officers at communicating effectively and respectfully. Once their mind is made up that this person is not a "victim" there is no changing their minds and they can be blatantly rude and make assumptions such as "she's doing this for family law" or she's "cop shopping for an AVO".

DVNSW Member

Some do some don't. Many DVLOs I have worked with have had no additional FDV training.

DVNSW Member

Lynch and Laing (2013) found that DVLO positions were often part-time, had a high turnover, and were assigned to officers temporarily while on restricted duties (e.g., whilst pregnant). As a result,

Lynch and Laing (2013, p 9) found that the DVLO position “does not carry much status within the police force and that there is no real opportunity for career advancement whilst remaining in this position”.

Many DVNSW members detailed that they thought it was the ‘luck of the draw’ or ‘hit and miss’ as to whether they had an exceptional DVLO or a DVLO who they did not feel was suitable for the role. Two separate issues arose from member concerns: a lack of respect and status afforded to the DVLO position in the police force and DVLO positions assigned inappropriately. The consequences of this lack of recognition and respect were identified by DVNSW members as preventing DVLOs from being able to perform their roles to the best of their ability:

DVLO’s do communicate more effectively with victims but don’t always advocate effectively within the police force.

DVNSW Member

High police turnover is poor for victim’s outcomes as it reduces the quality of response. DVLOs may leave their position in order to advance their career, and they are then replaced with officers who are assigned the position out of convenience rather than passion or skill. One respondent specified their concerns regarding losing highly ranked officers:

Sadly, in our area is has got worse. Prior to [2016] we have high ranking police that championed DFV in their commands, trained and had expected behaviours and worked well with specialist services once those staff left or moved on the practice reverted and new people in command have not had the same focus or expectations of their staff or willingness to work with specialist services

DVNSW Member

Finally, an issue raised by DVNSW members is that of redeployment of DVLOs for emergency management, which is on top of General Duties Officers also providing a delayed response due to emergency management demands:

Some [DVLOSs] do more effectively than others - they too have added workloads as a result of COVID compliance

DVNSW Member

Many instances of Police responding many hours after the 000 call - COVID compliance duties are also taking police away from responding to DFV

DVNSW Member

This was a common theme raised throughout the COVID-19 pandemic. While many forms of crime dropped during this time; DFV was not one of them (BOCSAR, 2021). While police reports stayed stable or fell (BOCSAR, 2020), there is research that suggests that this trend has more to do with victim-survivors feeling as if they are trapped with their abuser, and as such unable to seek help. This is being referred to globally as the 'shadow pandemic' (Carrington et al., 2021; Jain, 2021; Pfizner et al., 2020). The DVNSW COVID impact report demonstrated that the demand for DFV services, and the complexity of cases, increased throughout the COVID period.

Similarly, Pfizner et al. (2020) found that 59% of practitioners surveyed reported an increase in the frequency and severity of family violence that they were assisting clients with, and 86% of practitioners reported an increase in the complexity of women's needs (see also AIC, 2020). As a result, DVNSW submits that the domestic violence team should be not experience redeployment of officers at times of emergency, such as the COVID-19 pandemic and resulting lockdowns, bushfires or other natural disasters, as DFV increases during these times.

DVNSW makes the following recommendations to ensure that the DVLO roles are assigned appropriately to officers who have the skill and interest to respond in an evidence-based manner to DFV, and are offered adequate training, resourcing and support. This will create a cultural shift in the NSW Police Force, attaching higher status and respect to the DVLO position.

Recommendations

8. Positively influence a cultural shift in the police force in the view of DVLOs.
 - a. Examine the concept of original authority and shifting a portion of this responsibility to DVLOs;
 - b. Examine a minimum period for DVLOs to spend in General Duties to ensure frontline experience, with transfer into the domestic violence team not be used as an excuse to 'get off the truck';
 - c. Additional training requirement for DVLOs on SDFV delivered by sexual assault and domestic abuse experts;

- d. Remove being a DVLO as a reason to deny promotion to a Leading Senior Constable (LSC), retaining experienced Senior Constables who do daily on-the-job training;
- e. Increase the number of DVLOs and ensure they are resourced and supported properly, especially in regional areas where police stations can be spread over a large Police Area Command / District area;
- f. Ensure DVLOs are not redeployed for emergency management;
- g. Consider creating new, additional roles within the NSW Police Force to respond to different aspects of domestic and family violence such as Domestic Violence Community Liaison Officers, Victim Support Officers and Perpetrator Coordination Officers to reduce the pressure on existing DVLOs.

Including domestic and family violence perpetrators in police responses

Absent from the *NSW Police Force Statement of Strategic Intent* is the issue of including DFV perpetrators in the police response. While the statement refers to DFV perpetrators in the context of disruption through proactive policing, it does not identify how police should be engaging DFV offenders after identifying that a criminal offence has been committed. As identified at length by the DFV sector (Gleeson 2018; Neave, Faulkner and Nicholson, 2016), if we are ever to shift away from women and LGBTIQ+ people being responsible for men's violence against them, then we must move towards men taking responsibility for their own violence and not just through force in the criminal justice system.

Currently, the effort to attain this responsibility lies within the Automatic Referral Pathway (ARP) program, which has been in place since January 2019. The program allows police to make referrals for men via the ARP when charged with a domestic or family violence criminal offence. In this process, the police officer will inform the offender that a referral will be made to the program. The officer then records whether the offender's response to this information was positive, neutral, or negative. Unfortunately, when police record a negative response to this information, the offender is not contacted. There is also no pathway into the program for people who identify as female or non-binary and who use violence.

If providing a positive or neutral response the offender is then contacted by the Men's Telephone Counselling and Referral Service (MTCRS), who offer telephone counselling, advice on court and ADVO processes, and can also be referred on to other programs and services, such as Men's Behaviour Change Programs and health programs. Much like the co-location program, this program is relied upon, and closely monitored by, the New South Wales Domestic Violence Death Review Team (2020).

Significant concerns have been raised by the men's behaviour change organisation No to Violence (NTV) about the low referral numbers of people who use violence across the state of NSW, particularly in comparison to Victoria where NTV offer a similar service. One concern is that of the officer needing to measure the enthusiasm of the respondent, and the MTCRS not being able to contact the respondent if their response is negative. This measure is not a requirement in other states.

While the local WDVCS will be notified through an automatic email if the defendant has consented to an ARP referral, this has been flagged by services as having limited use. The current automatic email does not detail whether the defendant has gone on to accept any support once that phone call is made, or whether they have disengaged entirely. As such, DVNSW members called for more communication between WDVCSs and the ARP:

Reviews and strategies are required to increase the number of actionable referrals via the automatic referral pathway; this review also needs to examine the feedback mechanism from the Men's Referral Service to WDVCS's.

DVNSW Member

Furthermore, these discussions are not fruitful if referrals are not made by NSW Police to begin with.

Recommendations

9. Review and improve training and use of the Automatic Referral Pathway (ARP) program,
 - a. Ensure the NSW Police Force leadership continue to endorse and proactively support the uptake and promotion of the ARP program throughout the workforce and regularly and meaningfully promote the ARP program to raise awareness within the NSW Police Force;
 - b. The NSW Police Force to review procedures in relation to when users of violence are informed of the ARP program, in consultation with the Department of Communities and Justice (DCJ), DVNSW and No To Violence (NTV), to improve the uptake of the ARP program;
 - c. Improve collaboration between the NSW Police Force and specialist domestic and family violence services, including local Men's Behaviour Change Programs and organisations not involved in Safer Pathway, to ensure accountability of users of violence and safety of victim-survivors.

“Protect, support and refer victims to appropriate services” and engage the community

It is an unfortunate reality that the most disadvantaged in our society are often those at most risk of being victimised by DFV offenders (Mitchell 2011). As a result, it is imperative that the NSW Police Force responds appropriately to the needs of vulnerable communities. A key need across all communities is ensuring a diverse workforce that represents a diverse society.

It is important that accurate statistics are collected on various population groups. It is rare for statistics on various population groups to be collected by OICs on each event. This means that the high rates of DFV in particular communities are not being accurately recorded and reported on. Accurate recording of population statistics would positively impact on policing, as it would demonstrate the need for training and specialisation.

It also has significant impact on the WDVCSs when contacting the client listed as a victim on the event immediately after the incident. While WDVCS workers make every effort to ascertain a client’s needs, their contact is solely over the phone, and clients may not feel comfortable or feel it is relevant to disclose which communities they may be a part of. As a result, victim-survivors may not be referred to the most appropriate services until they have been to inappropriate services and referred on. If this information were shared in the event by police, the client would be offered relevant services in the first instance, rather than wasting the time and resources of clients and response services.

Recommendations

10. NSW Police Force to continue to actively implement workforce diversity and development strategies to attract, develop and retain a workforce that represents the diverse community of NSW including women, and people from First Nations, migrant and refugee, LGBTIQ+ communities.

Meeting demand of Aboriginal and Torres Strait Islander communities

Domestic and family violence is a serious issue for Aboriginal and Torres Strait Islander peoples in Australia which must be addressed as a priority by the NSW Police Force. Considerable evidence verifies that Aboriginal and Torres Strait Islander women are far more likely to be victim-survivors of sexual, domestic and family violence than non-Aboriginal women (Australian Institute of Health and Welfare (AIHW), 2019; Holder, Putt and O’Leary, 2015; Olsen and Lovett, 2016). In 2016–17,

Indigenous women aged 15 and over were 34 times more likely to be hospitalised for family violence compared to non-Indigenous women (AIHW, 2019), demonstrating that severity of injury is much higher than for non-Aboriginal counterparts.

It is challenging to quantify the full extent to which Aboriginal women, girls and LGBTIQ+ people experience violence due to the barriers that lead to the underreporting of violence and lower rates of help-seeking in Aboriginal communities. Estimates suggest about 90% of gendered violence may go unreported (ANROWS, 2020). The rate of family violence within Aboriginal and Torres Strait Islander families must be understood in the context of the historical, political, social and cultural environments in which it occurs (AIHW, 2009; Holder, Putt and O’Leary, 2015). The high rates of DFV in Aboriginal and Torres Strait Islander communities must be seen in the context of colonisation, genocide, oppression, racism and marginalisation. Experiences of gendered violence in Aboriginal communities and access to justice responses must be understood within this historical context.

Policing of Aboriginal and Torres Strait Islander communities

The Australian Government Finance and Public Administration References Committee (2016) found that there are well documented reasons for the high imprisonment rates of Aboriginal and Torres Strait Islander people. Primarily socio-economic factors shaped by historical factors, and structural biases and discriminatory practices within the Criminal Justice System. While the NSW Police Force is not, and cannot be, responsible for the entirety of the Criminal Justice System, they are arguably the gatekeepers and have a responsibility to ensure access to the system is not inappropriately denied. This is in line with ALRC’s finding that Aboriginal and Torres Strait Islander people are seven times more likely to be charged with a criminal offence and appear before the courts than non-Indigenous people.

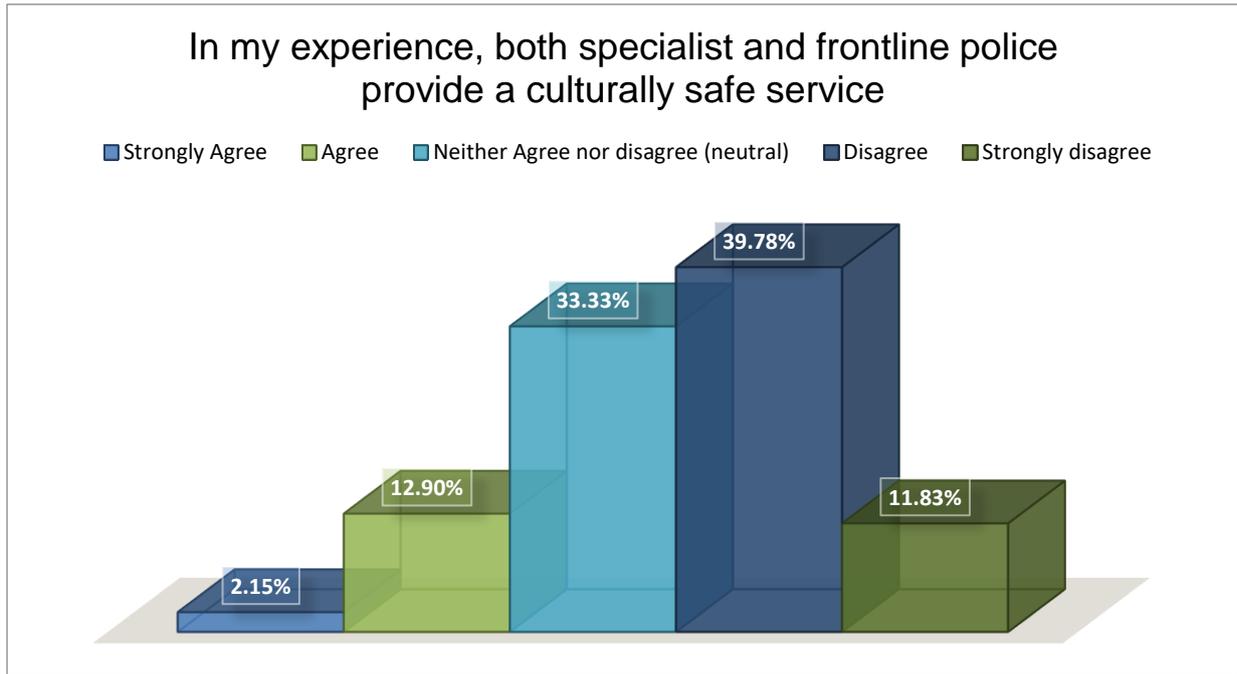
Once in the criminal justice system, the Finance and Public Administration References Committee (2016) explained that structural biases and systemic discrimination results in Aboriginal and Torres Strait Islander people being dealt with more harshly for the same offending. As pointed out by Chief Justice Martin (2016, cited in The Finance and Public Administration References Committee 2016) in his submission to the ALRC, in the Western Australia context, Aboriginal and Torres Strait Islander people are more likely to be questioned by police, arrested as opposed to be issued a summons, be remanded in custody, plead guilty, be found guilty if proceeding to trial, receive a custodial sentence, and be denied parole at the end of their sentence. Further, structures have disproportionate effects

on Aboriginal and Torres Strait Islander people, due to their social disadvantage. As pointed out by Redfern Legal Centre, (2016, cited in The Finance and Public Administration References Committee 2016), mandatory sentencing legislation for alcohol related violence in the Sydney CBD has a disproportionate effect on Aboriginal and Torres Strait Islander people due to the high rates of alcohol related violence within this community.

The Finance and Public Administration References Committee (2016, p. 60) notes that the four key risk factors for involvement in the Criminal Justice System of poor parenting, poor school performance/early school leaving, unemployment, and drug and alcohol abuse, affect Aboriginal and Torres Strait Islander people at a disproportionate rate, working together in a “vicious cycle”. As these factors significantly increase the risk of Indigenous Australians’ involvement in crime, it is imperative that NSW Police receive adequate training and support to understand these factors and the pervasive effects they have.

In consultation with the DVNSW Aboriginal and Torres Strait Islander Women’s Steering Committee, concern was raised regarding the conscious or unconscious bias against Aboriginal and Torres Strait Islander people. For example, if there is an inter-racial couple, the white person is viewed as the victim. This was expressed as significantly worse in rural areas, as well as the concerning long response times that have resulted in death.

The majority of DVNSW survey respondents (82.29%) did not express confidence that frontline and specialist police were adequately quipped to respond to DFV within Aboriginal and Torres Strait Islander communities. While 17.72% agreed or strongly agreed that both specialist and frontline workers provide a culturally safe space, 34.18% were neutral, and 48.1% disagreed or strongly disagreed.



Some DVNSW members provided further insights:

Police do not always take the cultural implications of a matter into account and respond with a general approach, for example, do not even ask if someone identifies as Aboriginal.

DVNSW Member

Still have police making racially inappropriate comments and making inappropriate assumptions - obvious difference in how Aboriginal and non-Aboriginal women are treated and follow up response.

DVNSW Member

Aboriginal clients and refugees are particularly vulnerable to poor police response and racial profiling

DVNSW Member

I have observed racist comments made by general duties police and DVLOs. Sometimes you get the feeling they don't believe a woman before she even starts to speak.

DVNSW Member

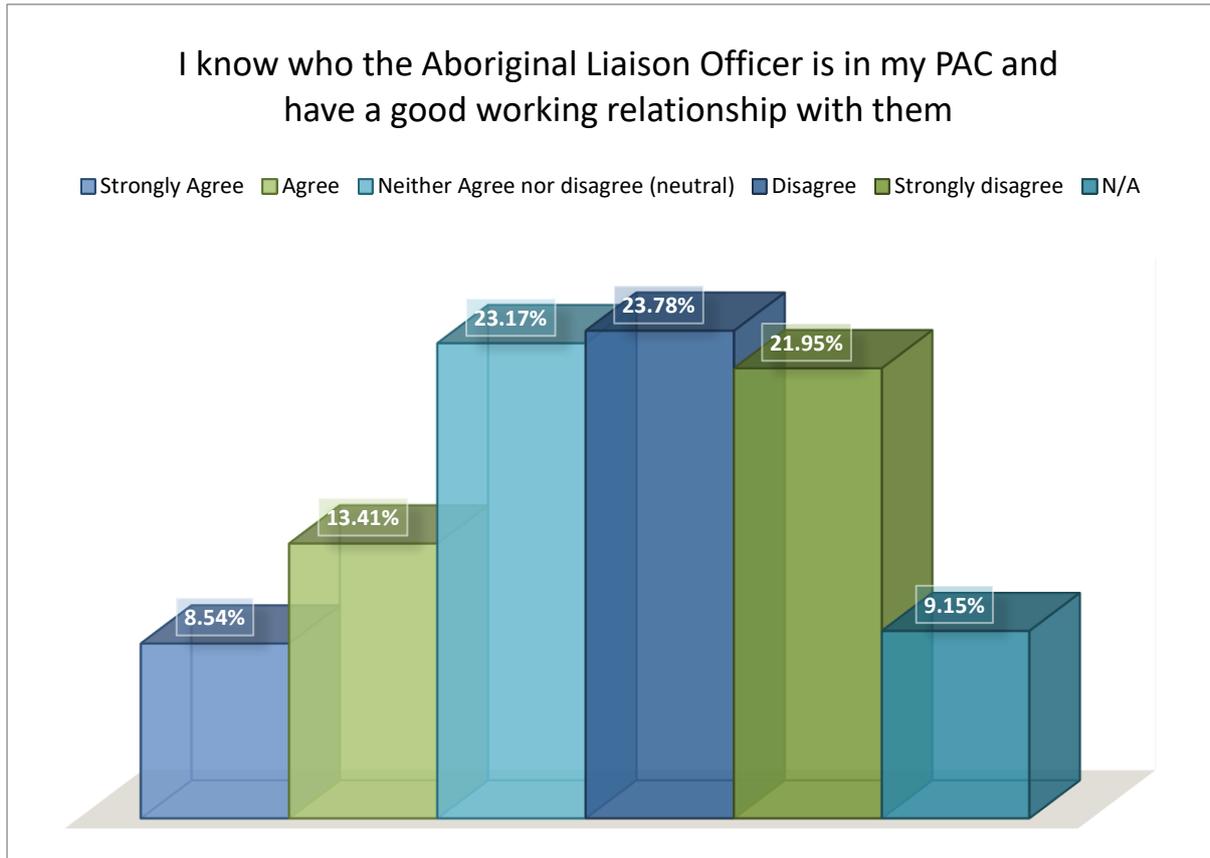
Some of my Indigenous clients have had a very poor response from attending officers who mis-interpreted a trauma response as aggression.

DVNSW Member

To adequately respond to DFV experienced by Aboriginal and Torres Strait Islander peoples, both frontline and specialist police need regular training to understand the ongoing impacts of colonial policies such as invasion, slavery, child removals, assimilation and forced integration of diverse communities of Aboriginal and Torres Strait Islander peoples, and how to work respectfully with Aboriginal and Torres Strait Islander families and communities.

In order to assist frontline police in providing culturally appropriate responses to Aboriginal and Torres Strait Islander communities, the NSW Police Force employs Aboriginal Community Liaison Officers (ACLOs), of which there are 55 across the state. The ACLO works closely with the community, acting as a conduit between community and police, fostering positive working relationships, and assisting in training and development of police programs.

Less than a quarter (21.95%) of DVNSW member survey respondents agreed or strongly agreed to the statement 'I know who the Aboriginal Liaison Officer is in my local PAC and have a good working relationship with them'. This was also expressed by the membership of the DVNSW Aboriginal and Torres Strait Islander Women's Steering Committee, who agreed that the ACLOs could be a good conduit between police and the community but need to be utilised better. As a result, it is imperative that ALCOs are mandatory for each PAC and afforded the capacity and resources to establish and maintain professional relationships with Aboriginal and Torres Strait Islander specialist services in their area to build greater trust and cooperation between the community and the police.



It is worth noting here the significant strides made in Bourke under the Maranguka Justice Reinvestment project (Just Reinvest). Just Reinvest approaches criminal justice from a community perspective, building stronger communities through the support of community-led initiatives and strategies, and focusing on the underlying causes of crime through primary prevention. Prior to the commencement of the project in 2013, Bourke was well known for its high levels of social disadvantage and rising crime, particularly in Aboriginal families, where child removal and incarceration were particularly high. Through Just Reinvest, Bourke has seen a significant reduction across all types of crime, including a 39% reduction in the number of DFV related assaults reported (JR Toolkit, 2019). This result demonstrates that the current criminal justice response can be locally tailored to achieve more effective results, if all stakeholders and community members, including NSW Police, work together for the betterment of the community.

Aboriginal and Torres Strait Islander people are over-represented in Suspect Targeting Management Plan (STMP) targets. In their comprehensive study of the STMP, Sentas and Pandolfini (2017) report that in 2015, 44% of STMP targets identified as Aboriginal peoples, and found that STMP disproportionality targets young Aboriginal and Torres Strait Islander young people. As a result, the authors suggest that the program may be damaging relationships between police, young people, and communities, with no observable impact on crime prevention or evaluation. DVNSW supports the

recommendations put forward by Sentas and Pandolfini (2017) regarding the need to review STMP targets to divert minor offenders and at-risk groups (e.g. young persons, Aboriginal people) to reduce reoffending and avoid unnecessary contact with the criminal justice system. This recommendation aligns with the Statement of Strategic Intent.

Recommendations

11. Greater utilisation of Aboriginal Community Liaison Officers (ACLOs),
 - a. ACLOs mandatory for each PAC
 - b. Ensure capacity for ACLOs to establish and maintain professional relationships with Aboriginal and Torres Strait Islander specialist services in their area to build greater trust and cooperation between the community and the police
12. Greater consultation with Aboriginal and Torres Strait Islander peoples for regular cultural awareness training for all police officers, including Aboriginal women's use of violent resistance.
13. Review use of the Suspect Target Management Programs (STMPs) for Aboriginal and Torres Strait Islander peoples and young people.

Meeting demand of Culturally and Linguistically Diverse communities

The significant additional barriers that victim-survivors of DFV in CALD communities face in reporting and escaping abusive homes are well documented. In their Inquiry into Family, Domestic and Sexual Violence, the Parliament of Australia (2021) quoted Settlement Services International in describing the additional factors that particularly affect migrants, including:

recent arrival, temporary visa status, entrenched patriarchal structures and attitudes, financial dependence on the perpetrator, lack of community support and fear of shaming the family and community.

Women and children in CALD communities can also face even further unique forms of violence, including dowry abuse, modern forms of slavery, forced marriage, immigration-facilitated abuse, technology-facilitated abuse, elder abuse, and violence by extended family members. While some of these forms of abuse are not only experienced by CALD women, their vulnerability, particularly surrounding visa status, further empowers their abuser, and is often the reason victim-survivors return to their abuser (Parliament of Australia, 2021).

In their submission to the Joint Select Committee on Coercive Control, Muslim Women Australia (2020, p. 4) highlighted how complex and intertwined cultural factors and additional forms of abuse can be:

The experiences of CALD and Muslim women are often compounded by factors such as a lack of familial and social support networks, communication and language difficulties, limited access to services, and consequences (or fear of consequences) for their migration status.

These factors, particularly when placed in the context of faith-based communities, are not well understood by police and government services alike:

There are several structural barriers for women from CALD and faith-based communities in seeking help from the police... including; distrust of law enforcement, language barriers and limited access to interpreters, a lack of access to services and limited understanding of DFV and/or the Australian legal system, service models that are either religiously, linguistically or culturally inappropriate, concerns regarding immigration status, fear of losing custody of their children if they report violence, lack of financial stability and independence, community stigma or fear of social isolation within their communities, and racism and discrimination when reporting.

(Muslim Women Australia 2020, p. 17)

The expectations and norms within these communities can look different, and police reportedly struggle to understand what victims are saying they want for themselves, as they do not understand the reasoning behind these decisions. This results in women from CALD communities often feeling unheard and forced into the State system at the detriment to their informal community systems (Muslim Women Australia, 2020).

Many CALD victim-survivors also come from countries where corruption is commonplace and have very little trust in police, and fear how involvement from police may affect their visa status (Maher & Segrave, 2018). This is expressed by a participant in Maher and Segrave's (2018, p. 512) study,

If we have someone who has spent ten years in a refugee camp and you tell the woman, you can go to woman's refuge, she may think she's going back to refugee camp...So just to ask

about that, it might make a bit more sense why they're hesitating to take further step or why they're afraid of the police in Australia.

Further, Goodman-Delahunty and Corbo Crehan (2016) found that disadvantaged or marginalized clients often did not make complaints against police, even when the allegations of police misconduct were severe. As a result, it is even more imperative that the NSW Police Force provide a safe space for CALD victim-survivors of DFV to attend and seek help. Unfortunately, this is not always the experience of CALD victim-survivors. Smee (2021) describes the story of a woman he has named Lillian, and the lack of cultural understanding and language assistance provided to her. Despite being 'soaked in blood' and having a cut on her hand so deep that she was dizzy from blood loss, Lillian was not interviewed by attending police. After clarifying that Lillian did not speak sufficient English and required an interpreter, no further questions were asked of her. Instead, her abusive husband was interviewed, and Lillian was charged as the offender. Despite being housed in a refuge, Lillian was forced to return to her abusive husband, as she could not access victim support payments or domestic violence visa protections after being labelled as a perpetrator.

This echoes the responses received from DVNSW members. It is relevant to note here the feedback received from DVNSW members that both specialist and frontline workers (including police) need to provide a culturally safe space. While 17.72% of DVNSW survey respondents agreed or strongly agreed that both specialist and frontline workers provide culturally safe spaces, 34.18% were neutral, and 48.1% disagreed or strongly disagreed. Much like in Lillian's case, the issue of translation services was raised frequently by DVNSW members:

I have had clients from CALD backgrounds where the perpetrator speaks better English and therefore is believed over the victim, who can end up being charged because the perpetrator has lied or the victim has been truthful and said what they did, not knowing that the Police will side with the perpetrator as they present well!

DVNSW Member

There is often poor communication, a lack of adequate interpreters that are briefed to hold the conversations safely and not responsive to the diversity of clients.

DVNSW Member

Police have been known to utilise family members to interpret for matters without recognising possible family dynamics.

DVNSW Member

[Interpreters are organised] when advocated for. I have observed police tell me "She can understand me" when clearly, this is not the case.

DVNSW Member

Even when asked they do not get interpreters.

DVNSW Member

I have had to arrange second statements for victims because police have used the POI as interpreter. I have also experienced police use minors as interpreters for their mothers. In one instance for a refugee family who had been in Australia for 18 months, a 10-year-old child who had only been speaking English for this amount of time was deemed appropriate for police to use as interpreter.

DVNSW Member

The Code of Practice for the NSW Police Force Response to Domestic and Family Violence (NSW Police Force, 2021, p. 85, emphasis added) states,

All NSWPF staff **MUST** use professional accredited interpreters to communicate with people who are not able to speak or understand English or who are Deaf and Hard of Hearing...Family members and friends should not be used to assist with interpreting. **Under no circumstances should children and offenders interpret in situations of domestic and family violence.**

While this is very clearly NSW Police policy, it is not reflected on the frontline. This is demonstrated by the case study provided by Muslim Women Australia (2020, p. 13) explaining the consequences of incompetent interpreters and the interviewing of victims in the presence of family members, particularly when police aren't hearing the victim's version directly:

Police attended the home of a family with elder mother and disabled son cared for by the daughter. Police questioned elderly mother in the presence of the daughter using an

interpreter, however the interpreter did not ask appropriate questions. When the case coordination team interviewed the mother, family violence and elder abuse were identified, staff then questioned police officers as to what steps were taken. In following up the incident, the initial attending officer then went back and found the elderly mother with two black eyes. Case managers who have an appropriate understanding of DVF, cultural competency and in-person interpreting allowed the elderly mother (victim) to explain the financial and physical abuse she and her disabled son were experiencing at the hands of her daughter.

Carrington et al. (2021) found that improved policing, better communication, translation services and support were required for CALD communities. **DVNSW supports this finding, and subsequently recommends that policy is amended to ensure interpreters are offered to anyone with language needs when required as a right, rather than at the discretion of attending police.** Police also need to be aware of the dangers of using family members as interpreters, particularly when they could unknowingly be using the perpetrator as an interpreter for the victim or using children as interpreters without understanding the complex family dynamics, in addition to the trauma this may cause the child.

While translation services were a significant focus for members, other feedback spoke to concerns around training specific to the additional barriers and unique forms of abuse faced by CALD victim-survivors. One respondent commented that it seems to come down to the culture of individual PACs:

This is usually dependant on the responding PAC; [location with high CALD population] police do well, but often when we see referrals for other PACs, they are lacking in their cultural safety skills.

DVNSW Member

This became particularly relevant over the most recent lockdown, where areas with high CALD populations spent months locked down in some of the harshest conditions in the country. Carrington et al. (2021) found that clients from CALD communities were particularly impacted by the COVID-19 pandemic, with the shift to online service delivery reinforcing communication barriers for CALD clients. DVNSW has also received feedback from services in the Local Government Areas of Concern (which have very high rates of residents from CALD and refugee backgrounds) that issues with over-policing are prevalent, that some police are not consulting with community leaders when

appropriate, and that they are issuing fines as a 'one size fits all response', without taking extenuating circumstances into account.

The Inquiry into Family, Domestic and Sexual Violence, the Parliament of Australia (2021) recommended that specialist police support be provided for temporary visa holders who are victim-survivors of intimate partner violence. DVNSW supports this recommendation and, in addition, **recommends that the NSW Police consult with key external stakeholders and peak bodies to ensure current specialist culturally appropriate training and police responses when assisting women from CALD and refugee backgrounds. DVNSW would also recommend that Multicultural Liaison Officers are given capacity to establish and maintain professional relationships with CALD specialist services in their area to build greater trust and cooperation between the community and the police.**

Recommendations

14. Consult with key external stakeholders and peak bodies to ensure current specialist culturally appropriate training and police responses when assisting women from culturally and linguistically diverse (CALD) and refugee backgrounds, including specific forms of abuse including dowry abuse, modern forms of slavery, forced marriage, immigration-facilitated abuse, technology-facilitated abuse, elder abuse, violence by extended family members and coercive control.
 - a. Ensure capacity for Multicultural Community Liaison Officers (MCLOs) to establish and maintain professional relationships with CALD specialist services in their area to build greater trust and cooperation between the community and the police.

15. Reinforce policy to ensure trauma-informed interpreters are offered to anyone with language needs.

Meeting demand of people with disability

The unique barriers that victim-survivors of DFV who have disability face in reporting and escaping abusive homes is explored at length by the Victorian Equal Opportunity and Human Rights Commission (VEOHRC, 2014). They found significant abuse both due to and despite the systems that are meant to be protecting people with a disability, including policing. People with disability are often wholly dependent on their abuser for every daily activity, being just one of the multifaceted barriers

preventing people with disabilities reporting crime (Victorian Equal Opportunity and Human Rights Commission (VEOHRC), 2014). 1 in 6 Australians live with a disability (AIHW, 2020b) and 5.9% of women and 5.6% of men living with disability or a long-term health condition experienced violence (2016).

As such, it is imperative that every interaction people with disability have with police is a positive one. As VEOHRC (2014) found, the approach of the initial Officer in Charge makes a significant difference.

When police have a good understanding of disability, when they believe victims and take their reports and the investigation seriously, victims report higher levels of satisfaction with police practice and the justice system. As a result, VEOHRC (2014) recommended learning and capacity building for police, and adjustments to court practices to ensure disability needs are met.

(VEOHRC 2014, p. 9)

Unfortunately, VEOHRC (2014) also found many first-person accounts of unlawful discrimination by police in refusing to take reports, and other accounts of assaults by police. Aboriginal women with disability face additional barriers in seeking assistance from police due to issues related to communication, despite their known heightened risk of violence. These can include heightened abuse, which may already consist of financial abuse, forced isolation, withholding of food and medication, reproductive control, and rough handling (Maher et al. 2018). Many people with a disability argue that they cannot rely on police protection against violence, as it is inconsistent, and the consequences of not receiving the required support are significant (Woodlock et al., 2014).

Despite high rates of sexualised violence amongst women with disability, the concern that they will not be believed is heightened when reporting sexual violence. Research consistently demonstrates that, on the rare occasion a person with disability does report sexual assault to police, they feel their credibility is questioned (Frohman, 2011; Maher et al., 2018; VHREOC, 2014). Maher et al. discuss how a lack of understanding of disability could be exacerbating negative interactions with police (2018). A lack of training could result in police officers basing their response on the small number of previous interactions they have had with people with a disability, resulting in inaccurate generalisations across a wide-range of physical and cognitive disabilities. In endorsing this submission, People with Disability Australia Senior Manager of Policy, Giancarlo de Vera said:

People with disability do not have access to justice, freedom from violence and abuse, or safety in the community, in part because police interventions and responses do not cater for our needs, nor do they understand the lives and circumstances of people with disability. This lack of understanding is also evident in the over-representation of disability communities in prisons. We support the assertions that police responses must be accessible, inclusive and responsive to the needs of people with disability. We also agree appropriate responses and interventions need to be made on behalf of people who experience intersectionality and multiple forms of discrimination.

Maher et al. (2018) call for more attention on the skill of identifying and understanding different types of disability and adjusting practices accordingly. As a result, The Royal Commission into Institutional Responses to Child Sexual Abuse (2017, p. 93) recommended,

7. Each Australian government should ensure that its policing agency conducts investigations of reports of child sexual abuse, including institutional child sexual abuse, in accordance with the following principles:

a. While recognising the complexity of police rosters, staffing and transfers, police should recognise the benefit to victims and their families and survivors of continuity in police staffing and should take steps to facilitate, to the extent possible, continuity in police staffing on an investigation of a complaint.

b. Police should recognise the importance to victims and their families and survivors of police maintaining regular communication with them to keep them informed of the status of their report and any investigation unless they have asked not to be kept informed.

c. Particularly in relation to historical allegations of institutional child sexual abuse, police who assess or provide an investigative response to allegations should be trained to:

i. be non-judgmental and recognise that many victims of child sexual abuse will go on to develop substance abuse and mental health problems, and some may have a criminal record

ii. focus on the credibility of the complaint or allegation rather than focusing only on the credibility of the complainant.

DVNSW supports this recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse. While it is always preferred that a support person is contacted and available for people with disability, sometimes the time sensitive interactions of police do not allow for this (Keilty and Connelly, 2001). As such, **it is imperative that police are appropriately trained to understand disability, so they can deliver high-quality responses, even in the absence of a support person.** This also means providing information on disabilities or long-term health conditions in the police event to ensure victim-survivors are referred to appropriate referral services.

Recommendations

16. Consult with key external stakeholders and peak bodies to ensure specialist disability training and high-quality police responses.

Meeting demand of LGBTQIA+ communities

Like other marginalised communities, the LGBTQIA+ community faces its own unique challenges regarding DFV. There are many forms of violence and coercion specific to this community, which adequately trained police should understand and be equipped to respond to, such as threatening to 'out' someone, refusing to recognise a person's sexuality or gender identity (including misgendering or deadnaming), withholding medication such as hormones or HIV medication, or threatening to disclose HIV status (Neave, Faulkner, and Nicholson, 2016b).

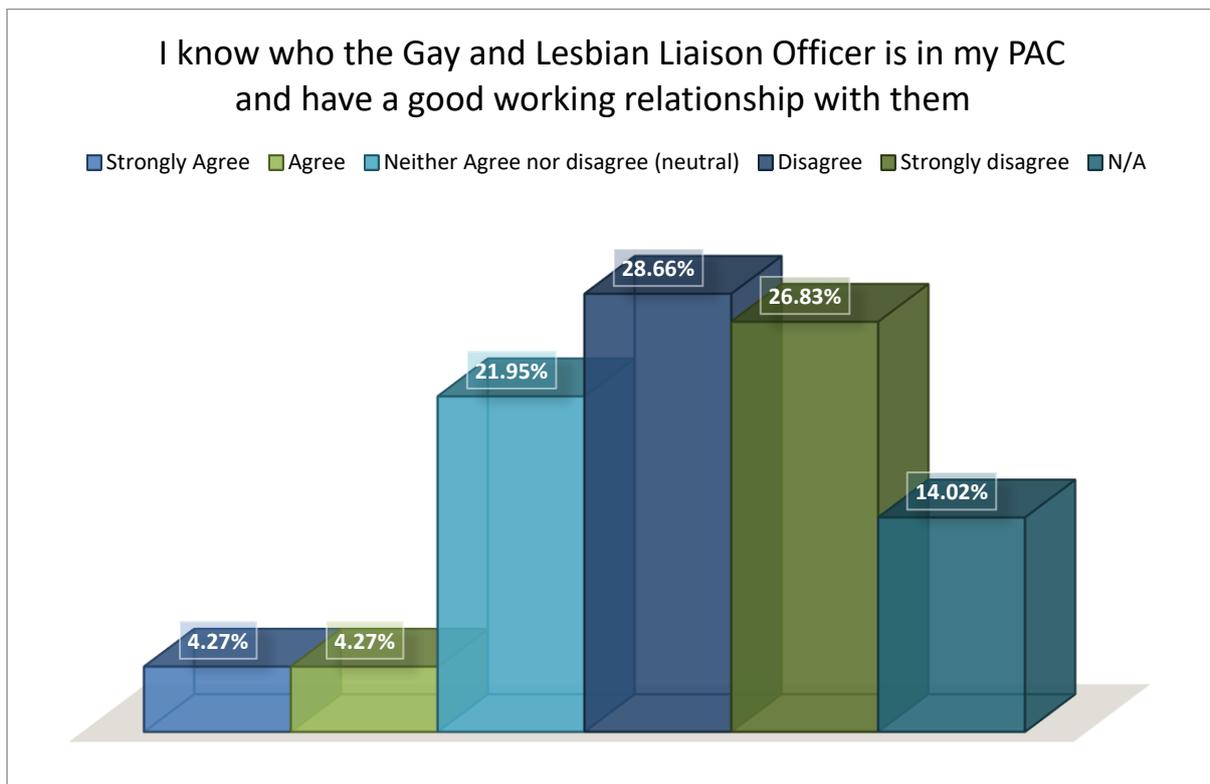
Neave, Faulkner, and Nicholson (2016b) found that, generally, little research has been done into family violence in LGBTI relationships in Australia, and the ABS Personal Safety Survey does not collect data on lesbian, gay, bisexual, transgender, and intersex identity. This lack of available data on sexuality and gender has significant ramifications for service responses, particularly pertaining to the ability to advocate for funding and targeted programs.

Hill et al. (2020) found that 72% of respondents who reported having ever experienced violence from an intimate partner or family member did not report the most recent instance of violence. The report concluded (p. 77),

Low levels of reporting to services, including the police (and LGBTIQ liaison officers), might indicate that LGBTIQ people feel that sufficient support is not available to them or they are unaware about services they could access.

To ensure appropriate service referral, we recommend national requirements for police to collect and report on the sexuality and gender of clients. This will ensure victim-survivors are directed to appropriate services, but will also develop a data base from which further research, training supports and reform can be made.

ACON (2013) has persistently pointed to the capacity of Gay and Lesbian Liaison Officers (GLLOs) to facilitate improvements between the NSW police force and the LGBTIQI community. These roles, now called GLLOs – LGBTIQIA+ Liaison Officers and Region Sponsors, Sexuality, Gender Diversity & Intersex, are not available at every station and, more importantly, little is known about them. When asked if DVNSW members knew who the GLLO is in their local PAC and if they have a good working relationship with them, only 8.54% of respondents replied that they agreed or strongly agreed. Conversely, a significant majority disagreed or strongly disagreed (55.49%).



Most DVNSW members replied that, not only were they unaware if there was a GLLO at their local station, but many didn't even know the role existed. This is clearly a police position that requires a more support and resourcing. DVNSW suggests consulting with key external stakeholders and peak bodies to ensure specialist LBGTQIA+ training and police responses are up to date.

Recommendations

17. Introduce national requirements for police to collect and report on the sexuality and gender of clients
18. Consult with key external stakeholders and peak bodies to ensure current specialist LBGTQIA+ training and police responses.

Conclusion

It is the aim of the recommendations of DVNSW to improve the response to, and support of, victim-survivors of DFV and sexual violence within this context. We welcome a close working relationship with the NSW Police Force to ensure that their policies, procedures and practices are responsive to the needs of victim-survivors and are aligned with best practice in the specialist DFV sector.

DVNSW thanks the Audit Office of New South Wales for the opportunity to submit to the audit of police responses to DFV.

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