



**Community Development and Justice Standing Committee**

# A measure of trust

**How WA Police evaluates the effectiveness of its response to family and domestic violence**

**Report No. 10  
October 2015**

Legislative Assembly  
Parliament of Western Australia

# **Community Development and Justice Standing Committee**

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## **A measure of trust**

How WA Police evaluates the effectiveness of its  
response to family and domestic violence

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Report No. 10

Presented by

**Ms M.M. Quirk, MLA**

Laid on the Table of the Legislative Assembly on 22 October 2015

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## Chair's Foreword

*....this is about saving children's lives. It is not about agencies and services protecting themselves.*

*– Rosie Batty*

**T**HE unpalatable realities of domestic violence have been propelled into the national spotlight in the past year, helped in part by the exceptional work of domestic violence advocate and Australian of the Year Rosie Batty.

But Rosie Batty and her son are just two of thousands of victims. In Western Australia alone, police recorded nearly 43,000 domestic violence incident reports from July 2014 to June 2015. The number of domestic assaults for the same period was around 16,500.

Consider also that this is unlikely to reflect the full extent of the offences occurring. Domestic violence is notoriously under-reported, so it is difficult to ascertain how many people are truly affected.

One of the things that impacts on the reporting rate is the level of trust victims have in police. Do they feel they will get a timely response? Will they be listened to? Will they be believed? Will Police Orders or Violence Restraining Orders be effective in keeping them safe? How much will it matter that they struggle with English?

Many victims and domestic violence service representatives informed the Committee that the response from police was often dependent on the individual officer. By all accounts, there were some police officers who responded sensitively and appropriately and were considered to be doing excellent work. But there were others for which the opposite was true.

How does WA Police know whether its officers are doing a good job of policing domestic violence? WA Police collects data which shows the number of recorded offences classified as family and domestic violence. But statistics can only tell us so much.

Changing definitions of what constitutes a family and domestic relationship affect these figures, and then there is the problem of whether an increase in reporting reflects an increase in actual incidents or an increase in willingness to report them.

WA Police includes a KPI in its annual report which measures the percentage of incidents processed within a particular time-frame. But this does not indicate how satisfied victims were with the response, and hence their willingness to go to police in the future. The independent community satisfaction survey reported on in the WA Police annual report has no specific focus on family violence victims either.

Hence, the title of this report: a measure of police response to domestic violence victims really is a measure of trust in the police.

In conducting this investigation, the Committee has been cognisant of the fact that WA Police is not solely responsible for addressing the high rate of family and domestic violence but is in fact part of a multi-agency response.

In March the Minister for Police and the Attorney General announced that a new Family Violence Restraining Order would be introduced which would ease the burden on a victim having to provide evidence of abuse. The legislation is apparently due to be introduced to Parliament this year, but in the months since the announcement around 9000 domestic assaults have been recorded.

Likewise, WA is still waiting for legislation to enable the GPS tracking and monitoring of serious family violence offenders, as foreshadowed in 2013.

While not the whole solution, these are important initiatives which would assist police in addressing family and domestic violence.

As part of the *Frontline 2020* reforms, the model for policing domestic violence has changed. The number of specialist domestic violence officers assigned to the Victim Support Units has halved, with all officers expected to respond to domestic violence.

Given the change, WA Police would do well to put in place measures that can assess whether they are truly better off. Victims of family and domestic violence need to know that their call will be attended to in a timely manner and with sensitivity, regardless of who they are, where they may be and which officer responds.

Rosie Batty's leadership in raising awareness contrasts unfavourably with the failure at the most senior levels of WA Police.

WA Police no longer has its own family and domestic violence strategy and defers to the Department for Child Protection and Family Services as the key agency in leading efforts to combat family violence. We frequently hear key messages from

police leaders in areas like drug and alcohol abuse and road safety. Yet these are largely absent in the area of family violence.

Yes, it is accepted that it is a complex problem requiring a multi-agency response. However police need to use their high standing and the respect in which they are held to garner community condemnation of family violence. Witnessing first hand its impact they are uniquely placed to galvanise broader action to reduce this most prevalent and virulent of crimes. This higher profile will have the positive collateral outcome of engendering greater trust and confidence amongst victims in the role of police.

A handwritten signature in black ink, appearing to read 'M.M. Quirk'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

MS M.M. QUIRK, MLA  
CHAIR

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## Executive Summary

**G**IVEN that policing consumes a large proportion of the State budget, there is a strong imperative to ensure that WA Police performance is adequately evaluated. The introduction of the *Frontline 2020* policing reforms strengthens this obligation: how will police – and the public – know whether the reforms are delivering a better police service?

The Committee set out to investigate this issue in November 2014 when it announced the overarching *Inquiry into Methods of Evaluating WA Police Performance*. On 20 May 2015, the Committee resolved that the second focus area of the inquiry would be *how WA Police evaluates whether it is providing adequate protection to the victims of family and domestic violence*. The Committee set out to answer three key questions:

- How does WA Police measure progress in this area?
- How do others perceive their performance?
- How should they be measuring their performance to align with best practice?

The Committee also formulated specific terms of reference related to performance measures, victims' perceptions of police, training, and the use of technology.

### **Chapter Two: Policing of family and domestic violence**

Police cannot be expected to solve the problem of family and domestic violence. However, police are the first responders to a call and are responsible for collecting evidence which could result in a charge and conviction. If victims are hesitant to contact police the incidence of family and domestic violence will continue to grow.

#### **Defining family and domestic violence**

The definition of family and domestic violence differs according to the context in which it is being used. WA's Department for Child Protection and Family Support defines it as "the intentional and systematic use of violence and abuse to control, coerce or create fear".

WA Police policy is in accordance with the definition of family and domestic violence set out in section 6(1) of the *Restraining Orders Act 1997* (WA). The definition of what constitutes a family and domestic relationship for the purposes of making a Domestic Violence Incident Report (DVIR) was amended in December 2013 to exclude violence between more distant family members.

### **What family and domestic violence looks like in Australia and Western Australia**

Because family and domestic violence is under-reported it is impossible to determine exactly how many people are victims. According to the Australian Bureau of Statistics Personal Safety Survey, 17 per cent of women and 5 per cent of men have experienced violence by a partner since the age of 15. WA has the second highest rate of reported physical and sexual violence perpetrated against women, after the Northern Territory.

WA Police DVIR statistics show that reports of family and domestic violence have decreased since 2012-13; however, the number of domestic assaults recorded has increased. This is partly explained by:

- DVIR statistics include incidents that are recorded as crimes as well as those that are non-crime (or “general”) incidents;
- the change to the police definition of what constitutes a family and domestic relationship, which altered the way WA Police records domestic violence.

The rate of domestic violence is considerably higher in most regional areas than in the metropolitan area. While data from WA Police shows reports of family and domestic violence decreasing in most regional areas over the past four years, the number of reports in the Central (Mid-West Gascoyne) region have steadily increased, reaching almost the same level as the Kimberley in 2014-15. Aboriginal women are 45 times more likely to experience family and domestic violence than non-Aboriginal women.

Although conclusive data is lacking, it is generally agreed that women from CaLD backgrounds are particularly vulnerable to family or domestic violence as they face additional challenges when seeking assistance in family or domestic violence situations. In WA, the Multicultural Women’s Advocacy Service (part of Women’s Health and Family Services) assisted more than 250 clients from 78 countries in 2013-14.

### **Frameworks to address family and domestic violence**

All Australian jurisdictions have individual strategies to address family and domestic violence that align with the *National Plan to Reduce Violence Against Women and Children 2010-2022*. In WA, the *Family and Domestic Violence Prevention Strategy to 2022* provides the strategic direction for government agencies and the community sector, with the Department for Child Protection and Family Support (DCPFS) as the lead agency.

The DCPFS also recently launched an action plan – *Freedom from Fear: Working towards the elimination of family and domestic violence in Western Australia 2015* – which sets out 20 actions.

A plan specifically aimed at reducing family violence in the Kimberley was also released at the start of October 2015. The *Safer Families, Safer Communities Kimberley Family Violence Regional Plan 2015-2020* is grounded in Aboriginal law and culture.

The most recent family and domestic violence strategy produced by WA Police is the *Family and Domestic Violence Strategy 2009-2011*. WA Police said that the agency had no plans to update that strategy, but had commenced a review at the start of 2015 to identify a proposed model for police response to family violence.

### **The role of WA Police**

Police are involved in various stages of family and domestic violence offences, from the initial response to the prioritisation of cases, investigation and prosecution. On a day-to-day basis, any frontline officer (whether part of a response team or a local policing team) may be called upon to attend or to investigate a family and domestic violence incident.

When the parties involved in a domestic violence incident are intimate partners or immediate family members, a Domestic Violence Incident Report (DVIR) is completed for consideration by the Family and Domestic Violence Response Team (FDVRT). FDVRTs bring together one staff member each from WA Police, the DCPFS and a non-government support service. The FDVRT members meet on weekdays to triage each case, assigning the follow-up response to one of the team organisations.

While the FDVRTs have been in place for five to six years, the way in which officers are assigned to domestic violence cases has changed. Prior to the *Frontline 2020* reforms, districts operated with a team of police officers with specialist knowledge of family and domestic violence. However, the number of officers assigned to the specialist units has more than halved, with local policing team officers now expected to perform some of the investigative and follow-up duties.

Where there is insufficient evidence to arrest and charge someone but police hold concerns for the safety and welfare of another person, police may issue a Police Order. This provides protection for up to 72 hours enabling the victim the opportunity to attend court to obtain a Violence Restraining Order (VRO).

While police are able to make a VRO application on behalf of a victim, they seldom do, with suggestions that it is not the best use of their time. However, according to several witnesses, a traumatised victim was not always best-placed to make an application, and consideration should be given to training police customer service officers to complete the application on their behalf.

In March 2015 the Attorney General and Minister for Police announced that a new type of Restraining Order, known as a Family Violence Restraining Order (FVRO), would be introduced as part of the overhaul of the *Restraining Orders Act 1997*. This would

“remove the onus on a victim to provide evidence of an act of abuse before the order can be issued, and would include behaviour intended to coerce, intimidate or control.” At the time of publication, the legislation had not been introduced.

### **Challenges**

Police forces confront a number of challenges in dealing with family and domestic violence victims, not least the reluctance of many women to report the violence. This can be influenced by a range of factors, such as:

- Fear of not being believed, lack of confidence in the justice system and fear of retaliation;
- Attitudes/myths around what constitutes assault/rape and what might excuse men’s behaviour;
- Cultural beliefs, lack of understanding and language barriers in the case of particular ethnic groups;
- Mistrust due to past injustices, acceptance of the violence as inevitable and shame/being ostracised in the case of Aboriginal communities.

### **Best practice**

A review of best practice responses to family and domestic violence, including an examination of the policing initiatives currently being implemented in other Australasian jurisdictions, reveals that a police response model based on best practice would incorporate:

- Prevention and early intervention strategies;
- A victim-centred approach;
- The treatment of family and domestic violence as a crime;
- Consistency in incident response;
- A collaborative and multi-agency response, especially in risk assessment and case management; and
- Continual evaluation.

### **Chapter Three: Performance measurement**

The annual reports and strategies for Australian police forces indicate that there is no consensus on the measurement of performance in domestic and family violence policing.

WA Police has one audited key performance indicator (KPI) related to family and domestic violence:

*Percentage of family and domestic-related incidents where an offender was processed for an offence against the person within 7 days.*

While WA Police has an internal regime of oversight over the police response to family and domestic violence, the Committee was not able to assess the extent to which this is performed. Monitoring may be dependent on the leadership of senior officers and their willingness to hold those under their command accountable.

It appears that internal measurement of police performance in the family and domestic violence sphere is a work in progress, with WA Police largely reliant on partner agencies to establish indicators, including qualitative measures.

DCPFS conducts monitoring and evaluation of the FDVRTs, with a set of five performance measures (including domestic violence incidents attended by WA Police) which are reported on every six months. There is also a monitoring and evaluation plan for the *Family and Domestic Violence Prevention Strategy to 2022*. The first report (released in 2014) reported on seven KPIs. WA Police have suggested that these seven KPIs (and a proposed extension of these) offer the best broad measure of their performance in policing family and domestic violence.

The Productivity Commission's *Report on Government Services*, which reports on the performance of public sector services across Australia (including police services), has no specific indicators for family and domestic violence.

Likewise, the annual National Survey of Community Satisfaction with Policing does not have a specific measurement of the experience and perceptions of victims of family and domestic violence.

## **Chapter Four: Adequacy of WA Police performance evaluation**

### **Victims' perceptions and experiences with police**

The lack of consistency in police responses was the overriding theme to emerge from the evidence. For every positive report of police actions, negative reports were also provided. This is not to say that the majority of police are neither well-intentioned nor willing to take action. But what emerges from the evidence is that they are often inadequately trained to deal with the complexities of family and domestic violence, unaware of WA Police policy, and labouring under extreme workloads.

The Committee received evidence that a negative police culture in which abuse is regarded as "just a domestic" endures amongst some in WA Police. This was thought to

be due to the rigid ideas of some officers about what constitutes policing. In some cases victims reported feeling blamed and judged.

Among the negative comments heard by the Committee were assertions that, when responding to reports, police did not attend the scene or were often slow to arrive. When police finally turned up, they appeared unsupportive, confused about the correct procedure, or unwilling to take action. The service provided to victims at some WA Police stations was also criticised.

In 2014-15, WA Police failed to meet one of its key performance indicator targets – that 80 per cent of priority 1 and 2 incidents in the metropolitan area are responded to within 12 minutes. Only 69.5 per cent of priority 1 and 2 incidents were responded to within this time. This is considered to be a concern when so many of the calls that police respond to are family and domestic violence incidents.

There was also criticism of the completion of DVIRs, with police allegedly failing to record vital information. The inclusion or absence of these details influences the risk assessment of a case by the FDVRT.

Issuing of Police Orders was also inconsistent. While some officers respond appropriately by correctly identifying the perpetrator and/or removing him from the scene, some others issued Police Orders against the victim.

The Committee also heard from many support services that WA Police does not consistently take breaches of VROs seriously. According to Aboriginal Family Law Services, some officers did not seem to know exactly what constituted a breach. Victims also reported receiving inadequate responses from WA Police when third parties were involved in breaches.

The one area in which WA Police was consistently praised was in relation to its involvement with FDVRTs. The teams were seen as providing external support services with a direct line to the police about family and domestic violence matters, and the information sharing platform provided a more detailed understanding of each case. However, the volume of work facing FDVRTs was said to be overwhelming.

Due to the prevalence of family and domestic violence in many Aboriginal communities in WA, Aboriginal victims are disproportionately affected by poor police responses. There are also some issues with police that are particular to Aboriginal victims – for example, the feeling that police perceived family and domestic violence as the norm within Aboriginal communities.

Service providers informed the Committee that some police officers were not responding adequately to family and domestic violence victims from culturally and

linguistically diverse (CaLD) communities. Repeated failures to provide interpreters for victims who were not proficient in English was an area of concern.

### **Evaluation of training**

During the 28 weeks that recruits are based at the WA Police Academy, 47 hours are dedicated to family and domestic violence training. Recruits are not provided with specific training on responding to domestic violence incidents in Aboriginal or CaLD communities; however, related matters are discussed throughout recruit training. Recruits also receive on-the-job training once deployed on the front line. Two computer-based courses, which are mandatory for all police officers, offer “one-off training” that educates officers on the current family and domestic violence policy, practice and procedure.

In 2014, the Law Reform Commission of WA (LRCWA) considered the training received by police officers in relation to family and domestic violence as part of its investigation into the adequacy of existing family and domestic violence laws in WA. Evidence to the Committee echoed the LRCWA’s finding that specialised, targeted training was the best way of increasing the effectiveness of police responses to family and domestic violence. In particular, there should be:

- More hours allocated;
- Greater involvement of external experts and support services;
- Aboriginal cultural awareness training;
- Broad cultural sensitivity training;
- Training to promote understanding of the dynamics of family and domestic violence;
- Prioritisation of face-to-face training over computer-based training;
- Ongoing education for frontline officers on police policy.

The Family Violence State Coordination Unit regularly reviews the content of its family and domestic violence training, but exactly how this review is conducted, or the standards that the training is expected to meet, was not explained.

WA Police informed the Committee, however, that current family and domestic violence training would be assessed as part of a comprehensive review.

### **Use of technology in countering family and domestic violence**

Part of the Protecting Families Policy released in 2013 by the current State Government was the introduction of strict control and GPS tracking of serious domestic violence



offenders and serial arsonists. The State Government has yet to introduce laws to enable the GPS tracking of serious domestic violence offenders.

The recent women's safety package announced by the Federal Government committed \$12 million to trialling the use of technology, including GPS tracking, to keep women safe. Funding is to be matched by states and territories, which might prompt the State Government to introduce GPS tracking.

WA Police have given some thought to evaluation of a GPS tracking program, but obviously in the event of such a program being implemented a more detailed evaluation and monitoring plan would be needed.

#### **Suggestions for measuring performance**

The Committee sought the opinion of WA Police on nine performance indicators recommended in the Australian Institute of Criminology (AIC) paper *Measuring police performance in domestic and family violence*. WA Police accepted some of the indicators as reasonable and others as problematic.

The Committee's view is that "Reduction in repeat victimisation" would be a useful secondary indicator if it measured "calls for police assistance by a person who had previously received a police intervention" and not just repeat calls. This could be reported alongside "reduction in repeat offending", which would indicate whether perpetrator programs were effective (although this is not necessarily a police measure).

"Accurate recording and identification of incidents" could become a secondary performance indicator, and not simply something that is tracked by police. "Breaches of VRO" data is collected by police but is not a performance indicator. However the Committee believes that it should be, along with "Police adequately informed about previous attendance and violence". "Victim satisfaction" should definitely be included as a performance indicator and linked to "willingness of victims to call police".

"Repeat attendance to the same address" is a problematic measure and could be confined to data collection and tracking; and "Increase in prosecutions" is not necessarily a fair indicator of police performance, but data related to this should still be collected and monitored.

Other suggested measures are timeliness of responses by police (at various points from the start to the finish of a complaint); and meeting specific recruitment targets for female, Aboriginal and CaLD officers.

#### **Concluding comments**

The single audited KPI related to family and domestic violence represents only a small part of WA Police performance. But WA Police does not have any formalised internal

performance measures of its own, and the Committee has two concerns regarding the agency's intention to use the monitoring and evaluation framework set out in the *Freedom from Fear* action plan to guide its own evaluations:

1. That the monitoring and evaluation framework set out in *Freedom from Fear* is extremely lacking in terms of specifics, and also provides no timeline for when the "work in progress" will be finalised;
2. It is unclear in what way – if at all – WA Police will be accountable to the DCPFS for performance measures in which it plays a central role.

Whilst WA Police acknowledged the importance of performance evaluation and intends to look into appropriate evaluation methods, this is not enough. Police should commit to developing a set of measures within a suitable timeframe.

In the absence of a comprehensive set of indicators, the Committee was only able to assess the performance of WA Police by drawing on the perceptions of victims and service providers. The lack of consistency in response by officers was a recurring theme in evidence to the Committee. The sense that a victim's satisfactory experience may be due to "the luck of the draw" is worrying.

Whilst only time will bring experience for police officers dealing with family and domestic violence, targeted training could ensure a professional response. This needs to be comprehensive and to include consistent cultural competency training and ensure officers have a clear understanding of policy, how to make referrals to specialist services, and why victims may not want report or provide statements.

WA Police is some way along the road to what is considered good practice. It is part of a multi-agency response, considered essential for delivering best practice, and is committed to this approach.

Whilst the response *time* to family and domestic violence incidents could no doubt be improved, the police response to domestic violence in terms of its *treatment as a crime* has improved, with a pro-charge and pro-prosecution stance adopted.

WA Police were apparently working on making their approach more victim-centred, but there is still some way to go before all officers understand the best ways to meet the needs of the victim. A Code of Practice, as exists in some other States, would help provide clarity for police around expectations and responsibilities.

Prevention and early intervention does not appear to be something WA Police have been heavily involved with to date, although theoretically the local policing teams should increasingly be playing a role in prevention.

The Committee has seen and heard some encouraging signs of leadership at the sergeant level, but to date the WA Police Commissioner has remained virtually silent on family and domestic violence.

Continual evaluation is, of course, essential for monitoring progress and that is largely what this inquiry has been about. This requires data, and in this respect the Committee finds the lack of data – particularly in relation to demographics – to be disappointing and concerning.

One of the Committee's concerns in relation to policing of family and domestic violence was that the new *Frontline 2020* model had reduced the number of specialised family and domestic violence officers. Police would argue that there are now more officers available to attend to family and domestic violence matters, because all frontline officers are required to respond.

In concluding this inquiry, the concern is that these officers are not sufficiently trained and experienced to address the demanding issues with which they are confronted. It seems that WA Police has removed officers from the specialised roles while other officers have not received increased training.

Police acknowledged that the model, whereby specialists in the FDVRTs provide information to a local policing team who can then engage with the affected family, was still under construction. At this stage, Coordinated Service Providers are not convinced that the new model is better.

Only time will tell if the new model is a step in the right direction – time, and some robust performance measures.

## **Ministerial Response**

In accordance with Standing Order 277(1) of the Standing Orders of the Legislative Assembly, the Community Development and Justice Standing Committee directs that the Minister for Police and the Parliamentary Secretary representing the Attorney General report to the Assembly as to the action, if any, proposed to be taken by the Government with respect to the recommendations of the Committee.



## Findings and Recommendations

### Finding 1

Page 12

The amendment to the WA Police definition of a family and domestic relationship makes it difficult to accurately compare the current rate of family and domestic violence incidents with the rate prior to the change of definition.

### Finding 2

Page 26

Despite foreshadowed legislative change to amend the *Restraining Orders Act* (1997) to introduce a Family Violence Restraining Order, it has not been introduced.

### Finding 3

Page 29

The number of police officers assigned to specialist domestic violence units (now called Victim Support Units) has halved since the introduction of the *Frontline 2020* model in June 2014. Under the new model, all police officers are expected to respond to family and domestic violence incidents.

### Finding 4

Page 45

While WA Police has some tools for monitoring the response of its officers to family and domestic violence, it has no set timeline to introduce any formal evaluation measures.

### Finding 5

Page 48

The absence of any questions measuring family and domestic violence crimes, victim safety or victim satisfaction in the National Survey of Community Satisfaction with Policing makes it impossible for jurisdictions to compare their performance in this area.

### Finding 6

Page 51

While the attitude to family and domestic violence of many WA Police officers cannot be faulted, there is evidence of an enduring element of some officers with negative attitudes towards police responsibilities in this area.

### Finding 7

Page 53

The demand on police resources is such that WA Police has not met its response time targets for attending priority 1 and 2 calls. This will impact on the response to more serious family and domestic violence crimes, putting victims at risk and potentially affecting their willingness to report such offences in the future.

<b>Finding 8</b>	<b>Page 54</b>
Domestic Violence Incident Reports are not always completed accurately by attending police officers, which can impact on the assessment of a case and result in an inappropriate response.	
<b>Finding 9</b>	<b>Page 56</b>
There is inconsistency in the response of WA Police officers to breaches of restraining orders, with many breaches not being recorded as such.	
<b>Finding 10</b>	<b>Page 57</b>
Family and domestic violence victims are not always informed by WA Police in a timely manner of legal action taken against the perpetrator, potentially exposing them to further abuse.	
<b>Finding 11</b>	<b>Page 60</b>
While not all Aboriginal victims of family and domestic violence report negative experiences with police, some have received insensitive and inappropriate responses which can be directly linked to their Aboriginal status.	
<b>Finding 12</b>	<b>Page 60</b>
Police face challenges in dealing with family and domestic violence in Aboriginal communities due to historical and cultural factors.	
<b>Finding 13</b>	<b>Page 62</b>
WA Police officers repeatedly fail to provide interpreters for family and domestic violence victims who are not proficient in English. Where they are provided, accounts are sometimes misconstrued in favour of the perpetrator.	
<b>Finding 14</b>	<b>Page 66</b>
The existing family and domestic violence training received by recruits at the WA Police Academy does not adequately prepare them for policing family and domestic violence effectively.	
<b>Finding 15</b>	<b>Page 69</b>
The Aboriginal cultural awareness training provided to WA Police recruits and officers is ad hoc, inconsistent and insufficient.	
<b>Finding 16</b>	<b>Page 72</b>
WA Police officers and civilian staff need to develop greater understanding of the dynamics of family and domestic violence and how to deal sensitively with victims, including those with different views to their own.	

**Recommendation 1****Page 75**

That WA Police adopts all elements of Recommendation 11 (pertaining to training) set out in the 2014 Law Reform Commission of Western Australia report *Enhancing Family and Domestic Violence Laws*, as well as the following:

- That face-to-face training is prioritised over computer-based training wherever possible.
- That training is provided to ensure that the correct policy and procedures are being used, to ensure a consistent response.

**Recommendation 2****Page 76**

That progress on family and domestic violence training be reported on in the WA Police annual report.

**Recommendation 3****Page 78**

That the Attorney General expedites the initiation of amendments to sentencing laws and the introduction of the necessary laws to enable GPS tracking of serious domestic violence offenders.

**Recommendation 4****Page 79**

In the event that GPS tracking is introduced, that WA Police ensures that it implements an evaluation plan to assess its effectiveness.

**Finding 17****Page 85**

WA Police does not collect survey data to measure how satisfied family and domestic violence victims are with the police response.

**Finding 18****Page 90**

The single audited KPI related to family and domestic violence provides only a limited measure of the effectiveness of policing in this area.

**Recommendation 5****Page 90**

That WA Police commits to establishing a set of intermediate performance indicators for evaluating the effectiveness of family and domestic violence policing by June 2016.

**Finding 19****Page 90**

WA Police has no intention of updating its family and domestic violence strategy and has relinquished leadership on family and domestic violence to the Department for Child Protection and Family Support.



**Recommendation 6****Page 90**

In keeping with practices in other Australian states, WA Police should take a leading role in combatting family and domestic violence by ensuring it has a strategy with objectives specific to police.

**Finding 20****Page 92**

The participation of WA Police in multi-agency approaches to domestic violence has been positive, and the agency's interest in being involved in an expansion of this approach is commendable and encouraging.

**Finding 21****Page 95**

There is a general lack of demographic data related to family and domestic violence offences collated and/or published.

**Recommendation 7****Page 95**

That demographic data related to family and domestic violence offences is collected and made publicly available by the relevant agencies.

**Recommendation 8****Page 96**

That WA Police introduces formal performance measures related to its response to family and domestic violence, giving consideration to the following measures:

- reduction in repeat victimisation
- accurate recording and identification of incidents
- breaches of Violence Restraining Orders
- attending officers adequately informed about previous attendance and violence
- victim satisfaction with response
- willingness of victims to call police
- response time for domestic violence incidents
- progress of training in domestic violence policing
- level of workforce diversity (including targets)

# Chapter 1

## Introduction

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**An explanation of the background to the Inquiry, the key guiding questions and a brief guide to the report contents.**

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*You would never want people to just think it is the luck of the draw.  
With police officers attending, you would expect that you would get a  
professional response every time.*

– WA Police Acting Commissioner Gary Dreibergs

THIS report is the second in a series produced for the Inquiry into Methods of Evaluating WA Police Performance. The over-arching inquiry was established in November 2014, partly in response to the introduction of the *Frontline 2020* police reforms.

Given that WA Police consumes the third largest proportion of the State budget, there is already a strong imperative to ensure that police performance is adequately evaluated. But the introduction of the policing reforms strengthens this obligation: how will police – and the public – know whether the reforms are delivering a better police service?

Prior to the announcement of this Inquiry the Committee had some concerns that the greater efficiency demanded by the *Frontline 2020* reforms<sup>1</sup> might be achieved by reducing personnel in specialist areas. One such area is family and domestic violence. While in June 2014 (before the reforms were introduced) 27.3 full-time equivalent (FTE) police officers were assigned to the metropolitan district Family Protection Units, there are now 13 FTEs in those roles.<sup>2</sup>

WA Police could argue that the new model, which requires all frontline police officers to respond to family and domestic violence incidents and police assigned to local policing teams to be engaged in follow-up, makes more officers available. The difference then may be in the level of competence, which for any inexperienced members of local policing teams will be dependent on effective training.

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1 From [Frontline 2020](#) brochure: “WA Police is one of many police forces around the world that is currently endeavouring to work more efficiently to maximise service delivery during challenging economic times.”

2 Mr Gary Dreibergs APM, Acting Commissioner, WA Police, Letter, 25 September 2015, p3.

## Chapter 1

How will police determine whether the new model, with fewer dedicated family and domestic violence officers, is a better model? The Committee set out to answer three key questions:

- How does WA Police measure progress in this area?
- How do others perceive their performance?
- How should they be measuring their performance to align with best practice?

In addition to establishing these guiding questions, the Committee formulated specific terms of reference to assist in the collection of evidence. These were related to performance measures, domestic violence victims' perceptions of police, training, and the use of technology. (*See Appendix One for full description of terms of reference.*)

The Committee did not set out to determine the best domestic violence policing strategies; rather, the focus was on finding out how WA Police determines the best strategies. Measuring performance should be a guide as to what strategies are working and what needs more attention.

The importance of undertaking and reporting performance measurement was emphasised in the Committee's previous report.<sup>3</sup> WA Police fulfils its reporting obligations (according to the requirements of the Financial Management Act 2006, Public Sector Management Act 1994, Treasurer's Instructions and the Public Sector Commission Annual Reporting Framework) by reporting a core set of effectiveness and efficiency indicators in its annual report.

But as the Committee has noted previously, public agencies are encouraged to also report intermediate performance indicators as "unaudited information", to promote transparency, comparison, accountability and communication.<sup>4</sup>

WA Police has one key performance indicator related to domestic violence which it reports in its annual report. Given the seriousness and complexity of family and domestic violence, the Committee felt compelled to find out if police had any other reporting or measurement mechanisms in place.

In determining the scope of its investigations, the Committee made a conscious decision to focus primarily on family and domestic violence perpetrated by an intimate partner or ex-partner, since this is the most prevalent form. Issues particular to two minority groups – Aboriginal communities and culturally and linguistically diverse communities – are also considered as part of this subset.

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3 See Chapter Three of Community Development and Justice Standing Committee (39th Parliament), [\*Are we there yet? How WA Police determines whether traffic law enforcement is effective\*](#), Report No. 8, Parliament of Western Australia, Perth, June 2015.

4 *ibid.*, pp50-53.

This is not to discount in any way the seriousness of other forms of family violence, such as elder abuse, violence by children towards parents or domestic violence committed against people with disabilities. It was considered preferable not to attempt to incorporate issues confronting these groups rather than to do so inadequately.

## 1.1 Establishment of Inquiry

In accordance with its functions and powers (*see Appendix Two*), the Committee notified the Speaker of its intention to undertake an *Inquiry into the Methods Employed by WA Police to Evaluate Performance* on 26 November 2014.

The Committee resolved to produce a series of reports focussing on different aspects of police performance. The first, tabled in June 2015, focussed on road policing.<sup>5</sup>

On 20 May 2015, the Committee resolved to make the second focus area an investigation of *how WA Police evaluates whether it is providing adequate protection to the victims of family and domestic violence*. An advertisement for submissions appeared in *The West Australian* newspaper on 30 May 2015.

The Committee received four submissions and one supplementary submission (*see list at Appendix Three*). The Committee conducted 8 public hearings with 19 witnesses (*see Appendix Four*) and undertook investigative travel to Geraldton, where 6 briefings were held with 21 participants.

## 1.2 Guide to report

Chapter Two gives an overview of how family and domestic violence is defined, its prevalence in Australia and Western Australia, State Government plans and strategies to address it, the role of WA Police and some of the challenges they face in dealing with domestic violence, and best policing practice from Australia and New Zealand in relation to family and domestic violence.

Chapter Three explains how WA Police measures its performance in relation to family and domestic violence, including how their performance may be reflected in monitoring and evaluation conducted by other agencies.

Chapter Four begins with an overview of evidence received which illustrates victims' experiences and their perceptions of police. This is followed by an overview of the training WA Police provides to assist its officers in dealing with domestic violence, and suggestions for ways to improve the training. The use of technology, specifically GPS tracking of violent offenders, is discussed. Suggestions for measuring performance,

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5 Community Development and Justice Standing Committee (39th Parliament), [\*Are we there yet? How WA Police determines whether traffic law enforcement is effective\*](#), Report No. 8, Parliament of Western Australia, Perth, June 2015.

## Chapter 1

made by the Australian Institute of Criminology and in evidence during the hearing, are evaluated. The chapter (and report) concludes with a critical evaluation of whether WA Police measurement of performance in relation to domestic violence policing is sufficient, how it might be improved, and whether the *Frontline 2020* policing model will make a difference to domestic violence policing.

## Chapter 2

### Policing of family and domestic violence

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This chapter considers definitions of family and domestic violence, the latest statistics nationally and in Western Australia, policy frameworks to address domestic violence, and the role of WA Police and challenges they face. It concludes with an overview of best practice in family and domestic violence policing.

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*In respect to domestic violence, the police play a critical role – a critical role – in dealing with the victim*

*- Joseph McGrath, Director of Public Prosecutions, WA*

AS with road safety – and in fact many other complex situations where police intervene in the interests of community safety – family and domestic violence demands a multi-agency approach.

Police cannot be expected to solve the problem of family and domestic violence. It could be argued that the answer lies in ongoing and fundamental cultural change, gender equality and less social and economic inequity. However, police are the first responders to a call and are responsible for collecting evidence which could result in a charge and conviction.

If victims are hesitant to contact police – and this report will present evidence that this is the case – then (in the absence of miraculous societal change) the incidence of family and domestic violence will continue to grow.

This chapter provides an overview of family and domestic violence in Australia and considers the role of police, including challenges for policing and what is considered best practice.

#### 2.1 Defining family and domestic violence

The definition of family and domestic violence differs according to the context in which it is being used. Policy definitions used by government departments often differ from legal definitions. Some jurisdictions employ the phrase “domestic violence”, while others use “family and domestic violence” or just “family violence”.

The term “domestic violence” is generally used to describe violence in a current or previous intimate relationship, while the term “family violence” generally refers to

## Chapter 2

violence between family members,<sup>6</sup> including violence towards children, parents and siblings,<sup>7</sup> as well as intimate partners. The term “family violence” is often used in reference to Aboriginal and Torres Strait Islander (ATSI) communities, where there are a wide range of marital and kinship relationships.<sup>8</sup> However, all of the terms are often used interchangeably.

### 2.1.1 Department for Child Protection and Family Support definition

WA’s Department for Child Protection and Family Support uses the term “family and domestic violence” and defines it as “the intentional and systematic use of violence and abuse to control, coerce or create fear”.<sup>9</sup>

It can include:

- Emotional/psychological abuse (mind games, manipulation, humiliation, insults, threats, put-downs);
- Physical assault (pushing, slapping, punching, choking, kicking, and any other behaviour intended to cause harm);
- Sexual assault (forced sexual contact/activity, i.e. physically coerced to participate or unable to say no as a result of fear, threats or intimidation);
- Social isolation (keeping the victim away from friends, family, work and/or other social opportunities);
- Financial abuse (controlling money and decisions around its use);
- Spiritual abuse (keeping someone away from places of worship or forcing them to participate in spiritual or religious practice that they do not want to be involved with).

### 2.1.2 Legislative definition

Section 6(1) of the *Restraining Orders Act 1997* (WA) currently defines “an act of family and domestic violence” as one of the following acts that a person commits against another person with whom he or she is in a family and domestic relationship:

- (a) assaulting or causing personal injury to the person;

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6 Law Reform Commission of WA, [Enhancing Family and Domestic Violence Laws –Discussion Paper](#), Project No. 104, Government of Western Australia, Perth, December 2013.

7 New South Wales Parliamentary Research Service, *Domestic and Family Violence*, Briefing Paper No.5, prepared by Christopher Angus. May 2015, p2.

8 *ibid.*, p3.

9 Department for Child Protection and Family Support, [‘What is family and domestic violence?’](#), 7 September 2015; Department for Child Protection, *Family and Domestic Violence Background Paper*, Government of Western Australia, Perth, 2012.

- (b) kidnapping or depriving the person of his or her liberty;
- (c) damaging the person's property, including the injury or death of an animal that is the person's property;
- (d) behaving in an ongoing manner that is intimidating, offensive or emotionally abusive towards the person;
- (e) pursuing the person or a third person, or causing the person or a third person to be pursued —
  - (i) with intent to intimidate the person; or
  - (ii) in a manner that could reasonably be expected to intimidate, and that does in fact intimidate, the person;
- (f) threatening to commit any act described in paragraphs (a) to (c) against the person.

The Law Reform Commission of Western Australia (LRCWA) has argued that the definition is not sufficiently broad, in that it does not refer to key features of family and domestic violence such as the existence of coercion or control, and does not expressly refer to economic abuse. It also does not refer to sexual abuse (although this may be covered by assault), and as such the LRCWA has included reference to sexual abuse in its recommended definition of family and domestic violence.<sup>10</sup> (See *Appendix Six*.)

Section 4(1) of the *Restraining Orders Act* defines a “family and domestic relationship” as a relationship between two persons:

- (a) who are, or were, married to each other;
- (b) who are, or were, in a de facto relationship with each other;
- (c) who are, or were, related to each other;
- (d) one of whom is a child who —
  - (i) ordinarily resides, or resided, with the other person; or
  - (ii) regularly resides or stays, or resided or stayed, with the other person;
- (e) one of whom is, or was, a child of whom the other person is a guardian; or
- (f) who have, or had, an intimate personal relationship, or other personal relationship, with each other.

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<sup>10</sup> Law Reform Commission of Western Australia, [Enhancing Family and Domestic Violence Laws – Final Report](#), Project No. 104, Government of Western Australia, Perth, June 2014, p39.



## Chapter 2

The LRCWA recommends expanding this list to include the former spouse or former de facto of the other person's current spouse/de facto.<sup>11</sup>

### 2.1.3 Western Australia Police definition

WA Police policy is in accordance with the definition of family and domestic violence set out in section 6(1) of the *Restraining Orders Act 1997* (WA). The WA Police domestic violence policy states that a Domestic Violence Incident Report (DVIR) must be submitted where an act of family and domestic violence has occurred between intimate partners and immediate family members, defined as:

- *Intimate partner* – two persons who are or have been in a relationship with each other which has some degree of stability and continuity. It must reasonably be supposed to have, or have had, a sexual aspect to the relationship. The partners do not have to be living together on a full-time continuing basis and need not ever have done so.
- *Immediate family member* – two persons who are related whether directly, in-laws or step family:
  - Parent
  - Grandparent
  - One of the persons involved is a child who ordinarily resides, resided or regularly stays with the other person
  - Guardian of an involved child<sup>12</sup>

The definition of what constitutes a family and domestic relationship for DVIR purposes was amended in December 2013 to exclude violence between more distant family members (for example, siblings). This differs from the broader legislative definition.

According to the Minister for Police, reported domestic violence incidents previously included matters:

*not considered at the core of family and domestic violence, such as assaults between adult siblings, distant cousins and other relatives. Within these broader relationships, there are not usually control and power imbalances that are central to FDV between intimate partners and immediate family members.*<sup>13</sup>

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11 Law Reform Commission of Western Australia, [Enhancing Family and Domestic Violence Laws – Final Report](#), Project No. 104, Government of Western Australia, Perth, June 2014, p52.

12 *ibid.*, p59.

13 Answer to Question on Notice No. 2240 asked in the Legislative Assembly by Dr A.D. Buti and answered by Minister for Police Hon. L.M. Harvey, Parliamentary Debates (Hansard), 10 June 2014.

Incidents that are not between intimate partners or immediate family members (according to the police definition) will be recorded as either a “crime related incident” via an Incident Report or a “general family relationship incident” on the computer aided dispatch (CAD) system.<sup>14</sup>

As the LRCWA notes, WA Police are obliged to record any incident of family and domestic violence “but the manner of recording will vary depending on whether the parties involved fit within the police definition of a family and domestic relationship or the legislative definition of a family and domestic relationship”.<sup>15</sup>

## **2.2 What family and domestic violence looks like in Australia and Western Australia**

Family and domestic violence in Australia is experienced by people of all cultures, ages and socio-economic groups. However, because it is under-reported it is impossible to determine exactly how many people are victims. Some indication of prevalence is provided by the Australian Bureau of Statistics (ABS) Personal Safety Survey (most recently conducted in 2012), which collects information from people aged 18 or more on their experiences of violence since the age of 15 and in the previous 12 months.

As the Personal Safety Survey results demonstrate, while men can be victims of domestic violence the overwhelming majority of victims are women: 17 per cent of women and 5 per cent of men had experienced violence by a partner since the age of 15. The survey estimates that for 62 per cent of women and eight per cent of men, the most recent experience of physical assault was perpetrated by a male in their home.<sup>16</sup>

The most likely known perpetrator for women is an ex-partner. Of women who had experienced violence from an ex-partner, 73 per cent had experienced more than one incident of violence and 61 per cent had children in their care when the violence occurred. Almost half (48 per cent) said that the children had seen or heard the violence.<sup>17</sup>

While the ABS Personal Safety Survey aims to measure the prevalence of violence by interviewing a sample of the adult population, determining the incidence of family and domestic violence (that is, the actual number of cases) is dependent on violence being reported. The ABS survey estimates that 80 per cent of women (and 95 per cent of

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14 Answer to Question on Notice No. 2542 asked in the Legislative Assembly by Dr A.D. Buti and answered by Minister for Police Hon. L.M. Harvey, Parliamentary Debates (Hansard), 1 August 2014.

15 Law Reform Commission of WA, [\*Enhancing Family and Domestic Violence Laws – Final Report\*](#), Project No. 104, Government of Western Australia, Perth, June 2014, p59.

16 Australian Bureau of Statistics (ABS), *Personal Safety Survey Australia 2012*, cat. no. 4906.0, ABS, Canberra, 2013.

17 *ibid.*

## Chapter 2

men) do not contact the police in regard to violence perpetrated by their current partner. Violence by an ex-partner was more likely to be reported, although many still did not report: more than half (58 per cent) of women had not contacted police about violence perpetrated by a male ex-partner.<sup>18</sup>

**Table 1: Percentages of Australian men and women who have experienced domestic violence<sup>19</sup>**

Since the age of 15	Women	Men
Experienced violence by a partner	17%	5%
Experienced sexual assault	17%	4%
Experienced emotional abuse by a partner	25%	15%
Experienced stalking	19%	8%

The ABS survey does not collect data on domestic homicides. However, the Australian Institute of Criminology's National Homicide Monitoring Program collects data on homicides from all state and territory police services and from the National Coronial Information System. Current or former intimate partners (married, de facto or boyfriend/girlfriend) were responsible for 23 per cent of all homicides between 2002 and 2012. Three-quarters of the victims were female.<sup>20</sup> This equates to one woman being killed by their current or former partner almost every week in Australia.<sup>21</sup> However, with 63 women killed by domestic violence so far this year, this number looks set to increase.<sup>22</sup>

WA Police compiles monthly crime statistics which are published on its website. They list figures for domestic assault and sexual assault (*see Figures 1 and 2*), but some of the other offences listed might also contain cases which could be classified as domestic violence (for example, deprivation of liberty and threatening behaviour).

As such, the Domestic Violence Incident Reports, completed whenever WA Police respond to a domestic violence incident, are a better indication of the volume of family and domestic violence in the State (apart from the obvious drawback that they do not capture violence that is not reported). (*See Figure 3.*)

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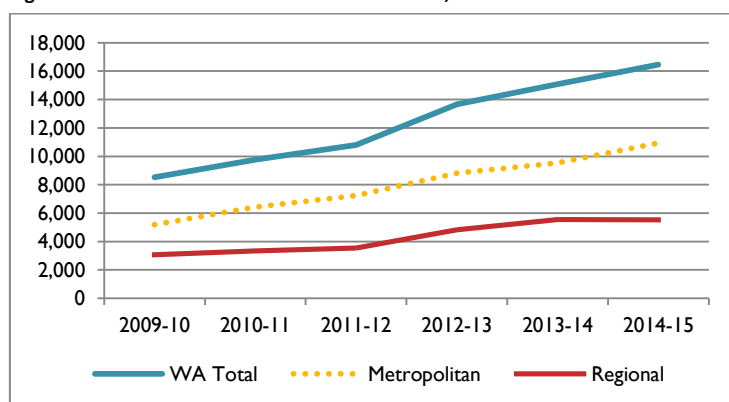
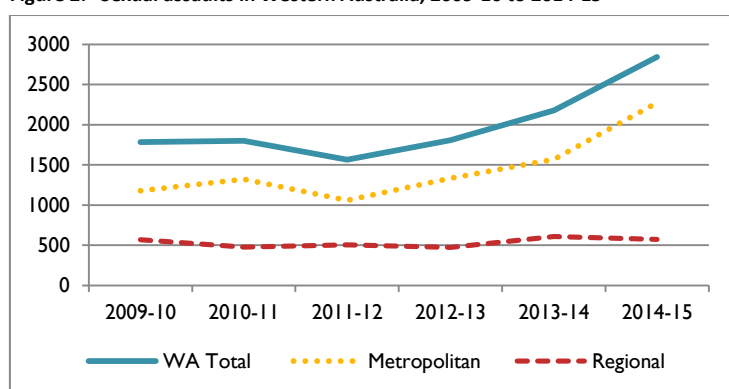
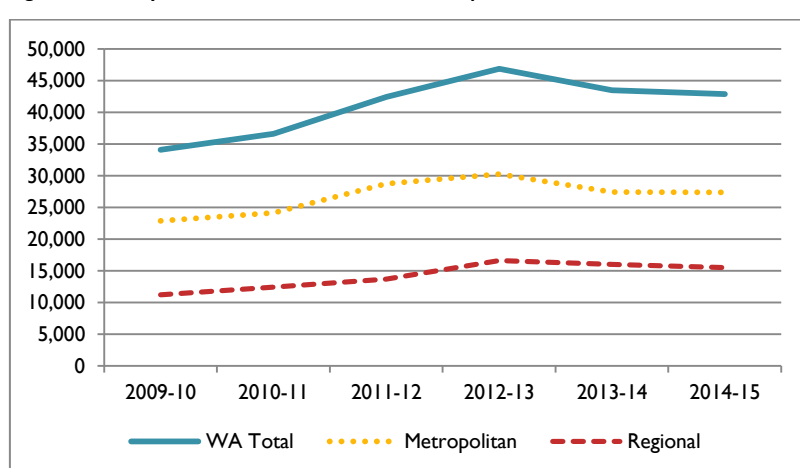
18 Australian Bureau of Statistics (ABS), *Personal Safety Survey Australia 2012*, cat. no. 4906.0, ABS, Canberra, 2013.

19 *ibid.*

20 Cussen, T. and Bryant, W., '[Domestic/family homicide in Australia](#)', *Research in practice series*, no. 38, Australian Institute of Criminology, Canberra, May 2015, pp2-3.

21 OurWatch, '[Facts and Figures](#)'.

22 Hon Malcolm Turnbull, (Prime Minister), [Women's Safety Package to #StoptheViolence](#), Joint Media Release, Commonwealth of Australia, Canberra, 24 September 2015.

Figure 1: Domestic assaults in Western Australia, 2009-10 to 2014-15<sup>23</sup>Figure 2: Sexual assaults in Western Australia, 2009-10 to 2014-15<sup>24</sup>Figure 3: Family and domestic violence incidents reported to WA Police, 2009-10 to 2014-15<sup>25</sup>

23 Sourced from: WA Police [Crime Statistics](#) webpage.

24 *ibid.*

25 Sourced from: Department for Child Protection and Family Support, [Western Australia's Family and Domestic Violence Prevention Strategy to 2022: Achievement Report to 2013](#), Government of Western Australia, Perth, 2014, p26; Mr Anthony Kannis, Executive Director, WA Police, Letter, 7 September 2015.

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While Figure 3 shows that reports of family and domestic violence have decreased since 2012-13, Figures 1 and 2 show the number of assaults recorded has increased. This is partly explained by the fact that domestic assaults are crime statistics, whereas DVIRs include incidents that are recorded as crimes as well as those that are non-crime (or “general”) incidents.<sup>26</sup>

Another explanation for the decrease in DVIRs is that the police definition of what constitutes a family and domestic relationship changed, altering the way in which WA Police records domestic violence.<sup>27</sup> Prior to December 2013, more DVIRs would have been recorded because violence between more distant family members was included.

### Finding 1

The amendment to the WA Police definition of a family and domestic relationship makes it difficult to accurately compare the current rate of family and domestic violence incidents with the rate prior to the change of definition.

According to WA Police, the reduction in DVIRs due to the definition change affected mainly general/non-crime incidents, which decreased by 2506 between 2013-14 and 2014-15. In the same period, domestic assaults increased by 1366 (or 9%),<sup>28</sup> accounting for most of the increase (of 1920) in reports for which an offence/crime was recorded. The amount by which DVIRs decreased between 2013-14 and 2014-15 is 586 (from 43,463 to 42,877), which is the difference between the decrease in general/non-crime incidents and the increase in offence/crime incidents (i.e. 2506 minus 1920).

The drop in DVIRs was created artificially by the change of definition. The increase in domestic assaults has also been described as possibly a “false reading” because police had been encouraged to be more proactive in linking an assault to an offence rather than dismissing it due to insufficient evidence.<sup>29</sup> Given the lack of clarity, WA Police should perform (and make public) analysis of data which provides a complete picture of the incidence of domestic violence.

Western Australia has the second highest rate of reported physical and sexual violence perpetrated against women, after the Northern Territory.<sup>30</sup>

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26 Mr Gary Dreiberger APM, Acting Commissioner, WA Police, Letter, 30 September 2015.

27 Ms Susan Young, Detective Inspector, WA Police, *Transcript of Evidence*, 9 September 2015, p5.

28 According to WA Police Crime Statistics, 15,095 domestic assaults were recorded in 2013-14 and 16,461 were recorded in 2014-15. The increase was greater in the metropolitan region (from 9543 to 10,926, an increase of 1383 or 14.5%). Regional WA recorded a slight decrease (from 5551 to 5535).

29 Comments made by Bunbury Police officer-in-charge Sen. Sgt Malcolm Jones, published in Eadie, C., ‘Police procedures changed’, *Bunbury Mail*, 7 October 2015, p5.

30 Australian Bureau of Statistics (ABS), *Personal Safety Survey Australia 2012*, cat. no. 4906.0, ABS, Canberra, 2013.

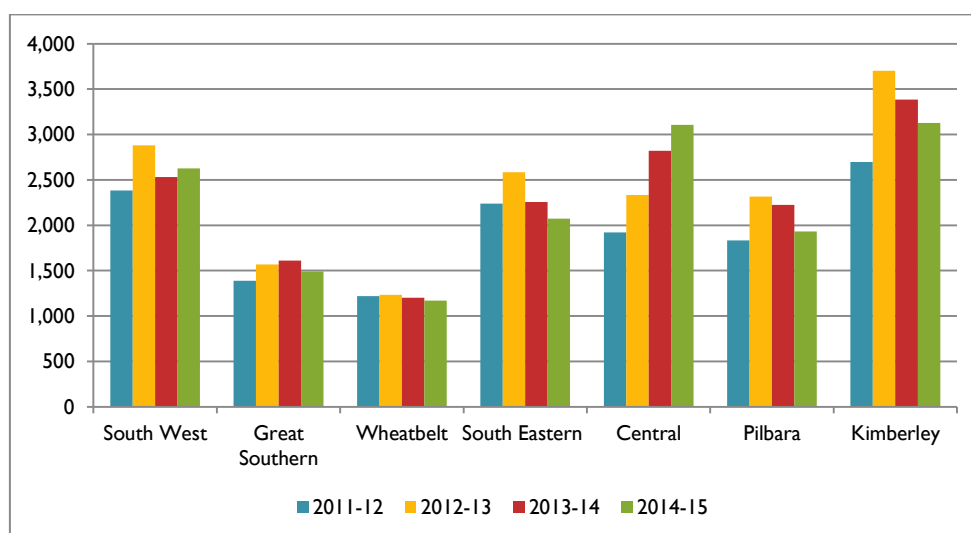
### 2.2.1 Rural and remote areas

While the smaller population means that there are fewer family and domestic violence incidents in rural and remote Western Australia than in the metropolitan area, the rate is considerably higher in most regional areas. In 2012-13, the rate per 1000 population was startlingly high in the Kimberley (100.68), compared to the metropolitan rate (17.33). The rate was also higher than the metropolitan area in the Pilbara, Central (Mid West –Gascoyne), South Eastern (Goldfields)<sup>31</sup> and Great Southern regions. Only the South West and Wheatbelt regions had a lower rate (see Table 2).

**Table 2: Family and domestic violence incidents reported to police, proportional to population, 2012-13<sup>32</sup>**

Region	Rate per 1000 population
South West	11.34
Wheatbelt	16.83
Metropolitan	17.33
Great Southern	27.39
Central (Mid-West Gascoyne)	35.92
Pilbara	37.51
South Eastern (Goldfields)	43.47
Kimberley	100.68

**Figure 4: Family and domestic violence incidents reported to WA Police, regional districts, 2011-12 to 2014-15<sup>33</sup>**



31 The region which the Department for Child Protection and Family Support refers to as Central is the WA Police district of Mid-West Gascoyne, and the DCPFS region of South Eastern is the equivalent of the WA Police district Goldfields.

32 Department for Child Protection and Family Support, [Western Australia's Family and Domestic Violence Prevention Strategy to 2022: Achievement Report to 2013](#), Government of Western Australia, Perth, 2014, p26.

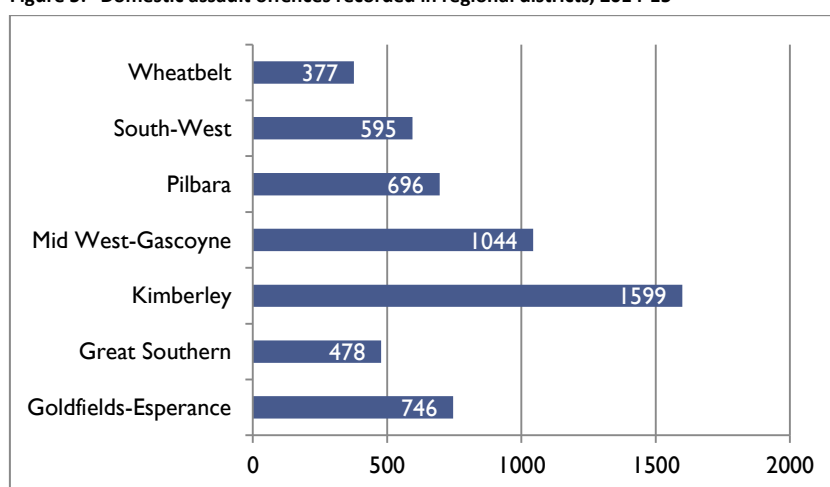
33 Sourced from: Department for Child Protection and Family Support, [Western Australia's Family and Domestic Violence Prevention Strategy to 2022: Achievement Report to 2013](#), Government of Western Australia, Perth, 2014, p26; Mr Anthony Kannis, Executive Director, WA Police, Letter, 7 September 2015.

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While data from WA Police shows reports of family and domestic violence decreasing in most regional areas over the past four years, the number of reports in the Central (Mid-West Gascoyne) region have steadily increased, reaching almost the same level as the Kimberly in 2014-15 (see Figure 4).

WA Police crime statistics show the highest number of domestic assaults in regional WA occurred in the Kimberley, followed by the Central/Mid-West Gascoyne region (see Figure 5).

Figure 5: Domestic assault offences recorded in regional districts, 2014-15



Studies suggest that disclosure of domestic violence in rural and remote parts of Australia may be lower than in urban areas due to greater social tolerance and an ideology of self-reliance. More traditional gender roles, the masculine culture associated with rural men's work and patterns of alcohol consumption have also been cited as possible reasons.<sup>34</sup>

It may be more difficult for women in rural and remote areas to access help and to leave a violent relationship due to poor services (including transport and communications), lack of confidentiality/anonymity, and the stigma attached to the public disclosure of violence.<sup>35</sup>

### 2.2.2 Aboriginal communities

Aboriginal women are over-represented in family and domestic violence statistics. Whilst Aboriginal people make up just 3.1 per cent of the West Australian population, it

34 Carrington, K., 'Violence and the architecture of rural life', in E. Barclay, J. Donnermeyer, J. Scott and R. Hogg, eds, *Crime in rural Australia*, Federation Press, Annandale, 2007, pp86–99; Hogg, R. and K. Carrington, *Policing the rural crisis*, Federation Press, Annandale, 2006, pp. 149–159.

35 Morgan, Anthony and Chadwick, Hannah, '[Key issues in domestic violence](#)', *Research in practice series*, no. 7, Australian Institute of Criminology, December 2009, pp4-5.

is estimated that they experience violence at two to five times the rate of non-Aboriginal people.<sup>36</sup> Aboriginal women are 45 times more likely to experience family and domestic violence than non-Aboriginal women.<sup>37</sup>

It is also estimated that Aboriginal women are 35 times more prone to hospitalisation and 10 times more likely to die as a result of family and domestic violence than non-Aboriginal women.<sup>38</sup>

Aboriginal women not only experience domestic violence more frequently but also more severely than their non-Aboriginal counterparts, and restraining orders are used more readily.<sup>39</sup>

However, the lack of data and research and the high proportion of violent victimisation that is not disclosed to police makes it difficult to accurately determine the extent and nature of family violence in Aboriginal communities.<sup>40</sup>

Rates of Aboriginal family and domestic violence are highest in the Kimberley region, but the Aboriginal population is also much higher there, at nearly 50 per cent.

### 2.2.3 Culturally and linguistically diverse communities

It is impossible put a figure on the rate of domestic violence in culturally and linguistically diverse (CaLD) communities. This is largely due to the fact that there is no uncontested national data readily available.<sup>41</sup> For example, the National Survey of Community Satisfaction with Policing (NSCSP) – which in any case does not ask a question directly in relation to domestic violence – does not record the primary language (or Indigenous status) of people completing the survey.

Those studies that have focused on CaLD communities have reached varying conclusions. While some have found that women from non-English speaking backgrounds are subjected to higher levels of violence than women from English speaking backgrounds, other studies have found the opposite.<sup>42</sup>

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36 Australia's National Research Organisation for Women's Safety, [Indigenous family violence](#), Fast facts, ANROWS website.

37 Department for Child Protection, [WA Strategic Plan for Family and Domestic Violence, 2009-2013](#), Government of Western Australia, Perth, p4.

38 Submission No. 2 from Aboriginal Family Law Services, 6 July 2015, p4.

39 *ibid.*

40 Willis, M. 'Non-disclosure of violence in Australian Indigenous communities', *Trends and Issues in Crime and Criminal Justice*, no. 405, Australian Institute of Criminology, Canberra, 2011, p1.

41 Department of Social Services, [Hearing her voice: Report from the kitchen table conversations with culturally and linguistically diverse women on violence against women and their children](#), Commonwealth of Australia (Department of Social Services), Australia, 2015, p9.

42 Morgan, Anthony and Chadwick, Hannah, 'Key issues in domestic violence', *Research in practice series*, no. 7, Australian Institute of Criminology, December 2009, p5.



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In WA, the Multicultural Women's Advocacy Service (part of the not-for-profit Women's Health and Family Services) assisted more than 250 clients from 78 countries in 2013-14, through its offices in Fremantle, Gosnells, Mirrabooka and Northbridge.<sup>43</sup>

Despite difficulties in quantifying the prevalence of family and domestic violence in CaLD communities, it is generally agreed that women from CaLD backgrounds are particularly vulnerable to family or domestic violence as they face additional challenges when seeking assistance in family or domestic violence situations. They may lack the support networks, English language skills, and knowledge of their rights and Australian laws that may be needed to address or escape violence. Socio-economic considerations, cultural values or a women's visa status may also prevent her from reporting domestic abuse.<sup>44</sup>

The Second Action Plan of the *National Plan to Reduce Violence Against Women and Children 2010-2022* seeks to address the absence of data concerning how family or domestic violence affects women from CaLD communities through the continued construction of a national evidence base. This includes the implementation of the National Research Agenda – which identifies the experiences of women from CaLD communities as a priority research area – and the measurement of the prevalence of violence and community attitudes towards violence through national surveys and one-off reports, with CaLD communities specifically recognised.<sup>45</sup>

### 2.3 Frameworks to address family and domestic violence

Policing of family and domestic violence does not occur in a vacuum, but takes place within broader frameworks. The national policy framework is provided by the *National Plan to Reduce Violence Against Women and Children 2010-2022*, which aims to reduce the levels of violence against women within 12 years. It coordinates the actions of each jurisdiction through four three-year action plans, which each have specific foci, priorities and actions.<sup>46</sup>

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43 Women's Health and Family Services, [Annual Report 2014](#), Western Australia, 2014, p13.

44 Morgan, Anthony and Chadwick, Hannah, '[Key issues in domestic violence](#)', *Research in practice series*, no. 7, Australian Institute of Criminology, December 2009, p5; Department of Social Services, [Hearing her voice: Report from the kitchen table conversations with culturally and linguistically diverse women on violence against women and their children](#), Commonwealth of Australia (Department of Social Services), Australia, 2015, pp9-10; Bartels, Lorana, '[Emerging issues in domestic/family violence research](#)', *Research in practice series*, no. 10, Australian Institute of Criminology, Canberra, April 2010, p5; Council of Australian Governments, [Second Action Plan 2013-2016: Moving Ahead of the National Plan to Reduce Violence against Women and their Children, 2010-2022](#), Department of Social Services, Canberra, 2014, pp7, 25.

45 *ibid*; Australia's National Research Organisation for Women's Safety, [National research agenda to reduce violence against women and their children](#), May 2014, pp7, 19, 24.

46 Council of Australian Governments, [National Plan to Reduce Violence Against Women and Their Children 2010-2022](#), Department of Families, Housing, Community Services and Indigenous Affairs, Canberra, 2011.

All Australian jurisdictions have individual strategies to address family and domestic violence that align with the *National Plan*.<sup>47</sup> In Western Australia, the *Family and Domestic Violence Prevention Strategy to 2022* provides the strategic direction for government agencies and the community sector working in the area. It emphasises reform and an integrated response, and focuses on prevention and early intervention, victim safety, and perpetrator accountability.<sup>48</sup>

As the lead agency for strategic planning in relation to family and domestic violence, the Department for Child Protection and Family Support (DCPFS) has oversight of the *Family and Domestic Violence Prevention Strategy to 2022*. On 7 September 2015, the DCPFS launched an action plan – *Freedom from Fear: Working towards the elimination of family and domestic violence in Western Australia 2015* – which it says is underpinned by the principles of the *Prevention Strategy* and builds on work already undertaken through that strategy.<sup>49</sup>

It is not entirely clear where one plan ends and the other begins or whether the three-year action plans set out in the *Prevention Strategy* (the first being 2013 to 2016) have been superseded by the 2015 *Freedom from Fear* action plan, which sets out 20 actions grouped into five priority areas. While the *Prevention Strategy* obviously represents a long-term vision, there is no timeframe linked to the actions in *Freedom from Fear*.

Both the *Prevention Strategy* and *Freedom from Fear* emphasise the importance of integrated responses,<sup>50</sup> achieved by government agencies and the community sector working in a coordinated and collaborative manner. *Freedom from Fear* states that a collaborative approach is characterised by:

- a shared responsibility for responding to family and domestic violence;

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47 ACT Government, [Our responsibility: Ending violence against women and children. ACT Prevention of Violence Against Women and Children Strategy 2011-2017](#), ACT Government, Canberra, 2011; New South Wales Government, [It Stops Here: Standing together to end domestic and family violence](#), New South Wales Government, 2014; Northern Territory Government, [Domestic and Family Violence Reduction Strategy 2014-17: Safety is Everyone's Right](#), Northern Territory Government and Commonwealth of Australia, 2014; Queensland Government, [Draft Domestic and Family Violence Prevention Strategy, 2015-2025](#), not yet published; Government of South Australia, [A Right to Safety – South Australia's Women's Safety Strategy 2011-2022](#), The Office for Women, December 2011; Tasmanian Government, [Taking Action: Tasmanian's Primary Prevention Strategy to Reduce Violence Against Women and Children 2012-2022](#), Community Development Division, Department of Premier and Cabinet, Hobart, 2013; Victorian Government, [Action Plan to Address Violence against Women and Children 2012-15: Everyone has a responsibility to Act](#), Victorian Government, Melbourne, October 2012.

48 Department for Child Protection and Family Support, [Family and Domestic Violence Prevention Strategy to 2022](#), Government of Western Australia, Perth, 2012.

49 Department for Child Protection and Family Support, [Freedom from Fear: Working towards the elimination of family and domestic violence in Western Australia](#), Government of Western Australia, Perth, 2015.

50 *ibid.*, p4; Department for Child Protection and Family Support, [Family and Domestic Violence Prevention Strategy to 2022](#), Government of Western Australia, Perth, 2012, p4.

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- no wrong door to a family and domestic violence service response;
- clear and seamless pathways for clients through the service system;
- common understanding and language about family and domestic violence and risk;
- collaborative case management to secure safety and manage risk; and
- collaborative interventions to aid adult and child victims in healing and recovery.<sup>51</sup>

It also states that service providers and government agencies are accountable to and for the safety of adult and child victims, and that their policies, procedures and practices consider and “privilege safety as the paramount consideration guiding all intervention”.<sup>52</sup>

Implementation of the action plan will be overseen by the Family and Domestic Violence Senior Officers’ Group which is comprised of representatives from 16 agencies, including WA Police.

Whilst none of the actions identified in *Freedom from Fear* identify specific actions or responsibilities for police, WA Police says that it has been working with DCPFS on the action plan, which it sees as “an essential element of the police response to family and domestic violence going forward”.<sup>53</sup>

A plan specifically aimed at reducing family violence in the Kimberley was also released at the start of October 2015. *The Safer Families, Safer Communities Kimberley Family Violence Regional Plan 2015-2020* (the Kimberley Plan), is underpinned by the principles of the *Prevention Strategy* but grounded in Aboriginal law and culture to ensure it is relevant and effective.<sup>54</sup>

It hopes to change attitudes to family violence, along with promoting recovery from trauma resulting from past government policies that led to dispossession and dislocation; and a coordinated, collaborative safety net which prioritises safety of the victim, holds the perpetrator responsible and manages risk.<sup>55</sup>

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51 Department for Child Protection and Family Support, [\*Freedom from Fear: Working towards the elimination of family and domestic violence in Western Australia\*](#), Government of Western Australia, Perth, 2015, p4.

52 *ibid.*

53 Mr Gary Dreier, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, p2.

54 Department for Child Protection and Family Support, [\*Safer Families, Safer Communities Kimberley Family Violence Regional Plan 2015-2020\*](#), Government of Western Australia, Perth, 2015, p11.

55 *ibid.*, pp11-12.

The Kimberley Plan includes \$1.3m for support services and to fund Family Safety Teams in Broome, Derby, Kununurra and Halls Creek. The four Family Safety Teams will include a representative from WA Police, DCPFS and the Department of Corrective Services, along with a women/girls worker, a men/boys worker and a community worker. The teams appear to be similar to the Family and Domestic Violence Response Teams (see below) except that the multi-agency case management will involve more agencies, and there will be a community education role.<sup>56</sup>

In announcing the Kimberley Plan, Minister for Mental Health, Disability Services and Child Protection Helen Morton also announced additional police officers and child protection workers would be committed to the Kimberley Joint Response – also known as Operation Reset.<sup>57</sup>

Operation Reset, a joint initiative of the WA Police Sex Crime Division and the Department for Child Protection and Family Support ChildFIRST service, was implemented in 2009 to combat child sex abuse in remote Aboriginal communities.

The most recent family and domestic violence strategy produced by WA Police is the *Family and Domestic Violence Strategy 2009-2011*. In evidence to the Committee, WA Police said that the agency had no plans to update that strategy, given the significant planning and work being done by other agencies at the state and national level.<sup>58</sup>

Nevertheless, WA Police said the agency had commenced a review at the start of 2015 (which was “well progressed”) to “identify a proposed model for police response to family violence that will meet current emerging needs, as well as position WA Police for the future”.<sup>59</sup>

This was to ensure that WA Police remained contemporary with what was occurring in relation to family violence and to learn to improve its service to victims.

According to Gary Dreibergs, who was Acting Commissioner of WA Police at the time, WA Police:

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56 Department for Child Protection and Family Support, [Safer Families, Safer Communities Kimberley Family Violence Regional Plan 2015-2020](#), Government of Western Australia, Perth, 2015, p23.

57 Hon Helen Morton, (Minister for Mental Health, Disability Services and Child Protection), [\\$3m to combat family violence in the Kimberley](#), Media Statement, Government of Western Australia, Perth, 1 October 2015.

58 Mr Gary Dreibergs, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, p4.

59 *ibid.*, p2.

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*must ensure that during times when we are developing a new policing model and undertaking reform that our practices align with the manner in which we need to tackle family and domestic violence.*<sup>60</sup>

He said the WA Police representative on the Senior Officers' Group had had extensive discussions with partner agencies and other policing jurisdictions throughout Australia.

The level of strategic planning in relation to family and domestic violence varies across other Australian jurisdictions. New South Wales Police Force sits at one end of the spectrum, with family and domestic violence regularly identified as an important aspect of policing. It boasts a 2012-2016 Corporate Plan that includes the reduction of domestic, family and sexual violence as a key priority, and two performance measures that relate specifically to domestic violence.<sup>61</sup>

NSW Police Force also has a separate strategy for service delivery to Aboriginal communities. A stated outcome of this strategy is the reduction of Aboriginal family violence, with several actions and indicators of success associated with the outcome.<sup>62</sup> NSW police are guided in their actions by a separate domestic violence policy and a code of practice for the response to domestic and family violence.<sup>63</sup>

Over the past decade, Victoria Police has also produced a number of strategies and action plans addressing violence against women and children, accompanied by a regularly updated *Code of Practice for the Investigation of Family Violence*.<sup>64</sup> Today, family violence is included as a key focus of Victoria Police in its 2015-2018 Corporate Plan, with specific family violence-related actions, priority projects, and performance objectives.<sup>65</sup>

At the other end of the spectrum (joining WA) are those jurisdictions whose police forces have lapsed strategies, including the Northern Territory Police<sup>66</sup> and the Queensland Police Service (QPS).<sup>67</sup> In its recent inquiry into domestic and family violence in Queensland, the Special Taskforce on Domestic and Family Violence in Queensland recognised a gap in QPS strategic planning, recommending that QPS

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60 Mr Gary Dreier, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, p2.

61 New South Wales Police Force, [NSW Police Force Corporate Plan 2012-2016](#), 2012.

62 New South Wales Police Force, [Aboriginal Strategic Direction, 2012-2017](#), pp20-21.

63 New South Wales Police Force, [Domestic and Family Violence Policy](#), 2012; New South Wales Police Force, [Code of practice for the NSW Police Force Response to Domestic and Family Violence](#), Government of New South Wales, New South Wales, November 2013.

64 [Victoria Police submission to the Royal Commission into Family Violence](#), SUBM.0923.001.0001. Victoria Police, [Code of Practice for the Investigation of Family Violence](#), 3<sup>rd</sup> edition, Victorian Government, Victoria, June 2014.

65 Victoria Police, [Victoria Police Corporate Plan, 2015-18 – Year 1](#), pp7, 9, 13, 15.

66 Northern Territory Police, [Domestic and Family Violence Strategy, 2012-2014: Project Respect](#).

67 Queensland Police Service, [Domestic and Family Violence Strategy 2009-2013](#).

develop and implement a strategy for increasing criminal prosecution of perpetrators through enhanced investigative and evidence gathering techniques.<sup>68</sup>

## 2.4 Role of WA Police

Police are involved in various stages of family and domestic violence offences, from the initial response to the prioritisation of cases, investigation and prosecution.

### 2.4.1 Initial response

On a day-to-day basis, any frontline officer (whether part of a response team or a local policing team) may be called upon to attend or to investigate a family and domestic violence incident. If a call is taken, priority – from 1 (highest) to 4 (lowest) – is assigned according to the level of risk to the victim and other circumstances at the time.<sup>69</sup>

Response team officers would then attend and take what they deem to be the most appropriate action. This might include issuing a Police Order to separate the parties for a period of 72 hours, charging or arresting the perpetrator, or referring either party to another agency.

When the parties involved in a domestic violence incident are intimate partners or immediate family members, a Domestic Violence Incident Report (DVIR) must be completed. The DVIR 1-9 consists of nine separate questions that seek to assist an accurate risk assessment and inform the creation of a risk management plan by a Family and Domestic Violence Response Team. It includes:

- the parties' relationship;
- prior DVIRs between the parties;
- details of children who were present during the incident and/or who usually reside with the parties;
- a full account of the incident, including injuries sustained and police action;
- risk factors, including the victim's perception of the incident, whether weapons were used, and whether the victim was separated from the perpetrator; and
- behavioural factors (such as obsessiveness, strangulation and jealousy).<sup>70</sup>

According to WA Police, a detective sergeant is rostered 24 hours a day every day in each police district control centre to oversee the response to family and domestic

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68 Special Taskforce on Domestic and Family Violence in Queensland, [\*Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland\*](#), Queensland Government, Queensland, 2015, p320.

69 Mr Gary Dreiergaps APM, Acting Commissioner, WA Police, Letter, 25 September 2015, p5.

70 DVIR 1-9 Aide Memoire 2013 provided by WA Police, 25 September 2015.

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violence incidents.<sup>71</sup> However, the detective sergeant is not a family and domestic violence specialist but a trained specialist investigator who oversees the primary investigation of an array of incidents.<sup>72</sup> This is contrary to comments made in parliament by the Minister for Police that “as part of the *Frontline 2020* reform model ... district support teams have trained domestic violence support people who are specialists in family and domestic violence available 24 hours a day, seven days a week”.<sup>73</sup>

District control centre officers also “value-add” while the officers are attending the incident, checking for a history of firearms or previous history of violent incidents.<sup>74</sup>

According to WA Police, it is mandatory for unresolved family and domestic violence incidents to be allocated for secondary investigation.<sup>75</sup>

### 2.4.2 Family and Domestic Violence Response Teams

If the incident is recorded on a DVIR – that is, the persons involved are intimate partners or immediate family members – the incident is referred to the Family and Domestic Violence Response Team (FDVRT) and assessed the following morning.

FDVRTs, set up in 2009 in metropolitan areas and in 2010 in regional WA, bring together one staff member each from WA Police, the Department for Child Protection and Family Support (DCPFS), and a non-government support service (known in this context as a Coordinated Response Service<sup>76</sup>). The WA Police member of the team, who is a sergeant, is known as the Victim Support Coordinator.

There are currently 17 teams in the state – eight in metropolitan districts (which equates to two per police district) and nine in regional districts.<sup>77</sup> In most cases all

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71 Mr Bradley Sorrell, Acting Commander, Metropolitan Region, WA Police, *Transcript of Evidence*, 9 September 2015, p18.

72 Mr Gary Dreiberger APM, Deputy Commissioner, Specialist Services, WA Police, Letter, 7 October 2015, p2.

73 Hon Liza Harvey, Minister for Police, WA, Legislative Assembly, *Parliamentary Debates* (Hansard), 17 September 2015..

74 Mr Bradley Sorrell, Acting Commander, Metropolitan Region, WA Police, *Transcript of Evidence*, 9 September 2015, p18.

75 Mr Gary Dreiberger APM, Deputy Commissioner, Specialist Services, WA Police, Letter, 7 October 2015, p2.

76 These organisations include: Anglicare WA, Lucy Saw Centre, Mission Australia, Patricia Giles Centre, Ruah Community Services, Koolkuna, Share and Care Community Services, Waratah, Women’s Health and Family Services.

77 Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 12 August 2015, p3.

parties are physically located in the same premises. Co-location is the preferred option as this is said to improve the integration and responsiveness of a team.<sup>78</sup>

Each FDVRT carries out joint assessments of individual family or domestic violence cases within their district. When police complete a DVIR, the information it contains is published on a joint data platform which can be accessed by the other FDVRT members. Each team member refers to their respective organisation's database and draws on information that they may have about the individual's or family's history with their organisations.<sup>79</sup>

The FDVRT members meet on a daily basis (on weekdays) to triage each case, assigning the follow-up response to one of the three team organisations. In cases where children are involved and criminal activity is not considered a factor, DCPFS generally manages the response, and where there are no children residing with the parties and criminal activity is not considered a factor, the Coordinated Response Service will generally oversee case management. WA Police takes the lead role where the parties are, or may be, involved in criminal activity or where the individual or family are identified as recidivists. Alternatively, any case can receive a joint response from all three FDVRT agencies.<sup>80</sup>

The responsibilities of police in this process relate to evidence collection, arrest, and criminal proceedings (in addition to providing the DVIR that initiates the assessment process).<sup>81</sup> Ideally, according to the operations of the new *Frontline 2020* model, some of the investigative and follow-up duties are assigned to officers in the local policing teams.

In Geraldton, the Committee found that the police member of the FDVRT is regarded as the police point of contact by support services working with domestic violence victims.<sup>82</sup>

The teams are said to enhance the responsiveness of agencies, support a common risk assessment process and to hold all agencies accountable.<sup>83</sup>

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78 Department for Child Protection and Family Support, *Family and Domestic Violence Response Team, Evaluation Report: January – June 2014*, Department for Child Protection and Family Support, Family and Domestic Violence Unit, Government of Western Australia, Perth, December 2014, pp2-3; Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 12 August 2015, p4.

79 Ms Yolanda Strauss, Manager, Domestic Violence Services, Women's Health and Family Services, *Transcript of Evidence*, 19 August 2015, p8.

80 Department for Child Protection and Family Support, [Family and Domestic Violence Response Team: Operating Procedures](#), Department for Child Protection and Family Support, Family and Domestic Violence Unit, Government of Western Australia, Perth, July 2013, p15.

81 *ibid.*, p9.

82 Ms Kylie Coupar, advocate, Chrysalis Support Services Inc., *Briefing*, 7 September 2015.



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### 2.4.3 Police Orders and Restraining Orders

Where there is sufficient evidence in a family and domestic violence case, police will prosecute the accused person which may require the victim to be a witness in court. Where there is insufficient evidence to arrest and charge someone but police hold concerns for the safety and welfare of another person, police may issue a Police Order.

A Police Order may be issued without the requirement to obtain the consent of the person protected by the order for up to a period of 72 hours. It provides temporary but instant protection for a person who is being threatened, harassed or intimidated, and provides an opportunity for a person to attend court to obtain a Violence Restraining Order (VRO).

It is a criminal offence to breach a Police Order and if a breach occurs the accused person will be arrested and charged, and faces a similar penalty to that of breaching a Restraining Order.

A Restraining Order is an order of the court preventing the offender from behaving in a manner that is intimidating or offensive. It is designed to prevent the person from coming near the victim or their property. Anyone over the age of 18 can apply for a Restraining Order at a Magistrates Court. A parent, guardian, police officer or an adult can apply for a Restraining Order on behalf of people aged under 18.<sup>84</sup>

Current police policy provides that if a police officer is satisfied that there has been or will be an act of family and domestic violence that constitutes a criminal offence or puts the safety of a person at risk, “it will be incumbent on the member to make the violence restraining order application”.<sup>85</sup>

Hence, the LRCWA was surprised to find that in 2012 there were only 75 applications made by a police officer (representing less than one per cent of the total applications made). This is in stark contrast to Victoria and New South Wales where 60 to 75 per cent of applications are made by police. According to the WA Police State Family Violence Protection Coordination Unit this was due to resourcing constraints.<sup>86</sup>

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83 Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 12 August 2015, p4; Ms Kay Benham, Executive Director, Policy and Learning, Department for Child Protection and Family Support, *Transcript of Evidence*, 12 August 2015, p4.

84 See Appendix Seven for tables of statistics related to Police Orders issued and restraining order applications made and granted.

85 Law Reform Commission of WA, [Enhancing Family and Domestic Violence Laws – Final Report](#), Project No. 104, Government of Western Australia, Perth, June 2014, pp89-90.

86 *ibid.*, p90.

In a Committee hearing, WA Police agreed that they had “very low involvement” in applications for violence restraining orders.<sup>87</sup> Acting Commissioner Dreiberger implied that it was not the best use of police resources to have police officers applying VROs on behalf of victims.<sup>88</sup>

Inspector Young said that once police became involved in applying for a VRO – which was a civil process – they were regarded as the applicant which meant that they had to pursue any variations or corrections to the VRO on behalf of the victim. If there was a request that the victim wanted rescinded, it was up to police to negotiate. She said the experience of Victoria and New South Wales was that managing the post-obtaining of the violence restraining order and the mechanisms and the variations was “quite a big impost on their time”.<sup>89</sup>

However, some saw it as more efficient to use police because it reduced time in the court system. Aboriginal Family Law Services chief executive officer Mary Cowley said in the face of reductions in Legal Aid and Aboriginal Legal Service lawyers, the Aboriginal Family Law Services was encouraging police to assist. She said it was not necessary to have a lawyer to make a VRO application – “you just need to know the process and have someone who can assist”.<sup>90</sup>

Magistrates would spend less time hearing applications because police giving evidence on behalf of the applicant would be better at explaining accurately what had happened than a victim who is typically traumatised and nervous.

WA Police did not necessarily disagree that someone other than the victim could and perhaps should make the application. They were just not convinced that it needed to be police.

*All I would argue is that we could examine who is the best person for that in that environment—is it police; is it some other alternative option; is it through another process? I am not saying one thing or another in terms of specifically whether the police should or should not do them. I am saying that there are lots of alternatives to undertake that role, not just police officers.*<sup>91</sup>

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87 Ms Susan Young, Detective Inspector, WA Police, *Transcript of Evidence*, 9 September 2015, p14.

88 Mr Gary Dreiberger, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, p17.

89 Ms Susan Young, Detective Inspector, WA Police, *Transcript of Evidence*, 9 September 2015, p19.

90 Ms Mary Cowley, Chief Executive Officer, Aboriginal Family Law Services, *Transcript of Evidence*, 16 September 2015, p5.

91 Mr Gary Dreiberger, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, p21.

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Ms Cowley agreed that it did not need to be done by a police officer. Customer service officers within police stations could be trained to complete the application. Police needed to be receptive –

*... to whoever comes through that front door wanting to know about restraining orders —do not refer them to the courthouse .... In remote communities where you have an admin office, the administrator can assist with it. All you need is one or two people in the community who can be trained up to do restraining orders, and you can reduce that administrative burden that is placed on the police.<sup>92</sup>*

### **Proposal for a new type of Violence Restraining Order**

There are currently two types of restraining order:

- a Misconduct Restraining Order to restrain the misconduct of a non-family member; and
- a Violence Restraining Order (VRO) for family violence or other non-family personal violence situations.

In March 2015 the Attorney General and Police Minister announced that a third type of Restraining Order, known as a Family Violence Restraining Order (FVRO), would be introduced as part of the overhaul of the *Restraining Orders Act 1997* (as recommended by the Law Reform Commission of WA). According to the Minister for Police, the FVRO would:

*... remove the onus on a victim to provide evidence of an act of abuse before the order can be issued, and would include behaviour intended to coerce, intimidate or control. The grounds for an order would be redefined by removing the broad discretion of magistrates in deciding whether to grant one. If conditions for making the order were met, an order should be made.<sup>93</sup>*

At the time of publication, the legislation had not been introduced, although a consultation paper had been released to stakeholders and it was reported that the Attorney General expected the legislation to be introduced to Parliament this year.<sup>94</sup>

### **Finding 2**

Despite foreshadowed legislative change to amend the *Restraining Orders Act* (1997) to introduce a Family Violence Restraining Order, it has not been introduced.

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92 Ms Mary Cowley, Chief Executive Officer, Aboriginal Family Law Services, *Transcript of Evidence*, 16 September 2015, pp9, 10.

93 Hon L.M. Harvey, Hansard, Legislative Assembly, 10 March 2015, p884c-885a.

94 Banks, A., 'Move against revenge porn', *The West Australian online*, 18 October 2015.

#### 2.4.4 Oversight

Agency oversight in this area is the responsibility of the State Family Violence Coordination Unit, part of the Sex Crime Division within the Specialist Crime portfolio. It was established in 2003 in response to the Gordon Inquiry.

#### BOX 1<sup>95</sup>

##### The Gordon Inquiry

In 2001, the Gordon Inquiry investigated the response of government agencies to family violence and child abuse in Aboriginal communities following a coronial inquest into the death of 15-year-old Susan Taylor. The inquiry found that 13 separate government agencies had been involved with the girl before her death, but each was not aware of the services the others were providing. The findings and recommendations emphasised the need for increased collaboration between agencies.

In response, the State Government promised to establish multi-functional policing facilities (government service agencies co-located with WA Police) in nine remote locations to:

- Strengthen responses to child abuse and family violence;
- Increase the protection of rights of Aboriginal children and women;
- Encourage victims' reporting of abuse;
- Provide a permanent policing presence within 200km of all Aboriginal communities;
- Provide increased safety for community members and service providers.

Today, there are 11 multi-functional policing facilities in WA, permanently staffed by WA Police and one full-time equivalent (FTE) officer from the Department for Child Protection and Family Support (DCPFS) (except in Jigalong where there is a 0.7 FTE). Staff from other agencies use the facilities for visiting personnel, such as judicial officers on the Magistrates Court circuit.

An assessment of policing in remote Aboriginal communities in Queensland, the Northern Territory, Western Australia and South Australia in 2007 concluded that the multi-functional police facilities model was "the most progressive" of the models being developed in the four jurisdictions. But it still raised concerns about the adequacy of police numbers in some areas.

Staff retention and recruitment has been an issue for DCPFS, with the officer positions at three facilities remaining vacant for approximately six months prior to May 2014. In the past 12 months, facilities in Burringurrah, Warburton, Balgo, and Bidyadanga have been without a DCPFS officer for 10 months, 5 months, 3 months, and 2 months respectively.

The purpose of the unit is to research, collate and analyse information to identify trends, and to develop strategies and influence policy. It works with WA Police district Family Protection Coordinators (now called Victim Support Coordinators in the

<sup>95</sup> See Appendix Eight for references.

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metropolitan districts) as well as external government and non-government organisations.<sup>96</sup>

The unit, which is resourced with a detective inspector, two detective sergeants and a senior constable,<sup>97</sup> conducts reviews of each police district's response, from the front line and initial scene attendance to the investigation and prosecution of offenders.<sup>98</sup>

### 2.4.5 Changes as a result of the *Frontline 2020* reforms

While the FDVRTs have been in place for five to six years, the way in which officers are assigned to domestic violence cases has changed. Prior to the *Frontline 2020* reforms, districts operated with a team of police officers with specialist knowledge of family and domestic violence (i.e. gained from experience but not necessarily formal training).

For example, the South East Metropolitan district – which takes in Armadale – formerly had seven officers assigned to the Family Protection Unit who were dedicated to family and domestic violence. Now there are only four (one sergeant and three constables), who are based at the Cannington Police Station.

Prior to the reforms (in June 2014) there were 27.3 full-time equivalent (FTE) officers assigned to Family Protection Units across the seven districts in the metropolitan area. As of September 2015, there were 13 FTE officers assigned to the renamed Victim Support Units across the four (larger) metropolitan districts.<sup>99</sup>

The *Frontline 2020* reforms have not been introduced into regional WA yet and the numbers remain the same (as well as the name of the unit i.e. Family Protection).<sup>100</sup> There are seven Family Protection Units in regional WA, with 10 FTE officers distributed between them.

There are two perspectives on the reasons for reassigning the specialised officers. On the one hand, the Committee was told it was considered inefficient to use the family

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96 O'Callaghan, K., Commissioner of Police, [Response to Four Corners from Western Australia Police](#), 20 July 2012.

97 Mr Gary Dreiergs APM, Acting Commissioner, WA Police, Letter, 25 September 2015, p3.

98 O'Callaghan, K., Commissioner of Police, [Response to Four Corners from Western Australia Police](#), 20 July 2012.

99 Mr Gary Dreiergs APM, Acting Commissioner, WA Police, Letter, 25 September 2015, p3.

100 Some regional police stations will receive additional staff as a result of the reforms. Geraldton, for example, will eventually receive approximately 26 additional FTEs, all of whom will be sworn officers. The Committee does not know whether specialised officers will be included in this increase. Regional Command Assistant Commissioner Murray Smalpage, WA Police, *Briefing*, 7 September 2015; Mr Gary Dreiergs, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, p13.

and domestic specialist officers to deal with issues that were essentially the domain of DCPFS staff, instead of for police work.<sup>101</sup>

The other perspective offered (and in line with the policy position) is that domestic violence should be seen as the responsibility of all frontline officers, and if it is segregated they may not see it as their responsibility.<sup>102</sup>

### Finding 3

The number of police officers assigned to specialist domestic violence units (now called Victim Support Units) has halved since the introduction of the *Frontline 2020* model in June 2014. Under the new model, all police officers are expected to respond to family and domestic violence incidents.

## 2.5 Challenges

Police forces confront a number of challenges in dealing with family and domestic violence victims, not least the reluctance of many women to report the violence to them in the first place. The decision not to report or disclose family and domestic violence can be influenced by a range of factors. Police also need to be aware of the cultural beliefs and attitudinal factors held by particular groups that underlie the decision not to report or not to proceed with charges.

### 2.5.1 Not wanting to report or press charges

There are a variety of reasons for victims being reluctant to report family and domestic violence to the police. A New Zealand study of sexual assault victims found that not being believed was the most common reason for not reporting, followed by anxiety about the effects on family.<sup>103</sup>

Other reasons include:

- That the police response will not be effective;
- Lack of confidence in the justice system to deliver the desired outcome i.e. punishment of the perpetrator. As Willis (2011) notes:

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101 Supt Brad Royce, District Superintendent for South East Metropolitan District, WA Police, *Briefing*, 14 November 2014.

102 Mr Laurie Panaia, Acting Commander, Regional Command, WA Police, *Briefing*, 7 September 2015; Mr Gary Dreiberger, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, p10.

103 Kingi, V. and Jordan, J., 2009, cited in Willis, M. '[Non-disclosure of violence in Australian Indigenous communities](#)', *Trends and Issues in Crime and Criminal Justice*, no. 405, Australian Institute of Criminology, Canberra, 2011, p4.

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*Victims who are not reasonably confident that the system will deliver the kind of justice outcomes they seek may elect not to face the additional trauma, effort and risk that may come from reporting.*<sup>104</sup>

That burden might include having to revisit details of the assault when providing a statement to police, undergoing medical examination or giving evidence in court.<sup>105</sup> The possibility of experiencing re-victimisation through the legal process plays a part in decisions to report sexual assault, according to Lievore (2003) and the Office of the Status of Women.<sup>106</sup>

- Fear of retaliation from the perpetrator, friends or family, particularly if reporting the incident leads to police intervention but not prosecution;
- Fear that children will be removed from the family;
- Lack of economic independence and the related fear of homelessness.<sup>107</sup>

With regard to not wanting to press charges, studies suggest that the victim may take into account the impact of the perpetrator of being charged with an offence, such as loss of employment, reputation or possible imprisonment.<sup>108</sup>

### 2.5.2 The influence of attitudes/myths

Willis (2011) reports that women are more likely to report an incident of sexual assault if it falls within popular or socially acceptable notions of what constitutes rape. Hence, misconceptions about rape – such as the notion that victims may have brought on the attack (“she got what she deserved”), that rape cannot exist inside marriage and that rape is only committed by “evil” strangers<sup>109</sup> – may influence a woman’s decision to report an assault.

Women may be persuaded that an assault can be excused if it results from temporary anger or regret is expressed. Women may excuse men’s behaviour if they subscribe to the belief that men cannot control their need for sex and are therefore not responsible for their actions.<sup>110</sup>

Women are also aware of a commonly held belief that claims are often fabricated during custody disputes, which may lead to them feeling they will not be believed.

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104 Willis, M. ‘[Non-disclosure of violence in Australian Indigenous communities](#)’, *Trends and Issues in Crime and Criminal Justice*, no. 405, Australian Institute of Criminology, Canberra, 2011, p4.

105 Lievore, D., 2003, cited in *ibid.*, p3.

106 Lievore, D., 2003, and Office of the Status of Women, 1995, cited in *ibid.*

107 Ms Mary Cowley, Chief Executive Officer, Aboriginal Family Law Services, *Transcript of Evidence*, 16 September 2015, p2.

108 Willis, M. ‘[Non-disclosure of violence in Australian Indigenous communities](#)’, *Trends and Issues in Crime and Criminal Justice*, no. 405, Australian Institute of Criminology, Canberra, 2011, p4.

109 Lievore, D., 2003, cited in *ibid.*, p3.

110 Taylor, N. and Mouzos, J., 2006, cited in *ibid.*

### 2.5.3 Factors for women from culturally and linguistically diverse communities

The beliefs and past experiences of women from different ethnic groups are central to their decision to report, and police need to be aware of this if they are to help them overcome these barriers.

Other than the obvious language issues, victims may be fearful of police if they have had negative experiences with police or authority figures in countries with oppressive regimes.

The attitudes of the particular ethnic group to domestic violence also play a big role in influencing a woman to return to the relationship. If the victim's disclosure of domestic violence is perceived as bringing shame on the community, the community may shun her.<sup>111</sup>

A woman's visa and immigration status and eligibility for permanent residence or social services benefits also has a bearing, particularly if the male partner threatens to send the woman back to her country of origin and keep her children in Australia.<sup>112</sup>

Lack of familiarity with and understanding of the police, legal and services systems also make it more difficult for women from minority ethnic groups to report.

### 2.5.4 Factors for women in Aboriginal communities

A 2010 study of community safety in Aboriginal communities found that the majority of service providers in health, sexual assault, victim support and other roles (across four Australian jurisdictions) thought female sexual assault or family violence victims would be more likely to turn to health services, elders or family and kin for help than to disclose the violence to police.<sup>113</sup>

Reasons for non-disclosure of domestic violence in Aboriginal communities are similar to those in the broader community, but overlaid with the impact of past injustices and poor treatment, which has resulted in deep distrust of mainstream authorities. As Willis (2011) notes, "state agencies, like the police and courts, may be regarded with mistrust and often perceived as racist and sexist".<sup>114</sup>

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111 Ms Yolanda Strauss, Manager, Domestic Violence Services, Women's Health and Family Services, *Transcript of Evidence*, 19 August 2015, p2.

112 *ibid.*; Ms Julie Jackson, Director, Family Law Division, Legal Aid WA, Letter, 24 September 2015, p4.

113 Willis M., '[Community safety in Australian Indigenous communities: Service providers' perceptions](#),' *Research and public policy series*, no. 110, Australian Institute of Criminology, Canberra, 2010, p5.

114 Willis, M. '[Non-disclosure of violence in Australian Indigenous communities](#),' *Trends and Issues in Crime and Criminal Justice*, no. 405, Australian Institute of Criminology, Canberra, 2011.



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As such, Aboriginal women had tended to view family and domestic violence as a community problem to be addressed through community-owned justice responses, in contrast to non-Aboriginal women who prioritised holding men accountable and saw family violence as a crime to be owned by the state.<sup>115</sup>

The following points from Willis's (2011) paper summarise the main deterrents to reporting for Aboriginal women:<sup>116</sup>

- The likelihood of negative repercussions, particularly in small, interconnected and isolated communities where anonymity cannot be maintained;
- Fear of further violence and "payback";
- Shame and the fear of being ostracised from family and community members;
- Unsatisfactory responses (culturally and sexually insensitive) from police which women have experienced or heard about;
- The feeling of betrayal of others who have suffered similar abuse but have not reported it;
- The feeling that they need to protect the perpetrator from imprisonment and a potential death in custody;
- Shyness and language problems;
- Acceptance of the violence as inevitable or unavoidable;
- The cultural and political authority held by certain individuals who can exert control over individuals within the community.

The Barndimalgu Court, which operated in Geraldton between 2007 and June 2015, was one of six specialist family and domestic violence courts formerly operating in WA. It sought to reduce the number of Aboriginal people imprisoned for family and domestic violence-related offences by implementing a therapeutic court-based model that included the local Aboriginal community in the management of cases. Offenders were required to participate in alcohol and drug courses as well as a 20-week group counselling program.<sup>117</sup>

The Committee heard mixed reviews about the effectiveness of the court. Legal Aid WA lawyer Kate Turtley-Chappel said that the behavior of offenders was challenged more effectively in the group sessions provided through Barndimalgu than in one-on-one

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115 Willis, M. '[Non-disclosure of violence in Australian Indigenous communities](#)', *Trends and Issues in Crime and Criminal Justice*, no. 405, Australian Institute of Criminology, Canberra, 2011, p9.

116 *ibid.*, pp4-8.

117 Communicare Inc., '[Indigenous Family Violence](#)'; Law Reform Commission of WA, [Enhancing Family and Domestic Violence Laws –Discussion Paper](#), Project No. 104, Government of Western Australia, Perth, December 2013, pp119, 134.

counseling.<sup>118</sup> Others in Geraldton, however, said that it did not solve the problem as offenders continued to carry out acts of violence.<sup>119</sup>

Barndimalgu Court closed in June 2015 after the Department of the Attorney General completed a cost-benefit analysis of the specialist courts and found that they did not significantly reduce recidivism.<sup>120</sup>

## 2.6 Best practice in policing of family and domestic violence

In recent years, organisations working in the area of family and domestic violence have recognised the need for best practice guidelines to direct their responses to the crime.<sup>121</sup> By establishing and implementing best practice, victims and offenders will receive consistent and effective responses from police and service providers, which will not only send a strong message to offenders that the abuse is not tolerated but ultimately reduce the prevalence of violence in the home.<sup>122</sup>

A review of best practice responses to family and domestic violence, including an examination of the policing initiatives currently being implemented in other Australasian jurisdictions, reveals that a police response model based on best practice would incorporate:

- Education and training;
- Strong leadership;
- Prevention and early intervention strategies;
- A victim-centred approach;
- The treatment of family and domestic violence as a crime;
- Consistency in incident response;

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118 Ms Kate Turtley-Chappel, Legal Aid WA lawyer, *Briefing*, 7 September 2015.

119 Ms Kylie Coupar, advocate and Ms Deanne McCagh, outreach worker, Chrysalis Support Services Inc., *Briefing*, 7 September 2015.

120 Hon Michael Mischin, (Attorney General), '[New era for dealing with family violence in courts](#)', Media Statement, Government of Western Australia, Perth, 24 June 2015; Department of the Attorney General, [Evaluation of the Metropolitan Family Violence Court and Evaluation of the Barndimalgu Court: Evaluation Report](#), Government of Western Australia, Perth, December 2014, p11.

121 Many community-based organisations use 'good practice' rather than 'best practice', as the latter implies that there is only one pathway to success, irrespective of the context or circumstances. See Szirom, Tricia, '[Good Practice in Domestic Violence Services](#)', *Australian Domestic & Family Violence Clearinghouse Newsletter*, no. 14, March 2003, p1.

122 Marcus, G., Campbell G., Steendam, W. and Little, C., [Better Policing, Better Outcomes: Changing Police Culture to Prevent Domestic Violence and Homicide](#), issues paper 18, Australian Domestic and Family Violence Clearinghouse, Sydney, 2009, p2.

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- A collaborative and multi-agency response, especially in risk assessment and case management; and
- Continual evaluation.

The *Australasian Policing Strategy on the Prevention and Reduction of Family Violence* (hereafter *Australasian Policing Strategy*) is a key document for police in relation to best practice. Launched by all Australian and New Zealand police commissioners in 2008, it seeks “to improve policing practice to prevent and reduce family violence across Australasia” by identifying 10 priorities for action.<sup>123</sup> As a party to the strategy, WA Police Commissioner Karl O’Callaghan committed WA Police to following the best practice framework provided in the strategy.

The best practices outlined below are drawn from a range of literature across jurisdictions, including elements of those identified in the *Australasian Policing Strategy*. The degree to which they are taken into account by WA Police when assessing their performance is considered in Chapter Four.

### 2.6.1 Education and training

The review shows that it is essential for best practice that all police officers receive specialist training. This would address the dynamics and complexities of the abuse, appropriate ways to respond to victims and perpetrators (with a particular focus on demonstrated cultural competence), the diversity of experiences, and relevant legislation and policing policies.

Truly effective training would incorporate input from non-government agencies and support services that work with victims of family and domestic violence.<sup>124</sup>

One or two sessions undertaken while new recruits is not considered sufficient; training should be ongoing to ensure that frontline police, as first responders, are kept informed of the most recent research and any legislative changes that may affect their ability to respond to family and domestic violence incidents (such as the introduction of new Police Orders or stricter bail conditions).<sup>125</sup>

Specific training in relation to any interagency risk assessment or case management processes was also required.

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123 Australasian Police Leaders, [\*Australasian policing strategy on the prevention and reduction of family violence\*](#), Commonwealth of Australia and New Zealand, Sydney, 2008.

124 Division for the Advancement of Women, Department of Economic and Social Affairs, United Nations, [\*Handbook for legislation on violence against women\*](#), United Nations, New York, 2010, p18.

125 *ibid.*

The Committee considers training to be central to police performance and has devoted a section of Chapter 4 to how WA Police trains its officers and evaluates its training.

### 2.6.2 Strong leadership

To provide the most effective response to family and domestic violence, significant commitment and support is required from senior levels of police management to implement change and coordinate a consistent policing response, according to the literature.

International and Australian studies of police responses to domestic and family violence have highlighted the persistence of a police culture that is judgmental of victims, and which views the crime as “just a domestic” and therefore less worthy of police attention than other criminal activity.<sup>126</sup>

Changing police culture requires strong leadership. Not only should police commissioners make clear statements that domestic and family violence will not be tolerated, but senior officers needed to ensure that these intentions were implemented in the day-to-day activities of junior officers.<sup>127</sup>

Politicians, of course, play a role and the recent leadership shown by the Prime Minister Malcolm Turnbull in making a high-profile announcement of measures to tackle domestic violence was welcome. State leaders should demonstrate similar leadership.

### 2.6.3 Prevention and early intervention strategies

Police should include approaches that seek to prevent family and domestic violence from occurring in the first place, according to a New Zealand strategy. This may involve working with other agencies in community education programs to raise public awareness and encourage reporting to police or actively engaging with communities with a high incidence of family and domestic violence.<sup>128</sup>

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126 Coliandris, Geoff and Rogers, Colin, 'Policing Domestic Abuse Effectively: A Blueprint for success?', *Australasian Policing*, vol. 5, no. 2, 2013, p2; Special Taskforce on Domestic and Family Violence in Queensland, [Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland](#), Queensland Government, Queensland, 2015, p327; Her Majesty's Inspectorate of Constabulary (HMIC), [Everyone's Business: Improving the Police Response to Domestic Abuse](#), HMIC, London, 2014, p51.

127 Marcus, G., Campbell G., Steendam, W. and Little, C., [Better Policing, Better Outcomes: Changing Police Culture to Prevent Domestic Violence and Homicide](#), issues paper 18, Australian Domestic and Family Violence Clearinghouse, Sydney, 2009, pp2, 8, 14; Cussen, T. and Lyneham, M., '[ACT Family Violence Intervention Program Review](#)', *Technical and background paper series*, no. 52, Australian Institute of Criminology, Canberra, 2012, p13.

128 New Zealand Police, [Prevention First: National Operating Strategy, 2011-2015](#), New Zealand Government, New Zealand, 2011; New Zealand Police, [Statement of Intent: 2014/15-2017/18](#), New Zealand Government, New Zealand, 2014, p31.

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The day-to-day activities of New Zealand Police, for example, are underpinned by the national operating strategy *Prevention First*. The strategy commits New Zealand Police to gaining an understanding of the underlying causes of family violence through officers' engagement with Māori, Pacific and ethnic communities (who are over-represented in offending and victimisation) and using the resulting intelligence.<sup>129</sup>

### 2.6.4 A victim-centred approach

Experts agree that when policing family and domestic violence, victims' safety should be of paramount importance. The degree to which police can ensure their safety is reliant, to a large extent, on legislators adopting laws that give officers the power to respond effectively, through arrest or tough bail conditions.

Police should also seek to empower victims by providing personalised responses that recognise their specific situation and needs. As first responders, police needed to take these contexts into account and adjust their personal interaction with victims accordingly.<sup>130</sup>

Victim empowerment is also dependent on police working within a collaborative, multiagency approach (see below), which enables police to refer victims to support agencies with the necessary experience and skills to address their specific needs.<sup>131</sup>

### 2.6.5 Family and domestic violence is treated as a crime

To send a strong and consistent message to the community and offenders that family and domestic violence will not be tolerated, there is recognition that it needs to be treated as a crime and offenders held accountable for their actions.

Several Australian jurisdictions have pro-arrest or pro-charge approaches to policing family and domestic violence.<sup>132</sup> The United Nations also advocated the adoption of pro-arrest and pro-prosecution policies in the *United Nations Handbook for Violence against Women Legislation*.<sup>133</sup>

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129 New Zealand Police, [Prevention First: National Operating Strategy, 2011-2015](#), New Zealand Government, New Zealand, 2011, p5.

130 Coliandris, Geoff and Rogers, Colin, 'Policing Domestic Abuse Effectively: A Blueprint for success?', *Australasian Policing*, vol. 5, no. 2, 2013, p5.

131 Coliandris, Geoff and Rogers, Colin, 'Policing Domestic Abuse Effectively: A Blueprint for success?', *Australasian Policing*, vol. 5, no. 2, 2013, p5.

132 ACT Government, [Our responsibility: Ending violence against women and children. ACT Prevention of Violence Against Women and Children Strategy 2011-2017](#), ACT Government, Canberra, 2011, p23; Tasmania Police, [Safe at Home](#); Victoria Police, [Code of Practice for the Investigation of Family Violence](#), 3<sup>rd</sup> edition, Victorian Government, Victoria, June 2014, p24.

133 Division for the Advancement of Women, Department of Economic and Social Affairs, United Nations, [Handbook for legislation on violence against women](#), United Nations, New York, 2010, p37.

But there are limitations to these “zero-tolerance” approaches: whilst they provide immediate protection to victims, they can also increase the likelihood of victims being incorrectly identified as the perpetrator (particularly where the victim has used defensive violence); they may act as a disincentive to victims reporting; and they may increase the risk to victims of retaliatory violence post-arrest.

Consequently, in its final report the Special Taskforce on Domestic and Family Violence in Queensland recommended that the Queensland Police Service adopt a pro-active investigation and protection policy, which places victims’ safety at the centre of the police response.<sup>134</sup>

New South Wales Police Force uses a proactive approach, which “requires police to not only respond to incidents of domestic and family violence and give strongest consideration to arrest; but to develop strategies to reduce repeat offender behaviour and manage repeat and high risk offenders”.<sup>135</sup>

#### 2.6.6 Consistency in incident response

Victims’ first interactions with police are vitally important as they often determine whether a victim will report future incidents of violence. As Relationships Australia (Western Australia) informed the Committee:

*[T]he responses that excuse violence, blame the victim and place responsibility for abuse on the victim are harmful as they reduce the likelihood of women reporting abuse. As with any FDV service, the service’s **response to** victims is of paramount importance to their ongoing willingness and confidence to **engage with** the service.*<sup>136</sup>

To ensure that victims will receive the same high quality response from all frontline officers, best practice encourages the development of a family and domestic violence Code of Practice or guidelines. As these clearly articulate the processes that police are expected to follow when attending a domestic violence incident or following up on a report of family or domestic violence, the adoption of a code of practice generally leads to greater consistency in police responses.<sup>137</sup>

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134 Special Taskforce on Domestic and Family Violence in Queensland, [\*Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland\*](#), Queensland Government, Queensland, 2015, p322.

135 New South Wales Police Force, [\*Code of practice for the NSW Police Force Response to Domestic and Family Violence\*](#), Government of New South Wales, New South Wales, November 2013, p12.

136 Submission No. 3 from Relationships Australia (Western Australia), 6 July 2015, p8.

137 Marcus, G., Campbell G., Steendam, W. and Little, C., [\*Better Policing, Better Outcomes: Changing Police Culture to Prevent Domestic Violence and Homicide\*](#), issues paper 18, Australian Domestic and Family Violence Clearinghouse, Sydney, 2009, p10.

## Chapter 2

A code of practice or guidelines can also increase a police force's accountability and provide increased transparency in relation to its family and domestic violence policies. Making a code of practice publicly available, as New South Wales Police and Victoria Police do, allows victims, partner agencies, and the general public to hold police accountable to the code.<sup>138</sup>

Some Australian jurisdictions have adopted tools that standardise the gathering of evidence by police, minimising the risk of important factors being overlooked. Incident response procedures should enable senior officers to review individual officers' performance and thereby hold them accountable for the quality of their response.

Police should also consistently provide a professional interpreter when the victim and accused are from culturally and linguistically diverse (CaLD) backgrounds and do not have high English proficiency.<sup>139</sup>

### 2.6.7 Collaborative and multi-agency response

It is now accepted that, in order to respond effectively to family and domestic violence, police must collaborate with other government and non-government organisations to provide a cohesive, integrated service to victims, offenders, and their families.<sup>140</sup> Most Australian police forces are part of an integrated response. To a greater or lesser degree they follow best practice within an integrated response, which includes risk assessment, risk management, case conferencing and case management.<sup>141</sup>

Tasmania's highly-regarded *Safe at Home* integrated framework is a whole-of-government strategy which consists of weekly Integrated Case Coordination (ICC) meetings in each of the four Tasmanian police districts. Representatives from key government agencies (the departments of Police and Emergency, Health and Human Services, and Justice)<sup>142</sup> share information about each case, determine an appropriate response and assign a case coordinator.

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138 Marcus, G., Campbell G., Steendam, W. and Little, C., [Better Policing, Better Outcomes: Changing Police Culture to Prevent Domestic Violence and Homicide](#), issues paper 18, Australian Domestic and Family Violence Clearinghouse, Sydney, 2009, p10.

139 Department of Social Services, [Hearing her voice: Report from the kitchen table conversations with culturally and linguistically diverse women on violence against women and their children](#), Commonwealth of Australia (Department of Social Services), Australia, 2015, pp39-41.

140 Cussen, T. and Lyneham, M., ['ACT Family Violence Intervention Program Review'](#), *Technical and background paper series*, no. 52, Australian Institute of Criminology, Canberra, 2012, p13.

141 Department of Justice, [Review of the Integrated Response to Family Violence](#), report prepared by Success Works, Tasmanian Government, Tasmania, June 2009, p25.

142 Specifically, representatives from Victim Safety Response Teams and Police Prosecutions (Department of Police and Emergency Management); the Family Violence Counselling and Support Service, Child Protection Service, and Defendant Health Liaison Service (Department of Health and Human Services); and Court Support and Liaison Service (Department of Justice). See Department of Justice, [Safe at Home: Internal Performance Review Report 2014](#), Tasmanian Government, Tasmania, April 2015, pp26, 54.

Tasmania Police are integral to the collaborative framework, with their family and domestic violence reports serving as the primary entry point for victims and offenders into the *Safe at Home* program (in a similar way to DVIRs in WA).

An information management system links Tasmania Police family and domestic violence reports to Department of Justice data which is accessible to all ICC partners.<sup>143</sup>

Although non-government agencies are not involved in ICC meetings, there are referral pathways in *Safe at Home* that allow government agencies to refer offenders to health and welfare services in the non-government sector.

### 2.6.8 Continual evaluation

A robust family and domestic violence strategy should incorporate ongoing self-auditing procedures, including data collection and monitoring processes. As all governments recognised in the Second Action Plan of the *National Plan to Reduce Violence Against Women and Children 2010-2022*, a solid evidence base is necessary to determine what is working and what is not.<sup>144</sup>

Similarly, the *Australasian Policing Strategy* acknowledged the importance of evaluation of police responses to family and domestic violence. The auditing of implemented programs, research and training is one of the consistent elements in the strategy.<sup>145</sup>

The methods by which police can evaluate their responses can include the development of performance measures or indicators. What these performance measures may look like is discussed in the next chapter.

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143 Department of Justice, [Safe at Home: Internal Performance Review Report 2014](#), Tasmanian Government, Tasmania, April 2015, pp27, 55-56.

144 Council of Australian Governments, [Second Action Plan 2013-2016: Moving Ahead of the National Plan to Reduce Violence against Women and their Children, 2010-2022](#), Department of Social Services, Canberra, 2014, p46.

145 Australasian Police Leaders, [Australasian policing strategy on the prevention and reduction of family violence](#), Commonwealth of Australia and New Zealand, Sydney, 2008, pp6, 7, 8.





## Chapter 3

### Performance measurement

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This chapter describes how WA Police measures the effectiveness of its response to family and domestic violence, as well as outlining evaluation tools and strategies used by other agencies and organisations.

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*Identifying a range of performance measures and the need to monitor them will ensure that the policing of family violence is viewed as more than simply responding to late night disturbance complaints.<sup>146</sup>*

As noted in Chapter Two, best practice in family and domestic violence policing includes a process of continual evaluation to determine what is working.

The annual reports and strategies for Australian police forces indicate that there is no consensus on the measurement of performance in domestic and family violence policing. A number of national jurisdictions (Northern Territory, ACT, Queensland, South Australia) do not have any specific family and domestic violence KPIs; Tasmania has set a target of less than or equal to the past three-year average for the number of family violence incident reports; and Victoria measures “crimes against property – family violence related crime” and “crimes against the person – family violence related crime”.

#### BOX 2

##### **Suggested performance measures**

1. Reduction in repeat victimisation
2. Reduction in repeat attendances
3. Reduction in repeat offending
4. Accurate identification and recording of incidents
5. Increase in offenders charged and successfully prosecuted
6. Increased arrest and prosecution of breaches of DVO
7. Police adequately informed about previous attendance and violence
8. Increased victim satisfaction with police response
9. Improved willingness of victims to call police

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<sup>146</sup> Rollings, K. and Taylor, N., '[Measuring police performance in domestic and family violence](#)', *Trends and Issues in Crime and Criminal Justice*, no. 367, Australian Institute of Criminology, Canberra, 2008, p6.

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While NSW has a number of performance measures associated with its Corporate Plan,<sup>147</sup> these do not feature in the audited KPIs, which report only the number of assaults that are domestic violence related.

An Australian Institute of Criminology report from 2008<sup>148</sup> suggested nine performance measures (see Box 2) for police that could be used as a guide by police agencies. These will be discussed in Chapter Four.

### 3.1 How WA Police measures its performance

WA Police has one audited KPI related to family and domestic violence, and no formalised internal KPIs for monitoring the performance of its officers. This is not to say that there is no monitoring or accountability, as will be discussed in more detail below.

The DCPFS has a couple of sets of performance measures: one set linked to the Family and Domestic Violence Response Teams and a set of seven KPIs to measure the progress of the State's *Family and Domestic Violence Prevention Strategy to 2022*. Many of these are dependent on police response/actions, and will be discussed further below.

#### 3.1.1 WA Police audited Key Performance Indicator

Prior to the 2014-15 financial year, there was no KPI specifically for family and domestic violence offences. These offences were included in overall offences against the person as part of the KPI "Sanction rate for offences".

##### KPIs in 2013-14 and prior

Sanction rate for offences:

- Sanction rate for offences against the person
- Sanction rate for offences against property
- Sanction rate for drug trafficking offences

WA Police has recorded a decline in the sanction rate for "offences against the person" since 2009-10. The target of 60 per cent was not met in 2013-14. This was attributed to

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147 New South Wales Police Force, [NSW Police Force Corporate Plan 2012-2016](#), 2012.

148 Rollings, K. and Taylor, N., '[Measuring police performance in domestic and family violence](#)', *Trends and Issues in Crime and Criminal Justice*, no. 367, Australian Institute of Criminology, Canberra, 2008.

the increase in the recorded domestic assault offences and a decrease in the number of sanctions.<sup>149</sup>

From 2014-15, domestic violence incidents were removed from the overall offences KPI and reported separately, and in a slightly different way: the sanction rate is no longer used.<sup>150</sup> Instead, WA Police has instituted an indicator which essentially measures how efficiently police deal with cases (even though it is described as an effectiveness measure).

#### **2014-15 KPI**

Percentage of family and domestic-related incidents where an offender was processed for an offence against the person within 7 days.

The 2014-15 Budget target was 75 per cent.

“Processed for an offence” refers to a person being arrested, charged, summonsed or cautioned. According to WA Police, in domestic violence situations being charged or arrested was the usual case.<sup>151, 152</sup>

Although WA Police cited the high number of domestic assaults as the reason for not meeting its “offences against the person” target in 2013-14 in its annual report for that year, this was not offered as a reason for altering the KPI during evidence to the Committee.

Rather, the reason for the change was given as “possibly an acknowledgement” that family violence needed to become a focus and that measuring it separately was useful and an indication of its importance.<sup>153</sup>

Acting Commissioner Dreiberger said that a key rationale for having a KPI relative to time was an acknowledgement that complaints needed to be investigated expediently.<sup>154</sup>

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149 Western Australia Police, [Annual Report 2014](#), WA Police, Perth, 2014, p96.

150 While the sanction rate is no longer used as a KPI, it is still being reported on the WA Police website in the Crime Statistics tables. The tables, updated monthly, provide data on domestic assaults and sexual assaults in each region of the State and metropolitan area, among other offences.

151 Mr Mark Stringer, Performance Analyst, WA Police, *Transcript of Evidence*, 9 September 2015, p5.

152 The Committee notes that a case being processed within a certain timeframe does not necessarily mean that the victim was satisfied with the outcome.

153 Ms Susan Young, Detective Inspector, WA Police, *Transcript of Evidence*, 9 September 2015, p4.

154 Mr Gary Dreiberger, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, p4.

## Chapter 3

The 2014-15 annual report indicates that the target for 2014-15 (75 per cent of incidents processed within seven days) was not met, with 71.6 per cent processed.<sup>155</sup> The 75 per cent target was aspirational, since the percentage of incidents processed had been around 70 per cent when the KPI was developed and has not been more than 72 per cent since 2010-11.<sup>156</sup>

### 3.1.2 Internal measures

According to Mr Dreibergs, WA Police has an internal regime of oversight over the police response that is heavily focused on tracking the actions of attending officers and subsequent reporting of family and domestic violence. This would include monitoring of CAD calls (discussed previously) and the monitoring of officers' responses and performance via completed Domestic Violence Incident Reports (DVIRs).

The Committee was not able to assess the extent to which this is performed throughout the State, and it is likely that monitoring for quality and consistency is dependent on the leadership of senior officers and their willingness to hold those under their command accountable.

It appears that internal measurement of police performance in the family and domestic violence sphere is very much a work in progress, with WA Police largely reliant on partner agencies to establish indicators, including qualitative measures.

In evidence to the Committee, Mr Dreibergs said that the tracking process would continue to be developed as the new policing model evolved. He said WA Police did not work in isolation and any evaluation "should be hand in glove" with their partner agencies to give them "the total picture from start to end".

WA Police see the multi-agency Family and Domestic Violence Response Teams as providing qualitative measures of their performance in dealing with the more serious family and domestic violence incidents, but how that would be captured was still to be determined.<sup>157</sup>

"WA Police will continue to explore performance evaluation in consultation with our local partner agencies and with the view to identify best practice from other policing jurisdictions."<sup>158</sup>

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155 WA Police, [Annual Report 2015](#), WA Police, Perth, 2015, p91.

156 *ibid.*; Mr Mark Stringer, Performance Analyst, WA Police, *Transcript of Evidence*, 9 September 2015, p21.

157 Mr Gary Dreibergs, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, p3.

158 *ibid.*

Mr Dreiberger said WA Police would use the monitoring and evaluation framework identified in the *Freedom from Fear* action plan to guide its own evaluations, but nothing was in place at this stage.

There would also be consideration of including questions relevant to victims of family violence in the National Survey of Community Satisfaction with Policing (NSCSP) (see below for a description of the survey).<sup>159</sup>

#### **Finding 4**

While WA Police has some tools for monitoring the response of its officers to family and domestic violence, it has no set timeline to introduce any formal evaluation measures.

#### **3.1.3 Department for Child Protection and Family Support measures**

The DCPFS conducts two types of evaluation, both of which involve data sourced from WA Police. One type of evaluation is linked to the *Prevention Strategy* and the other is to measure the performance of the FDVRTs.

##### ***FDVRT monitoring and evaluation***

According to the DCPFS, the *FDVRT Monitoring and Evaluation Framework*<sup>160</sup> was put in place to provide feedback about the effectiveness of the FDVRT – in particular its ability to assess and triage DVIRs and manage the workload, and to streamline the process for clients and improve safety for victims.

Six-monthly evaluation reports have been produced for February to June 2013, July to December 2013 and January to June 2014. The next FDVRT evaluation covers the 12-month period from July 2014 to June 2015 and was due to be released this month (October 2015).<sup>161</sup>

The reports include a compilation of data and information from FDVRT partners (i.e. WA Police, DCPFS and Coordinated Response Services) against a set of data items and performance measures.

Data and information included in the most recent report (January-June 2014) included:

- Profile of DVIRs – reflecting the FDVRT client group;
- FDVRT activities – including triage, joint assessment and follow-up service responses;

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159 Ms Susan Young, Detective Inspector, WA Police, *Transcript of Evidence*, 9 September 2015, p4.

160 Department for Child Protection and Family Support, [Family and Domestic Violence Response Team Monitoring and Evaluation Framework](#), DCPFS Domestic Violence Unit, July 2013.

161 Ms Emma White, Director General, Department for Child Protection and Family Support, Letter, 9 August 2015, p2.

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- Performance measures (comparing four time periods from July-December 2012 to January-June 2014):
  - (a) Domestic violence incidents attended by WA Police;
  - (b) Victims offered a service response by the FDVRT;
  - (c) Multi-agency case management (MACM);
  - (d) Reporting family and domestic violence;
  - (e) Indicators of harm/severity.

The database for (a) is maintained by WA Police, and while a seemingly obvious way to measure performance, it is a flawed measure because of the inability to discern whether an increase in the number of reports is due to increased willingness by victims to report or to an actual increase in incidents.

In the period January to June 2014, 88 per cent of DVIRs received by the FDVRTs were assessed and triaged, which seems to indicate a reasonable level of team efficiency; however, the Committee is not aware of a target and hence whether the target has been met, or of reasons why 12 per cent of the DVIRs were not assessed/triaged.

Almost two-thirds (64 per cent) of all victims were offered a service response by the FDVRT (performance measure b) – more than double the amount for the same period in 2013. The Committee cannot be sure what proportion were referrals from police, but any increase in referrals to services is encouraging.

### ***Family and Domestic Violence Prevention Strategy to 2022 monitoring and evaluation***

Reporting against the outcomes of the *Prevention Strategy* occurs annually. Every second year, the report includes data against a set of key performance indicators. New indicators related to child protection, sexual assault and legal outcomes will be included in the next report in October 2016.<sup>162</sup> The first report (released in 2014 and comparing data from 2008-09 to 2012-13) reports against the following seven KPIs:

1. Number of family and domestic violence incidents reported to Western Australia Police by region and financial year.
2. Number of Police Orders issued, by order duration, region and financial year
3. Number of Violence Restraining Orders applied for, where circumstances of domestic violence are present.
4. Number of Violence Restraining Orders granted where circumstances of domestic violence are present.

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<sup>162</sup> Ms Emma White, Director General, Department for Child Protection and Family Support, Letter, 9 August 2015, p1.

5. Number of perpetrators charged as a result of family and domestic violence for assault, sexual assault, breach of restraining order and other (property damage, deprivation of liberty, stalking).
6. Assault victims hospitalised.
7. Number of family and domestic violence related homicides.

WA Police refer to these seven KPIs and the proposed extension of these as offering the best broad measure of their performance in policing family and domestic violence.<sup>163</sup> It should be noted, however, that numbers three and four relating to Violence Restraining Orders are not necessarily appropriate KPIs specifically for police if they are not the ones assisting with VRO applications.

### 3.1.4 Other measures

The *Report on Government Services* (ROGS), produced by the Productivity Commission, reports on the performance of public sector services across Australia, including police services.<sup>164</sup> It is released at the beginning of each year and published on the Productivity Commission website.

Police service performance is reported against four activity areas: community safety; crime; road safety; and judicial services. There is also a general section for performance across all police activity areas.

There are no specific indicators for family and domestic violence, either in terms of reported crimes or in regard to community safety perceptions.

Indicators for “Crime” are “crime victimisation”, “reporting rates” and “outcomes of investigations”, and are reported in terms of “crimes against the person” and “crimes against property”. Whilst “crime victimisation” measures the estimated victimisation rate for physical and threatened assault and the estimated victimisation rate for sexual assault, the relationship status of those involved is either not recorded or not included in the analysis. Hence this data does not provide any comparison of rates of family and domestic violence between jurisdictions.

The ROGS uses a number of statistical sources, one of which is the National Survey of Community Satisfaction with Policing (NSCSP). This is an annual survey commissioned by the Australia New Zealand Policing Advisory Agency on behalf of Australian police

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163 Mr Gary Dreiergs, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, pp2-3, 21.

164 SCRGSP (Steering Committee for the Review of Government Service Provision) 2015, *Report on Government Services 2015*, vol. A, *Approach to performance reporting*, Productivity Commission, Canberra, 2015, p1.1.



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jurisdictions, and conducted by a social research company. The survey data is used by police for annual reporting purposes, as well as by the Productivity Commission.

The NSCSP collects information on community perceptions of police services and personal experiences of contact with the police. It also elicits public perceptions of crime and safety problems in the community.

Once again, there is no specific measurement of the experience and perceptions of victims of family and domestic violence. General satisfaction with the service provided by police is measured for all respondents (regardless of contact with the police) and also for those who had contact with the police in the previous 12 months.

### **Finding 5**

The absence of any questions measuring family and domestic violence crimes, victim safety or victim satisfaction in the National Survey of Community Satisfaction with Policing makes it impossible for jurisdictions to compare their performance in this area.

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### Adequacy of WA Police performance evaluation

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This chapter presents the evidence of domestic violence victims and support services in regard to their experiences with police. It also discusses police training and how it may be improved, and how GPS technology may be used to help keep victims safe. In conclusion, the extent to which WA Police aligns with best practice in family and domestic violence policing is considered, and suggestions are made for suitable performance measures.

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*Are we actually making women safer? Are we actually, fundamentally, addressing that issue of safety?*

*- Kay Benham, Department for Child Protection and Family Support*

THE safety of women and children who are experiencing, or are at risk of experiencing, family and domestic violence is the primary focus of the WA Police. This is clearly articulated in the Department for Child Protection and Family Support (DCPFS) action plan *Freedom from Fear*, which WA Police regards as its guiding document in addressing family and domestic violence.<sup>165</sup>

It makes sense, then, to consider how victims think WA Police is performing when responding to family and domestic violence. Is it adhering to best practice? In other words, are its officers placing victims at the centre of their responses and treating them with respect and empathy? Are its officers consistently taking reports of family and domestic violence seriously, taking action, and treating abuse as a crime?

Importantly, is WA Police measuring the level of satisfaction with its family and domestic violence response, as a crucial way of evaluating its performance? As a result of their experiences, victims and service providers who deal with victims on a daily basis offered many suggestions to the Committee as to what WA Police should consider when evaluating its performance. These will be discussed at the end of this chapter.

#### 4.1 Victims' perceptions and experiences with police

The lack of consistency in police responses was the overriding theme to emerge from the evidence. For every positive report of police actions that the Committee received, negative reports were also provided. This is not to say that the majority of police are

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<sup>165</sup> Department for Child Protection and Family Support, [\*Freedom from Fear: Working towards the elimination of family and domestic violence in Western Australia\*](#), Government of Western Australia, Perth, 2015, p7; Mr Gary Dreier, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, pp2, 21.

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neither well-intentioned nor willing to take action. But what emerges from the evidence is that they are often inadequately trained to deal with the complexities of family and domestic violence, unaware of WA Police policy, and labouring under extreme workloads.

### 4.1.1 Attitude of officers

Examinations of family and domestic violence policing in Australia and internationally have noted the persistence of a police culture that judges victims' responses to the violence and regards abuse as "just a domestic".<sup>166</sup> The lack of empathy shown by some police officers has been found to stem partly from the belief that responding to family and domestic violence is not "real" police work and partly from the perception that it is ambiguous, potentially frustrating work with some associated danger for responding officers.<sup>167</sup>

Unfortunately, the Committee received evidence that this negative police culture endures amongst some in WA Police. One woman, who suffered extreme abuse and twice contacted her local police to advise them of the situation, was told that "there was no point in calling the police about domestic violence" because "domestic violence had nothing to do with police."<sup>168</sup> Others reported being told that family and domestic violence was an issue for the family court rather than police.<sup>169</sup>

Kedy Kristal, chief executive officer of the Patricia Giles Centre, believes such attitudes persist in WA Police due to the rigid ideas of some officers about what does – and does not – constitute policing:

*That is what so many of them get hung up on. They will say they cannot deal with that because that is dealing with community stuff, or people's relationships, or I am not a social worker; I am just here to enforce the law. Somehow we have to meld those two attitudes together so they are more than just people who enforce the law.*<sup>170</sup>

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166 Coliandris, G. and Rogers, C., 'Policing Domestic Abuse Effectively: A Blueprint for success?', *Australasian Policing*, vol. 5, no. 2, 2013, p2; Special Taskforce on Domestic and Family Violence in Queensland, [\*Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland\*](#), Queensland Government, Queensland, 2015, p327; Her Majesty's Inspectorate of Constabulary (HMIC), [\*Everyone's Business: Improving the Police Response to Domestic Abuse\*](#), HMIC, London, 2014, p51.

167 Coliandris, G. and Rogers, C., 'Policing Domestic Abuse Effectively: A Blueprint for success?', *Australasian Policing*, vol. 5, no. 2, 2013, p2; Ms Kedy Kristal, Chief Executive Officer, Patricia Giles Centre, *Transcript of Evidence*, 19 August 2015, p10.

168 Submission No. 1, closed submission, 3 July 2015, p2.

169 Submission No. 3 from Relationships Australia (Western Australia), 6 July 2015, p4.

170 Ms Kedy Kristal, Chief Executive Officer, Patricia Giles Centre, *Transcript of Evidence*, 19 August 2015, p10.

Ms Kristal also suggested that many entered into WA Police with already-formed biases about family and domestic violence, which the current WA Police training did not always overcome.<sup>171</sup>

Victims also reported feeling judged by some officers in WA Police. Victim-blaming was experienced, with women facing questions such as “When are you going to do something about this?”<sup>172</sup> or “Who’ve you been letting beat you up?”<sup>173</sup> The regularity with which an officer attends the same home for family or domestic violence incidents appears to have some impact on the quality of service that he or she is providing to victims; some officers seem to grow increasingly frustrated with the apparent inaction of victims.<sup>174</sup>

### Finding 6

While the attitude to family and domestic violence of many WA Police officers cannot be faulted, there is evidence of an enduring element of some officers with negative attitudes towards police responsibilities in this area.

#### 4.1.2 Initial response

The initial police response to reports of family or domestic violence is critical when it comes to reducing levels of abuse. As police are often the first point of contact in family and domestic violence incidents, the timeliness and quality of their response will shape victims’ willingness to seek or accept further assistance.<sup>175</sup> According to Relationships Australia (Western Australia), unambiguous action by police reinforces to victims, perpetrators, and any children present that violence within the home is not acceptable and will not be tolerated.<sup>176</sup> At its most basic level, how police respond can be the difference between life and death.

For most victims, first contact with WA Police occurs in one of two ways: when officers respond to calls for assistance during a family or domestic violence incident, or when the victim reports the abuse in person at a police station. Among the negative comments heard by the Committee were assertions that, when responding to reports,

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171 Ms Kedy Kristal, Chief Executive Officer, Patricia Giles Centre, *Transcript of Evidence*, 19 August 2015, p3.

172 Submission No. 3 from Relationships Australia (Western Australia), 6 July 2015, p4.

173 Ms Anne Moore, Chief Executive Officer, Domestic and Family Violence Services, The Lucy Saw Centre, *Transcript of Evidence*, 19 August 2015, p7.

174 Ms Kylie Coupar, advocate, Chrysalis Support Services Inc., *Briefing*, 7 September 2015.

175 Rollings, K. and Taylor, N., '[Measuring police performance in domestic and family violence](#)', *Trends and Issues in Crime and Criminal Justice*, no. 367, Australian Institute of Criminology, Canberra, 2008, p1; Ms Anne Moore, Chief Executive Officer, Domestic and Family Violence Services, The Lucy Saw Centre, *Transcript of Evidence*, 19 August 2015, p7.

176 Submission No. 3 from Relationships Australia (Western Australia), 6 July 2015, p3.

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police did not attend the scene<sup>177</sup> or were often slow to arrive.<sup>178</sup> When they finally turned up, they appeared unsupportive,<sup>179</sup> confused about the correct procedure,<sup>180</sup> or unwilling to take action.<sup>181</sup> The service provided to victims at WA Police stations was also criticised, with some officers making insensitive comments,<sup>182</sup> claiming it was not a policing matter,<sup>183</sup> or actively dissuading victims from making a statement.<sup>184</sup>

The timeliness of responses was of particular concern. Although some domestic violence incidents are given priority 1 status, and WA Police has set up a specific 1800 telephone number for women who have been identified as being at high risk, there are reports of victims waiting for up to an hour for the police to arrive.<sup>185</sup> Victims living in remote communities or rural areas have to endure particularly long waiting periods.<sup>186</sup>

One man, who heard a domestic violence incident in a neighbouring property in the South East Metropolitan district in late September 2015, called 000 for immediate police assistance but had to wait five hours for police to arrive. In the intervening period, he called 000 another two times and 131 444 four times.<sup>187</sup>

Bradley Sorrell, who was Acting Commander of the WA Police Metropolitan Regional Office at the time, told the 6PR Drive radio program that police resources were stretched when the call was received; police were responding to five separate domestic violence incidents as well as other incidents requiring police attention. However, he said that this was not an excuse: under the metropolitan policing model, the South East Metropolitan District could request assistance from outside the district through the control centre and he was “struggling to come to grips with why it took five hours”.<sup>188</sup>

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177 Ms Deanne McCagh, outreach worker, Chrysalis Support Services Inc., *Briefing*, 7 September 2015.

178 Ms Angela Hartwig, Chief Executive Officer, Women’s Council for Domestic and Family Violence Services, *Transcript of Evidence*, 19 August 2015, pp4-5; Ms Anne Moore, Chief Executive Officer, Domestic and Family Violence Services, The Lucy Saw Centre, *Transcript of Evidence*, 19 August 2015, p5.

179 Submission No. 3 from Relationships Australia (Western Australia), 6 July 2015, p4.

180 Submission No. 4 from Domestic Violence Legal Workers Network, 20 July 2015, p3.

181 Submission No. 2 from Aboriginal Family Law Services, 6 July 2015, p12.

182 Ms Anne Moore, Chief Executive Officer, Domestic and Family Violence Services, The Lucy Saw Centre, *Transcript of Evidence*, 19 August 2015, p7.

183 Submission No. 1, closed submission, 3 July 2015, p2.

184 Ms Kedy Kristal, Chief Executive Officer, Patricia Giles Centre, *Transcript of Evidence*, 19 August 2015, p7.

185 Ms Angela Hartwig, Chief Executive Officer, Women’s Council for Domestic and Family Violence Services, *Transcript of Evidence*, 19 August 2015, p5; Ms Anne Moore, Chief Executive Officer, Domestic and Family Violence Services, The Lucy Saw Centre, *Transcript of Evidence*, 19 August 2015, p5.

186 Submission No. 2 from Aboriginal Family Law Services, 6 July 2015, p14; Ms Angela Hartwig, Chief Executive Officer, Women’s Council for Domestic and Family Violence Services, *Transcript of Evidence*, 19 August 2015, pp4-5.

187 ‘Domestic violence response times’, *Drive 6PR*, 29 September 2015, 3.06pm.

188 *ibid.*

In 2014-15, WA Police failed to meet one of its key performance indicator targets in relation to the timeliness of police response. For the third successive year, the percentage of priority 1 and 2 incidents in the metropolitan area responded to within 12 minutes declined. While the target was 80 per cent, only 69.5 per cent of priority 1 and 2 incidents were responded to within this time.<sup>189</sup>

This is a concern when so many of the calls that police respond to are family and domestic violence incidents.

The 2014-15 WA Police annual report attributes the decline to an increased number of priority 2 calls (partly due to more traffic crashes being graded as priority 2), and increasing traffic volume and congestion.<sup>190</sup>

#### **Finding 7**

The demand on police resources is such that WA Police has not met its response time targets for attending priority 1 and 2 calls. This will impact on the response to more serious family and domestic violence crimes, putting victims at risk and potentially affecting their willingness to report such offences in the future.

There was also criticism of the completion of Domestic Violence Incident Reports (DVIRs), with police allegedly failing to record vital information such as whether there were children present who might have been exposed to violence,<sup>191</sup> and the severity of the abuse.<sup>192</sup> The inclusion or absence of these details influences the risk assessment of a case by the Family and Domestic Violence Response Team (FDVRT).

Although a legitimate concern, the Committee recognises that the cause of such errors cannot always be attributed solely to police error or oversight. Victims who feel threatened by or mistrustful of police may withhold information that could ultimately influence whether they are assessed as at high risk.<sup>193</sup> Some victims, particularly in Aboriginal communities, will conceal the presence of their children (due to enduring intergenerational trauma caused by the forced child removal policies of past governments).<sup>194</sup> Responding officers might search the home and question the victim and perpetrator to establish whether there are children at the residence, but still find no evidence of their presence.<sup>195</sup>

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189 Western Australia Police, [Annual Report 2015](#), WA Police, Perth, 2015, p88.

190 *ibid.*, p89; Andrew O'Connor, 'WA Police fail to meet high priority incident response targets, annual report shows', *ABC Online*, 25 September 2015, p1.

191 Submission No. 2 from Aboriginal Family Law Services, 6 July 2015, p11.

192 Ms Kylie Coupar, advocate, Chrysalis Support Services Inc., *Briefing*, 7 September 2015.

193 Ms Kylie Coupar, advocate, and Ms Deanne McCagh, outreach worker, Chrysalis Support Services Inc., *Briefing*, 7 September 2015.

194 Willis, M. '[Non-disclosure of violence in Australian Indigenous communities](#)', *Trends and Issues in Crime and Criminal Justice*, no. 405, Australian Institute of Criminology, Canberra, 2011, p6.

195 Sergeant Jeremy Ashworth-Preece, WA Police, *Briefing*, 7 September 2015.

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### Finding 8

Domestic Violence Incident Reports are not always completed accurately by attending police officers, which can impact on the assessment of a case and result in an inappropriate response.

WA Police identified the separation of the victim and perpetrator as a key part of its initial response to a domestic violence incident.<sup>196</sup> Once again, lack of consistency emerges as an issue. While some officers respond appropriately by correctly identifying the perpetrator and issuing a Police Order and/or removing him from the scene,<sup>197</sup> others issued Police Orders against the victim.<sup>198</sup>

Women's Health and Family Services manager Yolanda Strauss said that, in some instances, police misinterpreted a victim's retaliatory or defensive violence and therefore made her the subject of a Police Order.<sup>199</sup>

On other occasions, police made victims leave the premises because the perpetrator owned the title to the home or because he convinced police that he would be unable to find alternative accommodation.<sup>200</sup> WA Police acknowledged that the absence of temporary male accommodation made it difficult for responding officers when attempting to separate the victim and perpetrator.<sup>201</sup>

These findings align with those made in the recent examination of family and domestic violence legislation in Western Australia by the Law Reform Commission of WA in relation to issuing of Police Orders.<sup>202</sup>

#### 4.1.3 Follow-up

The Committee heard from many support services that WA Police does not consistently take breaches of Violence Restraining Orders (VROs) seriously. Discussing the breach with the perpetrator has been the response by police in some situations, rather than

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196 Mr Gary Dreierbergs, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, p17.

197 Submission No. 4 from Domestic Violence Legal Workers Network, 20 July 2015, p8.

198 Submission No. 5 from Women's Council for Domestic and Family Violence Services (WA), 19 August 2015, p4; Ms Kylie Coupar, advocate, Chrysalis Support Services Inc., *Briefing*, 7 September 2015.

199 Ms Yolanda Strauss, Manager, Domestic Violence Services, Women's Health and Family Services, *Transcript of Evidence*, 19 August 2015, p5.

200 *ibid*; Submission No. 3 from Relationships Australia (Western Australia), 6 July 2015, p7; Submission No. 5 from Women's Council for Domestic and Family Violence Services (WA), 19 August 2015, p4.

201 Mrs Michelle Fyfe, Acting Deputy Commissioner, Specialist Services, WA Police, *Transcript of Evidence*, 9 September 2015, p23.

202 Law Reform Commission of WA, [\*Enhancing Family and Domestic Violence Laws –Discussion Paper\*](#), Project No. 104, Government of Western Australia, Perth, December 2013, p72.

charging him for the breach.<sup>203</sup> According to Aboriginal Family Law Services, some officers – including at least one sergeant – did not seem to know exactly what constituted a breach.<sup>204</sup>

The Committee also heard that repeated breaches within one day are bundled into a single breach when before the court; thirty breaches over three days, for example, may be deemed as three breaches of a restraining order.<sup>205</sup> Sometimes, police charged perpetrators after three breaches; other times, up to 30 breaches occurred without the perpetrator being charged.<sup>206</sup>

WA Police explained that combining numerous breaches within a single charge was a result of the court process of global sentencing, whereby a single penalty is imposed for multiple offences. Regardless of whether WA Police charged a perpetrator for each individual breach or combined them into one charge, the court would still consider them together, according to Detective Inspector Susan Young, who is currently overseeing a review of the WA Police response to family and domestic violence. Acting Commissioner Dreiberger emphasised, however, that the evidence of each breach is presented for consideration by the magistrate.<sup>207</sup>

Evidence to the Committee highlighted that WA Police officers seem to be struggling to respond adequately to breaches that occur through social media, with some police failing to charge perpetrators for breaches made through these mediums due to investigative difficulties.<sup>208</sup> When perpetrators had used Facebook or text messages to contact victims, for example, some victims had been informed by police that it was not “technically” a breach<sup>209</sup> or that it would be useless charging the perpetrator because it “would not actually go through in court”.<sup>210, 211</sup>

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203 Ms Yolanda Strauss, Manager, Domestic Violence Services, Women’s Health and Family Services, *Transcript of Evidence*, 19 August 2015, p5.

204 Submission No. 2 from Aboriginal Family Law Services, 6 July 2015, p12.

205 Ms Angela Hartwig, Chief Executive Officer, Women’s Council for Domestic and Family Violence Services, *Transcript of Evidence*, 19 August 2015, p9.

206 Ms Yolanda Strauss, Manager, Domestic Violence Services, Women’s Health and Family Services, *Transcript of Evidence*, 19 August 2015, p10.

207 Mr Gary Dreiberger, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, p20; Ms Susan Young, Detective Inspector, WA Police, *Transcript of Evidence*, 9 September 2015, p20.

208 Submission No. 3 from Relationships Australia (Western Australia), 6 July 2015, pp6-7; Submission No. 4 from Domestic Violence Legal Workers Network, 20 July 2015, p10.

209 Submission No. 3 from Relationships Australia (Western Australia), 6 July 2015, p4.

210 Ms Anne Moore, Chief Executive Officer, Domestic and Family Violence Services, The Lucy Saw Centre, *Transcript of Evidence*, 19 August 2015, p8.

211 Legislation which provides clear direction on what constitutes a breach of a VRO (particularly in relation to those delivered by electronic means) might assist police in enforcing breaches.



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WA Police acknowledged that perpetrators' use of technology meant investigating breaches was increasingly complex as it enabled them to hide their identities (i.e. as an "unidentified subscriber" when sending a text message).<sup>212</sup>

Victims also reported receiving inadequate responses from WA Police when third parties were involved in breaches. In one case brought to the Committee's attention, the perpetrator was using the phone of a third party to abuse the victim. Police were informed, but said that there was insufficient evidence to prove that the text came from the main subject to the VRO.<sup>213</sup>

Ms Strauss told the Committee of a woman from a culturally and linguistically diverse (CaLD) background who was visited frequently by 12 members of her community who pressured her to withdraw a VRO that she had been granted. In Ms Strauss's opinion, the police should have charged the perpetrator with breaching the VRO because, while not personally in attendance, he was instigating the harassment.<sup>214</sup>

### Finding 9

There is inconsistency in the response of WA Police officers to breaches of restraining orders, with many breaches not being recorded as such.

WA Police is obliged to keep victims informed about legal actions taken against the perpetrator, including when the perpetrator will appear in court or will be released on bail.<sup>215</sup> According to the Director of Public Prosecutions Joseph McGrath, WA Police consistently fulfils this role.<sup>216</sup> It is also common practice for police to inform victims protected by a VRO when it has been served.<sup>217</sup>

Once the court makes a VRO, police will attempt to serve the order as promptly as possible, although some perpetrators' active avoidance of police can make this difficult.<sup>218</sup> Nevertheless, some victims say that they were not informed of the service

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212 Ms Susan Young, Detective Inspector, WA Police, *Transcript of Evidence*, 9 September 2015, p22.

213 Submission No. 3 from Relationships Australia (Western Australia), 6 July 2015, pp4, 7.

214 Ms Yolanda Strauss, Manager, Domestic Violence Services, Women's Health and Family Services, *Transcript of Evidence*, 19 August 2015, pp5, 10.

215 *Victims of Crime Act 1994* (WA), s3, sch1.

216 Mr Joseph McGrath, Director of Public Prosecutions, Office of the Director of Public Prosecutions, *Transcript of Evidence*, 12 August 2015, p6.

217 Under s59 of the *Restraining Orders Act 1997*, the person (i.e. police officer) who served the VRO is to provide the proof of service copy to the registrar and the registrar, in turn, notifies the person protected by the order "as soon as practicable". In practice, however, WA Police also notifies the victim. Mr Gary Dreibergs, Deputy Commissioner, Specialist Services, WA Police, Letter, 7 October 2015, pp2-3.

218 Ms Kylie Coupar, advocate, Chrysalis Support Services Inc., *Briefing*, 7 September 2015.

of the VRO and had to approach police to establish whether or not a VRO had been served.<sup>219</sup>

### Finding 10

Family and domestic violence victims are not always informed by WA Police in a timely manner of legal action taken against the perpetrator, potentially exposing them to further abuse.

The one area in which WA Police was consistently praised by government and non-government agencies alike was in relation to its involvement with Family Domestic Violence Response Teams (FDVRTs).<sup>220</sup> The teams were seen as providing external support services with a direct line to the police about family and domestic violence matters,<sup>221</sup> and the information sharing platform provided a more detailed understanding of each case.<sup>222</sup>

However, the volume of work facing FDVRTs is “overwhelming” and has the potential to impact upon the quality of the follow-up response provided to victims.<sup>223</sup> According to Women’s Health and Family Services, which is the Coordinated Response Service member of the FDVRT in the Perth district (encompassing the police districts of Central Metropolitan and West Metropolitan):

*On a Monday morning at our Mirrabooka Police Station we might get 30 or 40 DVIRs that we have to deal with. If one or two of them are really high risk ... it might take us the rest of the day to deal with that.*<sup>224</sup>

In this environment, service providers say that the quality of the response is largely dependent on the individuals making up the FDVRTs and their willingness to go the extra mile.<sup>225</sup>

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219 Submission No. 5 from Women’s Council for Domestic and Family Violence Services (WA), 19 August 2015, p4.

220 Ms Anne Moore, Chief Executive Officer, Domestic and Family Violence Services, The Lucy Saw Centre, *Transcript of Evidence*, 19 August 2015, p2; Ms Yolanda Strauss, Manager, Domestic Violence Services, Women’s Health and Family Services, *Transcript of Evidence*, 19 August 2015, p8; Ms Kay Benham, Executive Director, Policy and Learning, Department for Child Protection and Family Support, *Transcript of Evidence*, 12 August 2015, p4.

221 Ms Kylie Coupar, advocate, Chrysalis Support Services Inc., *Briefing*, 7 September 2015.

222 Ms Yolanda Strauss, Manager, Domestic Violence Services, Women’s Health and Family Services, *Transcript of Evidence*, 19 August 2015, p8.

223 *ibid.*, p10.

224 *ibid.*

225 Ms Kedy Kristal, Chief Executive Officer, Patricia Giles Centre, *Transcript of Evidence*, 19 August 2015, p2.

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### 4.1.4 Aboriginal experiences

Many of the issues that Aboriginal victims report in relation to police responses to family and domestic violence are shared with non-Aboriginal victims, including the timeliness of response, consistency of response, lack of empathy shown by some officers, absence of services in remote communities, police competence in responding appropriately or reporting accurately, and failure to respond to VRO breaches.<sup>226</sup>

However, due to the prevalence of family and domestic violence amongst many Aboriginal communities in WA, Aboriginal victims are disproportionately affected by poor police responses. The fact that the majority of the WA Aboriginal population lives in outer regional, remote or very remote locations where 24-hour police stations are less common also means that Aboriginal victims are less likely to experience an immediate police response during a domestic violence incident.<sup>227</sup>

There are also undoubtedly some issues with police that are experienced exclusively by Aboriginal victims. According to Aboriginal Family Law Services, in some cases police appeared to be reluctant to take action in family and domestic violence incidents when alcohol was involved in communities which forbid the consumption of alcohol,<sup>228</sup> presumably because it was seen as becoming involved in a situation which the community was supposedly managing itself.

In addition, victims reported feeling that police perceived family and domestic violence as the norm within Aboriginal communities and therefore “because I am Aboriginal I am either used to it or I should put up with it”.<sup>229</sup> One victim reported that the stalking and assault that she was subjected to at the hands of her ex-partner was considered a “normal occurrence” by police.<sup>230</sup>

The Domestic Violence Legal Workers Network mentioned the issue of distrust of the police and other institutions, “for valid historical reasons”. When Aboriginal clients did reach out for help, they often received negative social responses “as a result of ingrained systemic racism”.<sup>231</sup>

Aboriginal Family Law Services said that women were reluctant to make reports due to a lack of trust in the ability of some officers to deal with their complaint “in a respectful

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226 Submission No. 2 from Aboriginal Family Law Services, 6 July 2015, p11.

227 Australian Institute of Health and Welfare, [\*The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples\*](#), Australian Institute of Health and Welfare, Canberra, 2015, p15; Submission No. 2 from Aboriginal Family Law Services, 6 July 2015, p13; Mr Gary Dreibergs APM, Deputy Commissioner, Specialist Services, WA Police, Letter, 7 October 2015, pp1-2.

228 Submission No. 2 from Aboriginal Family Law Services, 6 July 2015, p12.

229 *ibid.*, p13.

230 *ibid.*

231 Submission No. 4 from Domestic Violence Legal Workers Network, 20 July 2015, p9.

and competent manner”, which exposed the woman and her children to more violence and reduced her chances of referral to support services.<sup>232</sup>

A number of Aboriginal Family Law Services staff also commented that police do not attend "until after the fighting is over", and are delayed in attending to reports of domestic violence including breaches of VROs.<sup>233</sup>

The Committee was quite alarmed to hear from Aboriginal Family Law Services chief executive officer Mary Cowley that police officers had informed people that if they did not take certain actions, their children would be removed, noting that “we have to change that thinking.”<sup>234</sup>

The Committee recognises that not all police officers react to Aboriginal victims and perpetrators in the same way. Representatives from some Geraldton agencies, for example, had not received or heard any negative feedback about police from Aboriginal victims or families in the past two to three years.<sup>235</sup>

#### **BOX 3**<sup>236</sup>

##### **Building relationships through sport**

In Geraldton, police officers play an integral part in Midnight Basketball, a Friday night program aimed at “at risk” young people that provides participants with a meal, four games of basketball, and a workshop. The programme aims to provide youth with a safe environment while helping them to develop relationships with positive role models and diverting them from anti-social and criminal behaviour. Although Midnight Basketball is not solely for Aboriginal young people, Geraldton participants are often Aboriginal and from homes where family and domestic violence occurs on a regular basis. Geraldton police will generally collect participants and take them to the basketball venue, and it has been noted that the programme has resulted in “really, really positive” outcomes, including the development of strong relationships between the youth and two or three police officers.

Geraldton Police believed there had been an increase in members of the Aboriginal community reporting domestic violence, and engaging with support services, and that this was due to increased trust in the police. Apart from a perceived change in attitude towards domestic violence by the police service in the past decade, there was

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232 Submission No. 4 from Domestic Violence Legal Workers Network, 20 July 2015, p11.

233 *ibid.*

234 Ms Mary Cowley, Chief Executive Officer, Aboriginal Family Law Services, *Transcript of Evidence*, 16 September 2015, p6.

235 Ms Leeanne Robertson, Corporate Manager, Geraldton Resource Centre, *Briefing*, 7 September 2015.

236 See Appendix Eight for references.

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recognition that it was a community problem which required police to work with other stakeholders in the community.<sup>237</sup>

This extended to police being involved in the community outside of work, by coaching local sporting teams and participating in fundraising activities, for example. Police in rural communities, and particularly in remote Aboriginal communities, usually contributed to the community in multiple ways, according to Regional Command Assistant Commissioner Murray Smalpage.<sup>238</sup>

### Finding 11

While not all Aboriginal victims of family and domestic violence report negative experiences with police, some have received insensitive and inappropriate responses which can be directly linked to their Aboriginal status.

### Finding 12

Police face challenges in dealing with family and domestic violence in Aboriginal communities due to historical and cultural factors.

#### 4.1.5 The experience of culturally and linguistically diverse communities

Service providers informed the Committee that some police officers were not responding adequately to family and domestic violence victims from culturally and linguistically diverse (CaLD) communities. Repeated failures to provide interpreters for victims who were not proficient in English was an area of concern.<sup>239</sup>

Women's Health and Family Services, which provides a Multicultural Women's Advocacy Service, described an occasion in which WA Police responded to an incident and did not seek the services of an interpreter, using the daughter of the victim and perpetrator to interpret instead. To make matters worse, police then misjudged the victim's defensive or retaliatory violence and issued her with a Police Order. The woman was left without any understanding of why she was subject to a Police Order.<sup>240</sup>

In another incident related by Women's Health and Family Services, a woman went to a police station to make a statement, only to find upon her return home that she been issued with a Police Order. (The perpetrator had called the police while she had been at the station and secured the Police Order). When Women's Health and Family

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237 Sergeant Jeremy Ashworth-Preece, WA Police, *Briefing*, 7 September 2015.

238 Regional Command Assistant Commissioner Murray Smalpage, WA Police, *Briefing*, 7 September 2015.

239 Ms Julie Jackson, Director, Family Law Division, Legal Aid WA, Letter, 24 September 2015; Ms Yolanda Strauss, Manager, Domestic Violence Services, Women's Health and Family Services, *Transcript of Evidence*, 19 August 2015, p3; Submission No. 4 from Domestic Violence Legal Workers Network, 20 July 2015, pp8-9.

240 Ms Yolanda Strauss, Manager, Domestic Violence Services, Women's Health and Family Services, *Transcript of Evidence*, 19 August 2015, p5.

Services demanded that police use an interpreter to investigate the case, they refused, instead suggesting that the victim should find an interpreter herself and bring him or her along to the police station.<sup>241</sup>

These instances occurred despite WA Police purportedly adhering to the Western Australian Language Services Policy 2014, which commits WA Government agencies to providing qualified or certified interpreters to clients free-of-charge, and having statutory obligations under the *Restraining Orders Act 1997* to explain the nature of Police Orders, the consequences of non-compliance and that counselling and support may be of assistance to all parties.<sup>242</sup>

Failing to use an interpreter can have devastating implications for a victim. If the perpetrator is more proficient in English than the victim, he can exert greater control over a police investigation. As the example provided shows, this could result in the victim being mistakenly identified as a perpetrator and the actual perpetrator gaining further power and control over the victim, potentially using a Police Order to apply for a Violence Restraining Order.<sup>243</sup>

In other circumstances, a victim may also not understand how to go about obtaining a Violence Restraining Order (VRO), what constitutes a breach, or how to report a breach when it occurs,<sup>244</sup> which may increase the risk to her and her children. Some people from CaLD backgrounds actively avoided applying for a VRO due to a lack of knowledge about what it actually involves: some believed that it resulted in a criminal record, while others believed it was a form of enforced divorce.<sup>245</sup>

However, as Ms Strauss pointed out, simply providing an interpreter or “ticking the interpreter box” is not enough. Interpreters rarely had experience in family and domestic violence equal to that of a police officer, and should not be expected to know the intricacies of the criminal, civil and referral options available to police. Nor should they be expected to explain these processes to victims without police input:

*I think beyond using the interpreter there needs to be some training around cultural sensitivity and some training around using interpreters*

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241 Ms Yolanda Strauss, Manager, Domestic Violence Services, Women’s Health and Family Services, *Transcript of Evidence*, 19 August 2015, p3.

242 WA Police, ‘[Multicultural communities](#)’; Office of Multicultural Interests, Department of Local Government and Communities, [Western Australian Language Services Policy 2014 and Guidelines](#), Western Australia, piii; Law Reform Commission of WA, [Enhancing Family and Domestic Violence Laws – Final Report](#), Project No. 104, Government of Western Australia, Perth, June 2014, p86.

243 Ms Yolanda Strauss, Manager, Domestic Violence Services, Women’s Health and Family Services, *Transcript of Evidence*, 19 August 2015, p3.

244 Submission No. 4 from Domestic Violence Legal Workers Network, 20 July 2015, pp8-9.

245 Ms Yolanda Strauss, Manager, Domestic Violence Services, Women’s Health and Family Services, *Transcript of Evidence*, 19 August 2015, p7.

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*. . . it is not enough to just speak and assume that the other person understands what you are talking about.*<sup>246</sup>

### Finding 13

WA Police officers repeatedly fail to provide interpreters for family and domestic violence victims who are not proficient in English. Where they are provided, accounts are sometimes misconstrued in favour of the perpetrator.

## 4.2 Evaluation of training

### 4.2.1 Training currently provided in relation to family and domestic violence

WA Police told the Committee that police recruits receive training on family and domestic violence throughout their two-year training program.<sup>247</sup> During the 28 weeks that recruits are based at the WA Police Academy, 47 hours – or just over six days – are dedicated to family and domestic violence training, including eight hours of family and domestic violence-based scenario training and an eight-hour immersive scenario on an simulation system IT platform. Recruits also complete an IT-based homework task about completing and submitting a report on a domestic violence incident.<sup>248</sup>

Recruits are not provided with specific training on responding to domestic violence incidents in Aboriginal or CaLD communities; however, related matters are discussed throughout recruit training. WA Police said that case studies delivered by an Aboriginal woman, a Muslim woman and a woman from an Asian background provided an insight into issues affecting these communities. Speakers from the Pat Giles Centre (a Perth-based women’s refuge) and the Family Violence Service (a support and advocacy service run by the Department of the Attorney General) also presented information to recruits, including the experiences of Aboriginal or CaLD women.<sup>249</sup>

The perspectives of perpetrators are provided by representatives of Breathing Space, a residential behaviour change program for men who have abused their partners.<sup>250</sup>

Michelle Fyfe, who was Acting Deputy Commissioner (Specialist Services) at the time, said that recruits also received on-the-job training once deployed on the front line, with attendance and response to family and domestic violence incidents “woven through”

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246 Ms Yolanda Strauss, Manager, Domestic Violence Services, Women’s Health and Family Services, *Transcript of Evidence*, 19 August 2015, pp5-6.

247 Mrs Michelle Fyfe, Acting Deputy Commissioner, Specialist Services, WA Police, *Transcript of Evidence*, 9 September 2015, p11.

248 Mr Gary Dreiberger APM, Acting Commissioner, WA Police, Letter, 25 September 2015; Mr Gary Dreiberger APM, Deputy Commissioner, Specialist Services, WA Police, Letter, 7 October 2015.

249 Mr Gary Dreiberger APM, Acting Commissioner, WA Police, Letter, 25 September 2015; Ms Kedy Kristal, Chief Executive Officer, Patricia Giles Centre, *Transcript of Evidence*, 19 August 2015, p3.

250 Ms Kedy Kristal, Chief Executive Officer, Patricia Giles Centre, *Transcript of Evidence*, 19 August 2015, p3.

their probationary period.<sup>251</sup> According to Mrs Fyfe, this adheres to the family and domestic violence training guidelines developed by the Australia New Zealand Policing Advisory Agency.<sup>252</sup> Indeed, the guidelines recommend that police skills and knowledge be assessed in ways that “mirrors the work/on the job environment”, particularly through scenarios or on-the-job assessments.<sup>253</sup>

Sergeants and senior officers also provide informal internal training to recruits, according to a Geraldton sergeant, but this relies on the person in that role being proactive.

The Office of the Director of Public Prosecutions provides lectures on preparing briefs of evidence for new detectives at the WA Police Academy.<sup>254</sup>

Additional computer-based courses (known as Blackboard training) are mandatory for all police officers. This is “one-off training” that educates officers on the current family and domestic violence policy, practice and procedure.<sup>255</sup> Two Blackboard courses are currently offered: an audio visual course that instructs how to correctly fill out a Domestic Violence Incident Report (DVIR); and a “Reporting Family and Domestic Violence” course, which consists of two PowerPoint presentations designed to inform staff of policy changes concerning family and domestic violence reporting, how to correctly identify when a DVIR should be submitted, and how to reduce risk to WA Police. Unsworn staff also undertake this course.<sup>256</sup>

While undergoing their initial training, recruits must complete two Blackboard courses: the same DVIR course as outlined above, and a course on the amendments to the *Restraining Orders Act 1997*.<sup>257</sup> They then complete a written assessment, which is a mandatory requirement of the recruit training.<sup>258</sup>

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251 Mrs Michelle Fyfe, Acting Deputy Commissioner, Specialist Services, WA Police, *Transcript of Evidence*, 9 September 2015, p11.

252 *ibid.*, pp11-12.

253 Australia New Zealand Policing Advisory Agency, *Education and Training Guidelines for Family and Domestic Violence*, Australia New Zealand Policing Advisory Agency, Australia and New Zealand, 2012, pp 9, 12, 16, 19.

254 Mr Joseph McGrath, Director of Public Prosecutions, Office of the Director of Public Prosecutions, *Transcript of Evidence*, 12 August 2015, p4.

255 Mrs Michelle Fyfe, Acting Deputy Commissioner, Specialist Services, WA Police, *Transcript of Evidence*, 9 September 2015, pp11-12.

256 Mr Gary Dreiergs APM, Acting Commissioner, WA Police, Letter, 25 September 2015.

257 *ibid.*

258 Mr Gary Dreiergs APM, Deputy Commissioner, Specialist Services, WA Police, Letter, 7 October 2015.



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According to Mrs Fyfe, 95 per cent of officers required to complete the Blackboard training had done so.<sup>259</sup> Recruits are required to complete a written assessment after completion of these courses, which are a mandatory part of recruit training.<sup>260</sup>

### 4.2.2 How can WA Police improve its family and domestic violence training?

In 2014, the Law Reform Commission of WA (LRCWA) considered the training received by police officers in relation to family and domestic violence as part of its investigation into the adequacy of existing family and domestic violence laws in WA.

After consultation with stakeholders, the LRCWA recommended a series of amendments, encapsulated in Recommendation 11 (provided in full in Appendix Six). In brief, the LRCWA recommended that WA Police provide “comprehensive and ongoing training” for all police in relation to family and domestic violence. It specified that the training include “contemporary understandings of the nature and dynamics of family and domestic violence” and address the elements relating to domestic abuse for Aboriginal communities, multicultural communities, people with disability, and children (both those who are exposed to violence and those who are perpetrators).

The LRCWA recommended that the training be provided by police with expertise in family and domestic violence and external experts. Program content should be reviewed regularly and its effectiveness monitored by a multi-agency stakeholder committee.<sup>261</sup>

As is discussed below, organisations and individuals consulted by the Committee highlighted gaps in WA Police training that Recommendation 11 sought to address, and suggested changes to the training that Recommendation 11 supported. They also made some additional suggestions.

Echoing the LRCWA recommendation, specialised, targeted training in family and domestic violence was widely regarded as the primary way of increasing the effectiveness of police responses to family and domestic violence. Specific areas where it was considered the police required additional training are outlined below.

#### ***Duration of training***

Recruits are not provided with sufficient family and domestic violence training while completing their induction training at the WA Police Academy, according to several witnesses.

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259 Mrs Michelle Fyfe Acting Deputy Commissioner, Specialist Services, WA Police, *Transcript of Evidence*, 9 September 2015, p11.

260 Mr Gary Dreierberg APM, Deputy Commissioner, Specialist Services, WA Police, Letter, 7 October 2015.

261 Law Reform Commission of WA, [\*Enhancing Family and Domestic Violence Laws – Final Report\*](#), Project No. 104, Government of Western Australia, Perth, June 2014, p73.

According to Pat Giles Centre chief executive officer Kedy Kristal, who is tasked with providing recruits with an overview of the relationship between police and refugees, not enough time is set aside for recruits to understand the complexities of domestic abuse:

*I try to cram in as much information as I can around victims and the importance of how they work with victims and respond to victims ... I think they need a huge amount more.*<sup>262</sup>

The question raised by Legal Aid WA director of Family Services Julie Jackson during a Committee hearing is legitimate:

*Given that family violence is core business, what percentage of time are we spending in that initial training at the academy on family violence?*

The Committee has been told that responding to family and domestic violence is core business for WA Police, accounting for approximately 20 to 50 per cent of their resources.<sup>263</sup> Yet only 47 hours of the 28-week recruit training – or 4.5 per cent – is dedicated to family and domestic violence training.<sup>264</sup>

It is evident that many new officers are unprepared for the complexities that they are faced with once they are deployed and begin responding to family and domestic violence incidents. One sergeant (who is a member of an FDVRT) told the Committee that, to a certain extent, all police recruits are “thrown in the deep end” when it comes to policing domestic violence.<sup>265</sup>

Women’s Council for Domestic and Family Violence Services (Women’s Council) chief executive officer Angela Hartwig said she had been told by a detective sergeant that some new recruits were frightened by the prospect of attending domestic violence incidents.<sup>266</sup> This is not only likely to create a stressful work environment for those entering the WA Police, but may ultimately lead to an inadequate police response to reports of family or domestic violence.

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262 Ms Kedy Kristal, Chief Executive Officer, Patricia Giles Centre, *Transcript of Evidence*, 19 August 2015, p3.

263 Neuweiler, Sebastian and Busniak, Letitia, ‘Domestics’ stretch police’, *Geraldton Guardian*, 14 September 2015, p1; Mr Bradley Sorrell, Acting Commander, Metropolitan Region, WA Police, *Transcript of Evidence*, 9 September 2015, p13.

264 The Recruit Training program covers 28 weeks (or 140 working days). Assuming that recruits spend 7.5 hours in training each day, they are trained for a total of 1050 hours. Of this, 47 hours are dedicated to family and domestic violence training, which equates to 4.5 per cent (rounded to the nearest decimal) of their time (47/1050).

265 Sergeant Jeremy Ashworth-Preece, WA Police, *Briefing*, 7 September 2015.

266 Ms Angela Hartwig, Chief Executive Officer, Women’s Council for Domestic and Family Violence Services, *Transcript of Evidence*, 19 August 2015, p4.

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A second concern raised was the apparent lack of robust, ongoing education or professional development. Witnesses variously suggested that ongoing training would reinforce to operational officers that domestic abuse is a crime<sup>267</sup> and that inaction is not an option,<sup>268</sup> and would assist in addressing any local issues underlying police responses to domestic violence incidents.<sup>269</sup>

Keeping informed of the latest developments in family and domestic violence research was considered important. As Ms Jackson told the Committee:

*There is a need for people who are in positions of authority over the frontline police officer on the beat and the new police officer to also be attending regular professional development so that they are keeping in touch with the latest understanding of research around family violence and appropriate responses. That is another important message.*<sup>270</sup>

The Committee heard from WA Police that senior personnel were involved in researching responses to domestic violence nationally and internationally to try to understand what works best.<sup>271</sup> However it is more formalised professional development that is being called for.

The Women's Council recommended that police be required each year to complete a series of training modules focussing on understanding and responding to families experiencing violence. These modules should be linked to professional development, with police required to successfully gain a number of professional development points annually.<sup>272</sup>

### Finding 14

The existing family and domestic violence training received by recruits at the WA Police Academy does not adequately prepare them for policing family and domestic violence effectively.

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267 Ms Anne Moore, Chief Executive Officer, Domestic and Family Violence Services, The Lucy Saw Centre, *Transcript of Evidence*, 19 August 2015, p10.

268 Ms Kedy Kristal, Chief Executive Officer, Patricia Giles Centre, *Transcript of Evidence*, 19 August 2015, p8.

269 Ms Mary Cowley, Chief Executive Officer, Aboriginal Family Law Services, *Transcript of Evidence*, 16 September 2015, pp7, 11.

270 Ms Julie Jackson, Director, Family Division, Legal Aid WA, *Transcript of Evidence*, 16 September 2015, p4.

271 Mr Gary Dreierbergs, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, pp2, 19.

272 Submission No. 5 from Women's Council for Domestic and Family Violence Services (WA), 19 August 2015, pp9, 10.

### ***Involvement of specialist support service providers***

Another theme to emerge that aligned with the findings of the LRCWA was the inclusion of organisations with expertise in family and domestic violence in WA Police training. Many who provided evidence to the Committee acknowledged that WA Police already incorporate or consult government and non-government agencies in relation to training programs at the WA Police Academy,<sup>273</sup> and they were commended for this.<sup>274</sup>

But some suggested that it was not enough, by dint of the fact there were still discrepancies between individual officers' understanding of domestic abuse and between the risk assessments undertaken by WA Police and those undertaken by support services.<sup>275</sup>

The Domestic Violence Legal Workers Network (DVLWN) further suggested that more training be directed to police officers building relationships with support services, to ensure that they have the knowledge to make appropriate referrals.<sup>276</sup>

The Women's Council suggested working with police to develop a "training calendar" of presentations by those with expertise in the area, to be trialled in 2016.<sup>277</sup>

### ***Aboriginal cultural awareness***

A submission from Aboriginal Family Law Services pointed out that the relationship between police officers and Aboriginal communities was integral to the effectiveness of multi-function policing facilities in remote Aboriginal communities. The ability of officers to develop such links relied on the cultural responsiveness of officers.<sup>278</sup>

However, Aboriginal Family Law Services said that new WA Police recruits received only 120 minutes of Aboriginal cultural awareness training and officers were provided with limited ongoing opportunities to develop further skills in this area.<sup>279</sup> Ms Cowley said

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273 Ms Julie Jackson, Director, Family Division, Legal Aid WA, *Transcript of Evidence*, 16 September 2015, p4; Ms Angela Hartwig, Chief Executive Officer, Women's Council for Domestic and Family Violence Services, *Transcript of Evidence*, 19 August 2015, p4; Ms Kedy Kristal, Chief Executive Officer, Patricia Giles Centre, *Transcript of Evidence*, 19 August 2015, p3; Mr Joseph McGrath, Director of Public Prosecutions, Office of the Director of Public Prosecutions, *Transcript of Evidence*, 12 August 2015, p4.

274 Ms Julie Jackson, Director, Family Division, Legal Aid WA, *Transcript of Evidence*, 16 September 2015, p4.

275 Submission No. 3 from Relationships Australia (Western Australia), 6 July 2015, p6; Submission No. 4 from Domestic Violence Legal Workers Network, 20 July 2015, p7.

276 Submission No. 4 from Domestic Violence Legal Workers Network, 20 July 2015, p7.

277 Submission No. 5 from Women's Council for Domestic and Family Violence Services (WA), 19 August 2015, p10.

278 Submission No. 2 from Aboriginal Family Law Services, 6 July 2015, p9.

279 *ibid.*

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that recruits received no specific training on the perpetration of family and domestic violence in Aboriginal communities,<sup>280</sup> and this was confirmed by WA Police.<sup>281</sup>

Drawing on the recommendations of the 20<sup>th</sup> Anniversary Review of the 1994 Report of the Chief Justice's Taskforce on Gender Bias (which reviewed the degree to which the recommendations of the Chief Justice's Taskforce on Gender Bias Report (1994) had been implemented), Aboriginal Family Law Services supported Aboriginal cross-cultural awareness courses that:

- a) Provide a comprehensive overview of Aboriginal history and culture in order to give an historical perspective encompassing pre-colonial Aboriginal life and the effects of colonisation;
- b) Consider the impact past government policies have had on Aboriginal culture, families and communities;
- c) Include local Aboriginal women as lecturers in order to ensure Aboriginal women's culture and perspectives are incorporated into the courses so as to raise awareness of victims' needs and rights;
- d) Allow sufficient time for participants to discuss issues with Aboriginal people so that the information provided during the course is understood;
- e) Allow two days for the complete course (which could be delivered in multiple shorter modules).<sup>282</sup>

Aboriginal Family Law Services further recommended that WA Police develop a "contemporary and rigorous" Aboriginal cross-cultural training program that would incorporate input from Aboriginal communities and external presenters. Such a program would train recruits and serving officers, would be mandatory for WA Police recruits and would be "a pre-requisite for promotion".<sup>283</sup>

DVLWN also recommended that WA Police provide training that prepares officers for interactions with Aboriginal and Torres Strait Islander communities. In particular, it submitted that police should gain an understanding of the historical context that gave rise to the distrust that many people in Aboriginal communities express when interacting with police.<sup>284</sup>

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280 Ms Mary Cowley, Chief Executive Officer, Aboriginal Family Law Services, *Transcript of Evidence*, 16 September 2015, p2.

281 Mr Gary Dreier, Acting Commissioner, WA Police, Letter, 25 September 2015, p2.

282 Submission No. 2 from Aboriginal Family Law Services, 6 July 2015, p8.

283 *ibid*.

284 Submission No. 4 from Domestic Violence Legal Workers Network, 20 July 2015, p9.

Due to the international recruitment practices of WA Police, the Committee has heard that international recruits with little or no knowledge of Aboriginal cultures and historical tensions are sometimes posted to remote areas where such knowledge would be useful, if not essential.

The Committee supports increased Aboriginal cultural awareness training for WA Police and, in particular, Aboriginal experiences of family and domestic violence. Aboriginal people are over-represented in family and domestic violence statistics, making it highly likely that police will respond to domestic violence incidents in which either one or both parties are Aboriginal. As such, it makes sense to dedicate a considerable amount of training to informing police how to better engage with Aboriginal families experiencing domestic violence in an effort to reduce such over-representation.

#### **Finding 15**

*The Aboriginal cultural awareness training provided to WA Police recruits and officers is ad hoc, inconsistent and insufficient.*

#### ***Cultural sensitivity***

Cultural sensitivity training is an important way to increase the reporting rates of multicultural communities, according to the DVLWN. It pointed out that victims may be distrustful of police due to past experiences with police in their home country, or, due to cultural or community norms, may prefer to manage domestic violence without police involvement. Police therefore required training that would enable them to identify the variables present in each individual case and to respond sensitively and professionally.<sup>285</sup>

Ms Strauss suggested an alternative approach to educating officers about the customs and beliefs of every culture with which they may come in contact would be to offer broader training aimed at developing sensitivity to different views.<sup>286</sup> She also indicated the need for police to be trained in the correct use of interpreters when responding to domestic violence incidents in CaLD communities.<sup>287</sup>

#### ***Dynamics of family and domestic violence***

The differing levels of understanding about the nature and dynamics of family and domestic violence amongst professionals working in the legal system, including WA Police, was a key theme underpinning the family and domestic violence law reforms proposed by the LRCWA. The LRCWA recognised that the inconsistency of responses

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285 Submission No. 4 from Domestic Violence Legal Workers Network, 20 July 2015, p9.

286 Ms Yolanda Strauss, Manager, Domestic Violence Services, Women's Health and Family Services, *Transcript of Evidence*, 19 August 2015, p6.

287 *ibid.*

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and divergent approaches experienced by victims, as well as inappropriate or insensitive comments, could be attributed to such lack of understanding.<sup>288</sup>

In 2014, UK police oversight body Her Majesty's Inspectorate of Constabulary (HMIC) conducted a comprehensive investigation of the police response to domestic abuse. It found that unacceptable attitudes – similar to those reported to the Committee – persisted amongst police due to a lack of proper understanding about domestic abuse and, in particular, coercive controlling behaviour and its effects on the decision making of victims.<sup>289</sup> HMIC recommended that police domestic abuse training be amended to ensure that all relevant officers and staff understand the different forms of domestic violence, with a particular emphasis on the dynamics of coercive control.<sup>290</sup>

The Committee received evidence that reinforced the findings of the LRCWA concerning the differing levels of understanding. Information was also presented that supported recommendations similar to those made by the LRCWA and HMIC.

The DVLWN recommended that police receive training that enables them to understand and correctly interpret the dynamics of family and domestic violence, to understand why victims may refuse to make an official statement, and to correctly identify a single primary aggressor. Training should also encourage critical thinking by police. It submitted that such training would increase the likelihood of reporting by victims and reduce their vulnerability.<sup>291</sup>

The Geraldton FDVRT sergeant had taken it upon himself to educate all officers, including civilian staff at the front counter, about the difficulties for some women in deciding to report abuse. He encouraged staff not to dismiss victims if they seemed unclear about events or changed their story, noting that years of being a victim of sustained assault has an impact on self-esteem. If they had plucked up the courage to come to the police station, staff should be prepared to listen.

Such initiative is commendable but should not be dependent upon the goodwill, good sense and understanding of an individual officer.

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288 Law Reform Commission of WA, [\*Enhancing Family and Domestic Violence Laws – Final Report\*](#), Project No. 104, Government of Western Australia, Perth, June 2014, pp14-15.

289 Her Majesty's Inspectorate of Constabulary (HMIC), [\*Everyone's Business: Improving the Police Response to Domestic Abuse\*](#), HMIC, London, 2014, p122.

290 HMIC, [\*Everyone's Business: Improving the Police Response to Domestic Abuse\*](#), HMIC, London, 2014, p23.

291 Submission No. 4 from Domestic Violence Legal Workers Network, 20 July 2015, pp4-5.

**BOX 4**<sup>292</sup>**How Greater Manchester Police changed its response**

The Committee visited Greater Manchester Police (GMP) in July 2014 and was impressed by the attitude of its officers to domestic abuse. However, this was not always the case. GMP had increased its focus on domestic abuse in response to a negative review from Her Majesty's Inspectorate of Constabulary (HMIC) earlier that year. In its investigation of the effectiveness of the police response to domestic abuse in the 43 forces of England and Wales, the HMIC identified GMP as one of four forces where they had "serious concerns" about the service provided to domestic abuse victims. The HMIC's report said that:

- not all police leaders were ensuring that domestic abuse was a priority, and it was often not given the same level of priority as other policing activity
- training for staff in domestic abuse was inconsistent, with officers focusing on dealing with the perpetrator and not the victim
- levels of service to black and minority ethnic victims were weak
- there was little evidence that monitoring and data collection in respect of domestic abuse performance was being used in any meaningful way to evaluate outcomes for victims or to bring about improvements in services.

GMP was required to develop an action plan, and a follow-up inspection was conducted in November 2014. In its follow-up report, the HMIC found that the GMP had:

- made tackling domestic abuse the priority for the force, with increased focus on domestic abuse across the force from the time that calls were received by call handlers through to the initial response of frontline staff and the ongoing involvement of supervisors and specialist units
- provided training to all first contact staff, including call takers, radio dispatchers, crime recorders and switchboard operators regarding domestic abuse and the identification of vulnerability
- Ensured frontline response and neighbourhood officers had received face-to-face training in dealing with domestic abuse incidents, and they have been issued with aide-memoires, clearly setting out expected standards and their responsibilities to keep vulnerable victims safe from harm.

Training should instil in police an understanding of the perspective of a victim, including all of the complexities that relate to the abuse, according to Aboriginal Family Law Services.<sup>293</sup>

Through her involvement with the WA Police Academy, Ms Kristal had encountered some recruits with pre-existing inappropriate attitudes towards domestic violence, suggesting that any training needs to force officers to "look at their own attitudes".<sup>294</sup>

<sup>292</sup> See Appendix Eight for references.

<sup>293</sup> Submission No. 2 from Aboriginal Family Law Services, 6 July 2015, p14.



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The Women's Council was in favour of officers completing a series of compulsory training modules each year that provide them with an understanding of perpetrators and victims of domestic abuse.<sup>295</sup>

### Finding 16

WA Police officers and civilian staff need to develop greater understanding of the dynamics of family and domestic violence and how to deal sensitively with victims, including those with different views to their own.

#### ***Reliance on computer-based training***

From what the Committee could ascertain, once police complete the 28-week recruit training course in their first six months, the only structured family and domestic violence training they receive is computer-based.

In its review of UK police, HMIC identified issues around police reliance on computer-based training (or “e-learning”) for family and domestic violence. Specifically, e-learning did not:

- Provide police with an understanding of domestic abuse;
- Allow police to learn from any incorrect answers, as they are not identified or explained;
- Address police “desensitisation” towards the experiences of victims;
- Provide adequate opportunity for discussion;
- Encourage self-reflection; or
- Provide mechanisms for peers, trainers or supervisors to challenge inappropriate attitudes or behaviours, unlike face-to-face training.<sup>296</sup>

The Committee acknowledges that many of these issues may be specific to the computer-based training offered by UK police forces. But considering the reports of WA Police inconsistency, it is conceivable that some of the problems that HMIC identified – such as the inability to provide police with a proper understanding of domestic abuse – are common to the computer-based training in WA.

Ms Hartwig supported refresher courses for serving officers which incorporate interactive and practical workshops, enabling them to ask questions and consider

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294 Ms Kedy Kristal, Chief Executive Officer, Patricia Giles Centre, *Transcript of Evidence*, 19 August 2015, p3.

295 Submission No. 5 from Women's Council for Domestic and Family Violence Services (WA), 19 August 2015, p10.

296 HMIC, [\*Everyone's Business: Improving the Police Response to Domestic Abuse\*](#), HMIC, London, 2014, pp 9, 123.

different scenarios.<sup>297</sup> Ms Cowley was in favour of operational officers meeting regularly with specialist officers (such as the sergeants attached to the Family and Domestic Violence Response Teams) to address any underlying issues with the police response in their district.<sup>298</sup>

The Committee supports such face-to-face training, recognising that computer-based training is not conducive to professional development in an area as complex and nuanced as family and domestic violence.

### ***Adherence to police policy***

The Committee heard from witnesses that the quality of service provided to victims of family and domestic violence was dependent on which officer they encountered. While some officers are knowledgeable, respond in accordance with WA Police policy, provide accurate information and demonstrate sensitivity, there are others that are deficient in one or all of these areas.

In its consideration of family and domestic violence laws, the LRCWA received similar feedback from the support agencies that it consulted and such sentiments ultimately contributed to Recommendation 11. In particular, the LRCWA noted that, should its other proposed reforms be implemented across the justice system, specific training would be required to address changes to legislation and processes affecting police responses.<sup>299</sup>

Many of those consulted by the Committee supported the position that adequately educating frontline officers on correct WA Police family and domestic violence policy would reduce the inconsistency of response. The DVLWN recommended training that emphasised:

- The adequate investigation of reports of family and domestic violence;
- A consistent response (for example, ensuring that the perpetrator is charged when an assault has occurred); and
- The identification of a single primary aggressor.<sup>300</sup>

Such training should be ongoing and supported by “continuing guidance” for officers, to ensure that they correctly follow domestic violence policies and processes.<sup>301</sup>

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297 Ms Angela Hartwig, Chief Executive Officer, Women’s Council for Domestic and Family Violence Services, *Transcript of Evidence*, 19 August 2015, p4.

298 Ms Mary Cowley, Chief Executive Officer, Aboriginal Family Law Services, *Transcript of Evidence*, 16 September 2015, p7.

299 Law Reform Commission of WA, [\*Enhancing Family and Domestic Violence Laws –Discussion Paper\*](#), Project No. 104, Government of Western Australia, Perth, December 2013, pp54, 55.

300 Submission No. 4 from Domestic Violence Legal Workers Network, 20 July 2015, p5.

301 *ibid.*, p4.

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Several submissions/witnesses identified the importance of educating police about accurate reporting of domestic violence incidents. Ms Hartwig suggested implementing training modules that officers would be required to complete annually to address the inaccurate descriptions of domestic violence incidents and victim-blaming language that she and other support service providers have encountered in DVIRs.<sup>302</sup>

The DVLWN also suggested training to ensure accurate reporting of incidents, with a particular emphasis on ensuring an understanding of the way in which evidence assists in revealing the overall context of abuse patterns.<sup>303</sup> Ms Jackson (from Legal Aid WA) made a similar point. Beyond simply knowing correct WA Police procedure, police needed to learn the benefits of following that procedure. By formally taking a victim's statement or making a report of a domestic violence incident, an evidence base or pattern of behaviour may emerge. Although it may not be possible to lay charges against the perpetrator in the first instance, the evidence base that develops may provide the basis for future police investigation. However, in order for this process to occur, police first needed to be taught the importance of recording reports of domestic violence.<sup>304</sup>

### **Communications**

Given the importance of a timely police response to reported family and domestic violence incidents, the Committee was interested to hear of the training received by WA Police Communications staff. When a person calls 000 or 131 444 to report an incident of family or domestic violence, are their calls being correctly prioritised? Are staff communicating effectively with those at the other end of the phone?

WA Police said that Communications has a "knowledge database" for receiving calls, including those related to family or domestic violence. Communications staff ask the caller a series of questions in order to make an informed risk assessment and determine the urgency of the police response.<sup>305</sup> The call may be prioritised from 1 (most urgent) to 4 (least urgent) depending on the circumstances.<sup>306</sup>

Where families are considered at high risk, local police may create a computer aided dispatch (CAD) flag alert. This means that, if a caller contacts communications from the family residence, the flag alert will automatically inform communications staff of past

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302 Ms Angela Hartwig, Chief Executive Officer, Women's Council for Domestic and Family Violence Services, *Transcript of Evidence*, 19 August 2015, p4.

303 Submission No. 4 from Domestic Violence Legal Workers Network, 20 July 2015, p5.

304 Ms Julie Jackson, Director, Family Division, Legal Aid WA, *Transcript of Evidence*, 16 September 2015, p3.

305 Mrs Michelle Fyfe, Acting Deputy Commissioner, Specialist Services, WA Police, *Transcript of Evidence*, 9 September 2015, p12; Sergeant Jeremy Ashworth-Preece, WA Police, *Briefing*, 7 September 2015.

306 Mr Gary Dreiergys APM, Acting Commissioner, WA Police, Letter, 25 September 2015.

police involvement with the family and the nature of past offending. Staff are able to use this information to inform the initial risk assessment.<sup>307</sup>

According to Detective Inspector Susan Young, who is currently overseeing a review of the WA Police response to family and domestic violence, communications has “quite a robust quality assurance”, whereby a quality assurance team can review a staff member’s performance by assessing all of the audio recordings of the calls that they have received to identify any recurring issues, such as inadequate responses relating to a specific crime type.<sup>308</sup> Where problems are identified, Ms Young said a team leader would monitor the staff member’s performance until it reaches an acceptable level.<sup>309</sup>

The Committee did not receive any other information addressing the adequacy or otherwise of WA Police Communications staff training.

#### **Recommendation 1**

That WA Police adopts all elements of Recommendation 11 (pertaining to training) set out in the 2014 Law Reform Commission of Western Australia report *Enhancing Family and Domestic Violence Laws*, as well as the following:

- That face-to-face training is prioritised over computer-based training wherever possible.
- That training is provided to ensure that the correct policy and procedures are being used, to ensure a consistent response.

The full details of LRCWA Recommendation 11 can be viewed at Appendix Six.

#### **4.2.3 How does WA Police know whether it is training its recruits well?**

The Committee received very little information about the methods employed by WA Police to evaluate the efficacy of its family and domestic violence training programs for recruits and officers. WA Police did not explain how it assessed its training, and although support services had given great consideration to specific measures that would improve police training, there was less consideration of how police could assess whether the training was effective.

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307 Sergeant Jeremy Ashworth-Preece, WA Police, *Briefing*, 7 September 2015.

308 Ms Susan Young, Detective Inspector, WA Police, *Transcript of Evidence*, 9 September 2015, p12.

309 *ibid*.

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Some support services recommended that WA Police incorporate tests and scenarios into the training program to assess whether recruits fully understood the information being imparted during family and domestic violence training.<sup>310</sup>

Coupled with its recommendations that WA Police implement comprehensive Aboriginal cultural awareness training, Aboriginal Family Law Services recommended that WA Police report on its progress in implementing such training in its annual report.<sup>311</sup>

DVLWN recommended that training be monitored by organisations with expertise in family and domestic violence and that their feedback inform any changes to training programs.<sup>312</sup>

In the report produced by the LRCWA, it was noted that the Family Violence State Coordination Unit regularly reviews the content of its family and domestic violence training. But exactly how this review is conducted, or the standards that the training is expected to meet, was not explained.<sup>313</sup>

WA Police informed the Committee, however, that current family and domestic violence training would be assessed as part of a comprehensive review “to identify a proposed model for police response to family violence that will meet current emerging needs, as well as position WA Police for the future”.<sup>314</sup>

### Recommendation 2

That progress on family and domestic violence training be reported on in the WA Police annual report.

## 4.3 Use of technology in countering family and domestic violence

The most obvious use of technology to counter family and domestic violence is the GPS tracking of serious domestic violence offenders. The technology works by transmitting a signal from a GPS tracking device worn by an offender to a satellite. The offender’s location is then relayed to a central monitoring station that is constantly staffed. If the offender tampers with the device, breaches bail conditions, or enters an “exclusion

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310 Ms Angela Hartwig, Chief Executive Officer, Women’s Council for Domestic and Family Violence Services, *Transcript of Evidence*, 19 August 2015, p4.

311 Submission No. 2 from Aboriginal Family Law Services, 6 July 2015, p8.

312 Submission No. 4 from Domestic Violence Legal Workers Network, 20 July 2015, pp7-8.

313 Law Reform Commission of WA, [Enhancing Family and Domestic Violence Laws – Final Report](#), Project No. 104, Government of Western Australia, Perth, June 2014, p72.

314 Mr Gary Dreiberger, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, p2; Mrs Michelle Fyfe, Acting Deputy Commissioner, Specialist Services, WA Police, *Transcript of Evidence*, 9 September 2015, p12.

zone” (such as near a victim’s home or workplace), an alarm will be automatically activated.<sup>315</sup>

Prior to the 2013 State election, the current State Government issued its Protecting Families Policy, which emphasised the safety and support of victims of domestic and family violence. One of the seven key commitments outlined in the policy was the introduction of strict control and GPS tracking of serious domestic violence offenders and serial arsonists. This was to be achieved with an \$8 million injection of funds for the expansion of GPS tracking, by amending sentencing laws to allow courts to impose conditions on categories of serious violent criminals after completion of their sentences, and by introducing laws to ensure GPS technology can be applied to prisoners on parole. The measure would initially target serious repeat domestic violence offenders.<sup>316</sup>

Since June 2013, the State has used GPS tracking to monitor the movements of serious sexual offenders from the police operations centre in Midland.<sup>317</sup> But the State Government has yet to introduce laws to enable the GPS tracking of serious domestic violence offenders, although in June 2015 Premier Colin Barnett said that the government was putting the legislation in place.<sup>318</sup>

The recent women’s safety package announced by the Federal Government committed \$12 million to trialling the use of technology, including GPS tracking, to keep women safe. Funding is to be matched by states and territories,<sup>319</sup> which might prompt the State Government to introduce GPS tracking.

To avoid becoming over-confident in technology, potentially leading to complacency, the Committee suggests that GPS tracking technology be considered as part of a suite of measures to keep victims safe and not the ultimate answer.

Assuming that at some stage in the near future GPS tracking will be introduced, WA Police was asked how it would evaluate its effectiveness. WA Police suggested that

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315 Hon Murray Cowper, (Minister for Corrective Services) and Hon Michael Mischin, (Attorney General), [Government to expand GPS tracking of offenders](#), Media Statement, Government of Western Australia, Perth, 20 January 2013; Special Taskforce on Domestic and Family Violence in Queensland, [Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland](#), Queensland Government, Queensland, 2015, p308.

316 The WA Liberal Party, [‘The Liberals’ Protecting Families Policy’](#), March 2013, p4.

317 Department of Corrective Services, [Annual Report, 2012/2013](#), Department of Corrective Services, Perth, 2013, pp53-55; Hon Michael Mischin, Attorney General (representing the Minister for Corrective Services), WA, Legislative Council, *Parliamentary Debates* (Hansard), 24 September 2015, p6990.

318 Vickery, K., [‘Coffee with Colin: Premier Colin Barnett does not support same-sex marriage, but is against discrimination’](#), *Perth Now*, 4 June 2015.

319 Hon Malcolm Turnbull, (Prime Minister), [Women’s Safety Package to #StoptheViolence](#), Joint Media Release, Commonwealth of Australia, Canberra, 24 September 2015.

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they would use the same criteria as the only other such evaluation completed anywhere in the world. Their evaluation might include:

- Patterns of GPS usage for DCS cases involving pre-trial supervision, including an assessment of advantages, drawbacks and costs associated with using GPS for domestic violence cases;
- The impact of GPS on domestic violence defendants' program breaches and re-arrests during the evaluation period, and whether GPS had an impact on the behaviour of program participants;
- A qualitative review using in-depth individual and group interviews with stakeholders in domestic violence cases (victims, defendants and criminal justice personnel). From this, a range of approaches to organising the GPS program could be identified. Results should indicate:
  - (a) whether victims felt that GPS provided any relief from the type of abuse they had previously been subjected to;
  - (b) whether defendants/offenders felt that GPS protected them from false accusations, offering added structure to their lives and enabling them to envision a future without the victim;
  - (c) the importance of maintaining an appropriate balance between victim safety and due process for the defendant.<sup>320</sup>

The methods of evaluation outlined above are an indication that WA Police have given some thought to evaluation of a GPS tracking program, but obviously in the event of such a program being implemented a more detailed evaluation and monitoring plan would be needed.

Police would also need to take into account the fact that the GPS program would most likely be performed by a contractor, blurring lines of accountability. Some aspects of the performance of GPS tracking would most likely need to be captured in KPIs linked to the contract.

### **Recommendation 3**

That the Attorney General expedites the initiation of amendments to sentencing laws and the introduction of the necessary laws to enable GPS tracking of serious domestic violence offenders.

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320 Mr Gary Dreierbergs APM, Acting Commissioner, WA Police, Letter, 25 September 2015, p4.

**Recommendation 4**

In the event that GPS tracking is introduced, that WA Police ensures that it implements an evaluation plan to assess its effectiveness.

**4.4 Suggestions for measuring performance**

Throughout the Inquiry, the Committee sought input from witnesses as to what would be appropriate indicators for police to determine whether they were doing a good job in policing family and domestic violence.

The Committee also sought the opinion of WA Police on the nine performance indicators recommended in the Australian Institute of Criminology (AIC) paper “Measuring police performance in domestic and family violence”. The measures were developed through a review of Australian and international literature and, importantly, through consultation with Australian Capital Territory Policing. This was to identify what was most relevant and accessible in terms of operational data, recognising that the indicators needed to be both practical and useful for police.<sup>321</sup>

WA Police accepted some of the indicators as reasonable and others as problematic. Some were also identified independently by other witnesses as being important. The views of police and any other witnesses on the AIC performance measures are outlined below, followed by a discussion of other possible measures.

**4.4.1 Measures suggested by the Australian Institute of Criminology****1. Reduction in repeat victimisation**

The AIC report says that:

*a reduction in the number of victims who continue to experience family violence after police are called to an incident may be an indicator that previous intervention has had an impact in reducing offending. It may also reflect proactive behaviour on the part of victims to remove the risk of further violence (for example, through protection orders that police may have helped initiate) ... The specific indicator would be calls for assistance to police by or on behalf of a person who has previously required police assistance relating to family violence.*

WA Police cautioned that a victim reporting more often might indicate that the victim feels more comfortable about reporting as a result of receiving good service from the

321 Rollings, K. and Taylor, N., ‘[Measuring police performance in domestic and family violence](#)’, *Trends and Issues in Crime and Criminal Justice*, no. 367, Australian Institute of Criminology, Canberra, 2008, p3.



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police.<sup>322</sup> Hence, assessment of such data would need to take that possibility into account (which implies that police would need to collect data that would indicate the reason for the reduction in repeat victimisation).

The rationale behind the AIC suggestion seems to be that the success of *an intervention by police* could be measured by the number of calls made by the same victim. Hence, it might make more sense (and address WA Police's concern) if the specific indicator was not "calls for assistance to police by a person who had previously required police assistance", but "calls for police assistance by a person who had previously received a police intervention".

### 2. Reduction in repeat attendances

The AIC report says:

*Many domestic and family violence incidents are likely to be perpetrated by the same offender and/or experienced by the same victim and/or occur at the same address. That is, it is likely that a substantial proportion of domestic and family violence incidents involve repeat offenders, victims and locations. This suggests that placing an intervention focus on repeat offenders and locations may have a greater impact in reducing incidents than treating all incidents in the same manner ... A reduction in repeat attendances to the same address could be one indicator that previous police intervention has had a positive impact.*

WA Police foresaw a problem with this indicator in that in some cases they encourage local policing teams to visit the same addresses and make regular contact. Hence, they would not be seeking to reduce repeat attendances necessarily.<sup>323</sup>

Once again, a distinction needs to be drawn between police attending (without necessarily taking any action) and police intervening.

### 3. Reduction in repeat offending

The AIC report says:

*This measure aims to record the number of calls to police for assistance in relation to a specific alleged offender. A reduction in the number of offenders who continue to perpetrate family violence after police are called to incidents would be an indicator that previous police*

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322 Ms Susan Young, Detective Inspector, WA Police, *Transcript of Evidence*, 9 September 2015, pp21-22.

323 Mr Bradley Sorrell, Acting Commander, Metropolitan Region, WA Police, *Transcript of Evidence*, 9 September 2015, p22.

*intervention has had an impact on further offending behaviour.... It is particularly important that this indicator be tracked over time, as desisting from further offending may not occur until formal procedures have had time to affect behaviour.*

WA Police stated that a reduction in repeat offending was an all-of-government outcome, not simply a police outcome, and perpetrator programs were needed to achieve this. They did not disagree with the measure, however.<sup>324</sup>

#### **4. Accurate identification and recording of incidents**

The AIC reports says:

*Information about family violence incidents that police attend is only as good as the information entered by operational police into their recording systems. If information is entered incorrectly, or relevant information is left out, this will affect the quality and accuracy of the data that can be extracted from police systems about incidents.... (A) review of ACT Policing data found that how operational police interpreted and recorded an incident was not always consistent with the legislation....*

WA Police supports this and already has processes in place to quality assure the recording of information on Domestic Violence Incident Reports.<sup>325</sup> The Committee submits that converting it to a quantifiable performance measure would be a fairly simple operation.

#### **5. Increase in offenders charged and successfully prosecuted**

The AIC report says:

*Increasing prosecution of family violence through the courts has two benefits. The first is the opportunity for the offender to be involved in treatment and increased supervision, and the second is the deterrent effect.... Although successful prosecution is not solely the responsibility of police, they are responsible for the initial decision to charge, the types of charges laid and the effective collection of evidence to support the charges. An increase in successful prosecutions would be an indicator (albeit a proxy measure) of police effectiveness in relation to*

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324 Mr Gary Dreiergs, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, p22.

325 Mr Bradley Sorrell, Acting Commander, Metropolitan Region, WA Police, *Transcript of Evidence*, 9 September 2015, p22; Sergeant Jeremy Ashworth-Preece, WA Police, *Briefing*, 7 September 2015.

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*charging and evidence collection. Data to provide this measure may be held already by the police, or may be sought from the Office of the Director of Public Prosecutions depending on the jurisdiction.*

Ascertaining the number of prosecutions for family and domestic violence related offences proved to be less straightforward than anticipated. The Office of the Director of Public Prosecutions (ODPP) does not routinely keep statistics relating to the relationship between the offender and victim. The ODPP had to manually compile the statistics to meet the Committee's request to know the number of prosecutions and convictions involving a domestic relationship and the number of cases discontinued due to insufficient evidence provided by police.

Director of Public Prosecutions Joseph McGrath saw some other difficulties with using an increase in prosecutions as a KPI for police performance.

*... in areas such as domestic violence, when it is often oath against oath – a person against another person – cases can be properly brought and really extensively prepared by the police, and the result will still be an acquittal. That will just turn upon the evidence and the assessment by the jury.<sup>326</sup>*

Hence, if there was no increase in family and domestic violence related prosecutions this would not necessarily be a sign that police were ineffective in relation to charging and evidence collection.

Mr McGrath said if the question was whether police chose the correct charge in the correct circumstances, "my answer would be yes". On the whole, police produced sound briefs of evidence and were very receptive to ODPP requests to undertake further inquiries, which they completed in a timely manner. They identified the correct witnesses and the necessary forensic tests required and were very consultative in respect to preparing further investigations.<sup>327</sup>

They were able to identify only four cases in the past three years which had been discontinued due to insufficient evidence.<sup>328</sup>

The Committee concedes that whilst an increase in prosecutions (in proportion to arrests) is desirable, it is not necessarily a reasonable performance measure for police. However, police and other agencies should be aware of the number of family and

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326 Mr Joseph McGrath, Director of Public Prosecutions, Office of the Director of Public Prosecutions, *Transcript of Evidence*, 12 August 2015, p2.

327 *ibid.*

328 Office of the Director of Public Prosecutions for Western Australia, Electronic Mail, 7 September 2015.

domestic violence related prosecutions and convictions, and the fact that this information is not automatically collated is concerning.

## 6. Increased arrest and prosecution of breaches of domestic violence orders

The AIC report says:

*Improving community confidence that police will act when a breach occurs is crucial for ensuring the safety of victims, encouraging reporting of breaches and for reinforcing to offenders that breaching a violence order is a serious offence for which they will be arrested. One means of measuring this is to identify the number of incidents involving breaches of domestic violence orders and monitoring over time how many of these incidents result in the offender being arrested and charged.*

*It should be noted that police can only act on breaches reported to them. Often the offender will have left the scene before the police arrive and it may be one person's word against another that a breach occurred. The wider issue of the unknown volume of breaches which are not reported to police is also an area that needs attention.*

WA Police acknowledged that this indicator would be useful,<sup>329</sup> but noted the complexities emerging around technical breaches, such as those made via text message or a phone call from an unidentified subscriber, would make prosecution of breaches more difficult.<sup>330</sup>

As far as the Committee is concerned, this is not a reason to not seriously consider including this as a measure. Women need to feel confident that a restraining order will keep them safe. While GPS tracking may assist in preventing more serious offenders from breaching VROs, the frequency with which breaches seem to occur is something that needs to be addressed more forcefully.

WA Police data shows that there has been an increase in the number of perpetrators charged for breach of a restraint order over the past five years, with 2670 charges in 2014-15 (compared to 2458 in 2013-14 and 2291 in 2012-13).<sup>331</sup> However, the 2014-15 sanction rate for breach of VROs was about 68 per cent,<sup>332</sup> which suggests there is room for improvement.

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329 Mr Gary Dreiergs, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, p22.

330 Ms Susan Young, Detective Inspector, WA Police, *Transcript of Evidence*, 9 September 2015, p22.

331 Mr Anthony Kannis, Executive Director, WA Police, Letter, 7 September 2015, p6.

332 Ms Susan Young, Detective Inspector, WA Police, *Transcript of Evidence*, 9 September 2015, p22.

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### 7. Police adequately informed about previous attendance and violence

The AIC report says:

*... it is essential that the attending officers are aware of any previous police attendance at that address for family violence, and whether the offender may be violent.... regular monitoring of the adequacy of information provided to patrol officers by communications areas is necessary. Communications areas need to identify and provide patrol officers with key information quickly and accurately. Improving performance in this area will increase the actual and perceived safety of officers entering family violence situations.*

WA Police says that this is already being done.<sup>333</sup> As noted in a previous section, WA Police has a quality assurance team which monitors Communications staff to ensure that they are taking details of calls accurately and treating them appropriately. Officers are also provided with support from control centre staff who can relay relevant information to officers attending an incident.

Whether this is being done well was not something the Committee was able to ascertain – hence, a performance indicator which specifically measured this would seem to be useful both for police professional development purposes and for the reassurance of the person making the call.

### 8. Increased victim satisfaction with police response

The AIC report says:

*Two key challenges facing police are how to increase the willingness of victims to report family violence and how to encourage their cooperation in a pro-arrest and pro-charge environment.... Anecdotal evidence suggests that victims who perceive that the police response was poor ... are less likely to report again.... Other measures of the impact of a domestic violence intervention, including levels of victim satisfaction, may tell more than recidivism rates alone.*

In 2008, when the AIC paper was published, it was noted that police in Australia did not routinely collect data on victim satisfaction with police response specifically in relation to family and domestic violence incidents. This is still the case today, for WA Police at least.

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<sup>333</sup> Mr Bradley Sorrell, Acting Commander, Metropolitan Region, WA Police, *Transcript of Evidence*, 9 September 2015, p22.

WA Police have acknowledged it “would be good information to have”,<sup>334</sup> and it was suggested that a question of this nature be included in the National Survey of Community Satisfaction with Policing.<sup>335</sup>

The potential problem with including a single question or statement with set response options is that it doesn’t capture the complexity of the issue. It would not capture why a person was or was not satisfied. As Mr McGrath pointed out, a victim may have been satisfied with the police response but not with the eventual outcome, and this could colour their response.<sup>336</sup>

While the national survey may not be the most appropriate vehicle for capturing victim satisfaction, it is important that it is measured. Several others provided evidence to the Committee in support of this, including a victim of domestic violence:

*Police performance cannot be measured simply in terms of whether an offender is charged or not. How police treat victims is also important and will determine whether a victim will seek further police assistance or be dissuaded from doing so.*<sup>337</sup>

#### **Finding 17**

WA Police does not collect survey data to measure how satisfied family and domestic violence victims are with the police response.

#### **9. Improved willingness of victims to call police**

This measure is closely linked to number eight and as such the AIC report talks about the two together.

Reasons for being unwilling to call police are complex, as outlined in Section 2.5. As well as shame and reasons related to perpetrators (e.g. not wanting to see them jailed, fear of retribution), victims were unwilling to report to police because of a belief that the response would not be effective.

WA Police agreed that, as with monitoring victim satisfaction, it would be useful to know whether victims were becoming more willing to call police.<sup>338</sup> The AIC did not suggest how this could be measured, although an increase in reporting would perhaps be an indicator. However, there are problems with using an increase in reporting as a

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334 Mr Gary Dreierbergs, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, p23.

335 Ms Susan Young, Detective Inspector, WA Police, *Transcript of Evidence*, 9 September 2015, p4.

336 Mr Joseph McGrath, Director of Public Prosecutions, Office of the Director of Public Prosecutions, *Transcript of Evidence*, 12 August 2015, p12.

337 Submission No. 1, closed submission, 3 July 2015, p2.

338 Mr Gary Dreierbergs, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, p23.

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measure, as outlined earlier. An increase could mean either an increase in willingness to report or an increase in incidents, or a combination of both.

But this more detailed information could be collected. For example, at the follow-up stage, or even at some later point, a simple survey could be administered which assessed the victim's willingness to report. Questions could be designed to ascertain their degree of hesitancy in reporting and whether this was related to police response factors and/or other factors. Questions related to victim satisfaction could be administered at the same time.

### 4.4.2 Other suggested measures

A number of other suggestions as to how police could measure whether they were providing adequate protection to victims of family and domestic violence were made, some of which have been covered in section 4.2, *Evaluation of training*.

Others include:

#### **Timeliness**

Although this is partly encapsulated by the current audited KPI, suggestions were made to incorporate time-based targets for various consultation points with victims. While the audited KPI measures the percentage of offenders processed within seven days, other indicators could measure the timeliness of responses by police at various points from the start to the finish of a complaint, according to the DPP:

*A complaint is received day one from a victim. What is the timeliness in respect to the proper full engagement with an officer where a detective or someone sits down? At what point is there a determination as to a charge or not?*<sup>339</sup>

Whilst not wanting to impose onerous reporting procedures on police, the Committee agrees that timeliness would be a quantifiable measure which might assist police in improving response times and limiting risks to victims.

Acting Commissioner Dreiberger agreed that timely response in terms of investigation was an appropriate indicator.<sup>340</sup>

#### **Workforce diversity**

Whilst it could be argued that having a target for female officers and Aboriginal officers is relevant to all areas of policing (not just domestic violence), the fact that family and

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339 Mr Joseph McGrath, Director of Public Prosecutions, Office of the Director of Public Prosecutions, *Transcript of Evidence*, 12 August 2015, p12.

340 Mr Gary Dreiberger, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, p8.

domestic violence affects a large proportion of Aboriginal women makes it especially relevant for consideration in this inquiry.

Aboriginal Family Law Services says that Aboriginal representation in the WA Police force was 1.7 per cent in 2013, and women accounted for around one-third of the police force. The number of Aboriginal female officers was not given but recruitment of female Aboriginal officers is recognised as an ongoing problem.<sup>341</sup>

Aboriginal Family Law Services supports a recommendation of the *20th Anniversary Review of the 1994 Report of the Chief Justice's Taskforce on Gender Bias* that WA Police strengthens its efforts to recruit Aboriginal women and men as police officers so that they make up at least 3 per cent of the police force.

However, there is debate around whether it is preferable to engage Aboriginal people as police officers or as engagement officers in Aboriginal communities. WA Police is of the view that Aboriginal engagement officers gain more traction in their own communities than police officers, who are called upon to be enforcers of the law which can create tensions when family members are involved.<sup>342</sup>

However, in the Committee's view the employment of Aboriginal engagement officers should not negate the requirement for operational officers to acquire greater cultural competency in order to undertake their community policing obligations successfully.

WA Police said the community engagement model employed in the Kimberley was a good model but needed "more maturity and work done around it".<sup>343</sup>

The DCPFS has Aboriginal employment targets in each of its operational areas, which it sees as critical: "the best you can do is work alongside an Aboriginal person and have that two-way exchange." The target in the Kimberley was 50 per cent.<sup>344</sup> The Committee sees no reason why WA Police should not set a target also.

Other witnesses also spoke of the need to encourage a new wave of recruits.

*... women, CaLD men, Aboriginal women, older recruits—people with some life experience, I think, would be useful.*<sup>345</sup>

Ms Strauss agreed that greater diversity and more female officers would make a difference.<sup>346</sup>

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341 Submission No. 2 from Aboriginal Family Law Services, 6 July 2015, p10.

342 Mr Gary Dreier, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, p25.

343 *ibid.*

344 Ms Emma White, Director General, Department for Child Protection and Family Support, *Transcript of Evidence*, 12 August 2015, p7.

345 Ms Kedy Kristal, Chief Executive Officer, Patricia Giles Centre, *Transcript of Evidence*, 19 August 2015, p10.



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Mr Dreiberger could see no reason not to expand the Kimberley community engagement officer model to include people from culturally and linguistically diverse backgrounds.<sup>347</sup>

The question is, should meeting specific recruitment targets for female, Aboriginal and CaLD people be a performance measure? The Committee believes WA Police should give serious consideration to this, given the added complexity of reporting what is already a sensitive issue for people from Aboriginal and CaLD backgrounds.

### ***Number of police orders issued***

Suggestions were made that the number of police orders issued (which is data that WA Police records) could be a performance measure.

However, Mr Dreiberger said that the issuing of an order did not necessarily mean that the job was done well.<sup>348</sup> Police Orders were an intervention, but not a suitable KPI.<sup>349</sup>

Keeping a record of who the orders are issued to (i.e. perpetrator or victim), as suggested Ms Strauss,<sup>350</sup> should also be considered to ensure orders are not issued incorrectly, but the Committee does not necessarily see this as being a performance indicator.

## **4.5 Concluding comments**

This inquiry set out to explore how WA Police knows whether it is providing adequate protection to victims of family and domestic violence. While the protection of victims also involves other agencies, as the first responders they are the ones who separate the parties to ensure their immediate safety, decide whether charges are warranted, collect evidence to support charges, and impose Police Orders if warranted and desired by the victim.

In terms of providing adequate protection following the initial response, police are involved in assessing the risk factors for the victim (through the FDVRT team), ensuring Police Orders and Violence Restraining Orders are enforced, and recording breaches of restraint orders as an offence.

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346 Ms Yolanda Strauss, Manager, Domestic Violence Services, Women's Health and Family Services, *Transcript of Evidence*, 19 August 2015, p6.

347 Mr Gary Dreiberger, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, p25.

348 *ibid.*, p16.

349 Mr Bradley Sorrell, Acting Commander, Metropolitan Region, WA Police, *Transcript of Evidence*, 9 September 2015, p16.

350 Ms Yolanda Strauss, Manager, Domestic Violence Services, Women's Health and Family Services, *Transcript of Evidence*, 19 August 2015, p6.

To know whether its officers are providing adequate protection, WA Police would need to be monitoring and tracking their performance. In relation to this, this inquiry aimed to answer three key questions:

1. How does WA Police measure progress in this area?
2. How do others perceive their performance?
3. How should they be measuring their performance to align with best practice?

#### **4.5.1 Measuring progress**

WA Police has one audited KPI related to family and domestic violence, which sets a time-based target for processing offenders. While there is nothing inherently wrong with this measure in terms of demonstrating that police are efficiently dealing with offenders and therefore potentially protecting victims from further abuse, it is only a small part of the whole picture.

However, WA Police does not have any formalised internal performance measures of its own. Rather than developing a specific set of measures for the agency, WA Police seems content to provide “the total picture” by riding on the coat-tails of other agency evaluations – specifically, the DCPFS monitoring and evaluation framework set out in the *Freedom from Fear* action plan. WA Police has said that it will use the framework to guide its own evaluations.

The Committee has two concerns in relation to this:

1. That the monitoring and evaluation framework set out in *Freedom from Fear* is extremely lacking in terms of specifics, and also provides no timeline for when the “work in progress” will be finalised;
2. It is unclear in what way – if at all – WA Police will be accountable to the DCPFS for performance measures in which it plays a central role.

WA Police tracks and monitors the performance of officers responding to family and domestic violence, and can use this to performance-manage individual officers. Collectively, this data can provide some useful performance measures. The agency does in fact collect a substantial amount of data in relation to domestic violence offences. The question is: what should it do with it? This is discussed at 4.5.3.

This inquiry mirrors the findings of the Committee’s previous inquiry into measuring the effectiveness of road policing: that a single audited KPI provides a limited measure of effectiveness and that more relevant and contextual indicators should be established and reported on.

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In a hearing before the Committee, WA Police acknowledged the importance of performance evaluation; it identified the FDVRTs as potentially providing important qualitative measures of police performance in dealing with serious incidents. But these were talked about in terms of exploration, consultation and something that would have to be worked out “going forward”.

Acknowledgement and an earnestly expressed intention to look into appropriate evaluation methods is not enough. Police should commit to developing a set of measures within a suitable timeframe.

### **Finding 18**

The single audited KPI related to family and domestic violence provides only a limited measure of the effectiveness of policing in this area.

### **Recommendation 5**

That WA Police commits to establishing a set of intermediate performance indicators for evaluating the effectiveness of family and domestic violence policing by June 2016.

### **Finding 19**

WA Police has no intention of updating its family and domestic violence strategy and has relinquished leadership on family and domestic violence to the Department for Child Protection and Family Support.

### **Recommendation 6**

In keeping with practices in other Australian states, WA Police should take a leading role in combatting family and domestic violence by ensuring it has a strategy with objectives specific to police.

## **4.5.2 Perceptions of performance**

In the absence of a comprehensive set of indicators, the Committee was only able to assess the performance of WA Police by drawing on the perceptions of victims and service providers. In doing so the Committee was able to develop an idea of what police should be measuring. What did the people receiving the service value most, and what was lacking?

The lack of consistency in response by officers was a recurring theme in evidence to the Committee. The sense that a victim’s satisfactory experience may be due to “the luck of the draw” – that is, dependent on which officer attended – is worrying.

Which officer attended (or dealt subsequently with the incident) might impact not only how procedural matters were dealt with (such as correct completion of reports) but extend to whether the victim received an empathetic response.

According to Mr Dreiberger: “You would never want people to just think it is the luck of the draw. With police officers attending, you would expect that you would get a professional response every time.”<sup>351</sup>

WA Police needs to ensure that this sentiment is acted out. Whilst only time will bring experience, targeted training could ensure a professional response. Additionally, Acting Deputy Commissioner Fyfe emphasised the importance of recruiting officers who could demonstrate empathy and honesty and could communicate well. They also need to be physically, psychologically and emotionally resilient to deal with the circumstances they often confronted in family and domestic violence incidents.

Inappropriate responses to Aboriginal victims based on incorrect assumptions or biases also need to be addressed. Whilst, again, individual officers respond appropriately, the Committee heard that Aboriginal victims would sometimes be treated differently as a result of systemic racism.

Again, training was identified as the best way to address this, but it needed to be comprehensive, covering historical as well as cultural aspects, and should involve Aboriginal presenters.

Women from CaLD communities were also victims of a lack of cultural awareness on the part of police officers at times, but the most concerning inconsistency in regard to this group related to the provision of interpreters. Service providers felt that police required training on the appropriate use of interpreters, as well as cultural sensitivity training.

Whilst WA Police invites guest speakers to the academy to give recruits an insight into issues affecting Aboriginal and CaLD women, the training is perceived as being insufficient by service providers. Whilst sergeants and senior officers provide informal internal training to recruits, this relies on the person in that role being proactive and should not be seen as a substitute to comprehensive cultural awareness training for recruits and on an ongoing basis.

Training in a range of other areas related to domestic violence was also perceived as lacking, including in relation to making referrals to specialist services, understanding of policy, and understanding of why victims may not want report or provide statements.

Given that policing of domestic violence consumes a considerable amount of a police officer’s time, it seems reasonable to expect WA Police to commit more time and resources to the training of its officers. The Committee is hopeful that its

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351 Mr Gary Dreiberger, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, p15.

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recommendations in relation to training, along with those made by the Law Reform Commission of WA, will be addressed by WA Police.

### 4.5.3 How should WA Police measure their performance to align with best practice?

This report has presented aspects of best practice both in relation to family and domestic policing broadly, and in relation specifically to performance measurement. The two are closely linked: agencies need to evaluate what they are doing to know how well they are performing and to what degree this aligns with good practice.

In terms of the broad features, WA Police is some way along the road to what is considered good practice. It is part of a multi-agency response, considered essential for delivering best practice, and is committed to this approach. Mr Dreibergs has even suggested expanding the current multi-agency approach by including the Department of Corrective Services in the Family and Domestic Violence Response Teams and, ultimately, creating a team where all services that may be required are co-located.

Acting Deputy Commissioner Fyfe was of the same view:

*I personally would like to see, much in the same vein as Mr Dreibergs, that one-stop shop where someone can walk through the front door and say, —I've got a problem||, and all the services are there to help them deal with all aspects of the problem, so we are involved and everybody else is involved, and whether that is health, safety, housing, children—all those sorts of things.<sup>352</sup>*

This is a welcome advance on past attitudes where police, by their own admission, would not have considered working alongside DCPFS officers.

### Finding 20

The participation of WA Police in multi-agency approaches to domestic violence has been positive, and the agency's interest in being involved in an expansion of this approach is commendable and encouraging.

Whilst the response *time* to family and domestic violence incidents could no doubt be improved, the police response to domestic violence in terms of its *treatment as a crime* has improved, with a pro-charge and pro-prosecution stance adopted. This is reflected in the audited KPI, which relates to dealing with offenders.

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<sup>352</sup> Mrs Michelle Fyfe, Acting Deputy Commissioner, Specialist Services, WA Police, *Transcript of Evidence*, 9 September 2015, p24.

The WA Police policy is pro-arrest, and also pro-prosecution if the evidence exists and conforms to DPP prosecuting principles.<sup>353</sup> According to Mr Sorrell, officers are trained and educated to ensure a high rate of successful prosecutions. The rate had improved since 2008, when there were a high number of withdrawals and police did not necessarily win a lot of the cases.<sup>354</sup>

WA Police were apparently working on making their approach more victim-centred, acknowledging that as first responders they needed to take more account of the victim's perspective and the context of the situation.<sup>355</sup> But accounts from victims indicate that there is still some way to go before all officers understand the best ways to meet the needs of the victim.

Measures are in place to help ensure consistency in incident response but there are still some gaps – for example, in regard to the use of interpreters. While WA Police has a domestic violence policy (which has been described as comprehensive and complex) and operating guidelines for the FDVRT coordinator, a Code of Practice, as exists in some other States, would help provide clarity for police around expectations and responsibilities.

Prevention and early intervention, which relies on addressing underlying issues by engaging with other agencies, does not appear to be something WA Police have been heavily involved with to date, although theoretically the local policing teams should be playing a role in prevention.

Education and training has been discussed at length, and the Committee's conclusion is that WA Police needs to do more of it, not just aimed at improving understanding of the causes and complexities of domestic violence generally, but also targeted at developing cultural sensitivity.

Strong, top-down leadership has been identified as being vital when changing negative police behaviours and attitudes towards family and domestic violence. The Committee has seen some and heard some encouraging signs of this at the sergeant level. But, to date, WA Police Commissioner Karl O'Callaghan has remained virtually silent on family and domestic violence.

Women's Council chief executive officer Angela Hartwig pointed out the absence of Dr O'Callaghan's voice and presence in recent family and domestic violence campaigns:

*I mean, we have invited him to the domestic violence memorial march for I do not know how many years, and he has never been available.*

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353 Mr Bradley Sorrell, Acting Commander, Metropolitan Region, WA Police, *Transcript of Evidence*, 9 September 2015, p5.

354 *ibid.*

355 *ibid.*, p16.

## Chapter 4

*He might have commitments, we know that, but to be at events where you are seen publicly and proactively speaking out against the issue would be a great help.*<sup>356</sup>

The Committee also notes that every state and territory police commissioner except Dr O'Callaghan contributed to an article in *The Guardian* on the reduction of family and domestic violence in November 2014.<sup>357</sup>

Such absence is in stark contrast to commissioners such as former Victoria Police Chief Commissioner Ken Lay, who consistently raised family and domestic violence in various op-eds and speeches over his three years in the role. Following his speech at the National Press Club in 2013, it is said that the number of women reporting abuse to Victoria Police increased.<sup>358</sup>

There are also some jurisdictions (e.g. Victoria) in which an assistant commissioner position is allocated to domestic violence.

Continual evaluation is, of course, essential for monitoring progress and that is largely what this inquiry has been about. This requires data, and in this respect the Committee finds the lack of data – particularly in relation to demographics – to be disappointing and concerning.

The fact that first language and Indigenous status is not recorded on the National Survey for Community Satisfaction with Policing should be addressed, and a question which can ascertain the satisfaction of domestic violence victims with police response should be included.

The fact that the Office of the Director of Public Prosecutions does not routinely record domestic relationship status should also be addressed, to facilitate tracking of successful domestic violence-related prosecutions.

There is also a surprising lack of statistical data which can show how CaLD women are being affected by family and domestic violence. The data used by the DCPFS in its family and domestic violence *Achievement Report to 2013* is sourced from WA Police, the Department of the Attorney General and the Department for Health. While the Department of Health data provides some breakdown by gender and age (in terms of assault victims hospitalised), this kind of information is not provided for other indicators.

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356 Ms Angela Hartwig, Chief Executive Officer, Women's Council for Domestic and Family Violence Services, *Transcript of Evidence*, 19 August 2015, p10.

357 ['How do we tackle domestic violence? Here's what seven police chiefs said'](#), *The Guardian*, 3 November 2014.

358 McKenzie-Murray, Martin, 'Hidden politics of family violence', *The Saturday Paper*, 8 August 2015, pp1, 10.

Demographic data is essential for creating a more detailed understanding of who is most affected by domestic violence and where it is occurring. This assists in determining where to target resources and training and ensuring a prompt response to the most at-risk groups. Not only that, it might point to patterns of violence in particular communities which might have a common cause which could be addressed.

#### **Finding 21**

There is a general lack of demographic data related to family and domestic violence offences collated and/or published.

#### **Recommendation 7**

That demographic data related to family and domestic violence offences is collected and made publicly available by the relevant agencies.

WA Police said officers who had dealt with a family and domestic violence incident during their shift should feel satisfied at the end of their day's work that they had:

- Attended in a timely manner
- Completed the DVIR accurately
- Separated the victim and perpetrator
- Considered what they needed to do to try to protect the victim (for example, refer to another service)

Inspector Young said that the two key questions she would like police officers to ask themselves after an incident were:

- have I maximised the victim's safety?
- have I brought the perpetrator to as much account as I possibly could?

The Committee received a number of suggestions and recommendations as to how police should measure their progress. While it would be sufficient for some elements of performance to simply be tracked internally, others should form secondary performance indicators so that the agency can more clearly assess its performance and determine which strategies are working well. The Committee accepts that it is unlikely WA Police will amend its audited KPI, but if intermediate indicators are reported alongside the key indicator this is not of great consequence.

Of the suggestions made by the Australian Institute of Criminology, some appear reasonable and others are problematic. "Reduction in repeat victimisation" would be a useful secondary indicator if it measured "calls for police assistance by a person who had previously received a police intervention" and not just repeat calls. This could be



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reported alongside “reduction in repeat offending”, which would indicate whether perpetrator programs were effective (although this is not necessarily a police measure).

“Accurate recording and identification of incidents” could become a secondary performance indicator, and not simply something that is tracked. “Breaches of VRO” data is collected but is not a performance indicator. However the Committee believes that it should be, along with “Police adequately informed about previous attendance and violence”. And “victim satisfaction” should definitely be included as a performance indicator and linked to “willingness of victims to call police”.

“Repeat attendance to the same address” is a problematic measure and could be confined to data collection and tracking; and “Increase in prosecutions” is not necessarily a fair indicator of police performance, but data related to this should still be collected and monitored.

There should also be intermediate performance indicators related to response times (separate from the overall response times reported by police) and the provision of domestic violence training. Workforce diversity across the force (and not just in relation to domestic violence policing) should be a performance indicator.

### **Recommendation 8**

That WA Police introduces formal performance measures related to its response to family and domestic violence, giving consideration to the following measures:

- reduction in repeat victimisation
- accurate recording and identification of incidents
- breaches of Violence Restraining Orders
- attending officers adequately informed about previous attendance and violence
- victim satisfaction with response
- willingness of victims to call police
- response time for domestic violence incidents
- progress of training in domestic violence policing
- level of workforce diversity (including targets)

#### 4.5.4 Which model?

As stated in the Introduction, one of the Committee's concerns in relation to policing of family and domestic violence was that the new *Frontline 2020* model had reduced the number of specialised family and domestic violence officers in the Family Protection Units (now called Victim Support Units).

Police would argue that there are now more officers available to attend to family and domestic violence matters, because all frontline officers are required to respond. In concluding this inquiry, the concern is that these officers are not sufficiently trained and experienced to address the demanding issues with which they are confronted. It seems that WA Police has removed officers from the specialised roles before the other officers had been prepared.

This view was supported by Ms Hartwig:

*... what they should have really done was built on it and kept those things in place and still have that triage model going alongside it, rather than throwing the baby out with the bathwater. This is what we see a lot with initiatives. It may be well-intentioned, but I think rather than take something fully away first, let us add on to it and build on to it.*<sup>359</sup>

Mr Dreiberger acknowledged that the model, whereby specialists in the FDVRTs provide information to a local policing team who can then engage with the affected family, was still under construction.

*I cannot say that we are at that level of maturity yet, and this is why we are saying we are building our model now. If that model is consistent and consistently applied, we can really see some significant inroads.*<sup>360</sup>

At this stage, Coordinated Service Providers are not convinced that the new model is better. One described it as a "backward step",<sup>361</sup> saying that when more officers were assigned to the Family Protection Units there was a better response for women.<sup>362</sup>

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359 Ms Angela Hartwig, Chief Executive Officer, Women's Council for Domestic and Family Violence Services, *Transcript of Evidence*, 19 August 2015, p6.

360 Mr Gary Dreiberger, Acting Commissioner, WA Police, *Transcript of Evidence*, 9 September 2015, p7.

361 Ms Anne Moore, Chief Executive Officer, Domestic and Family Violence Services, The Lucy Saw Centre, *Transcript of Evidence*, 19 August 2015, p6.

362 *ibid.*, p2.

## Chapter 4

Another said that the specialised units meant that CRS providers knew they could talk to somebody who had an understanding of the complexity of domestic violence.

*... it was easier to put things in place to get things done—to get an alert on the house, to maybe talk to them about taking out a VRO on behalf of the client. Those sorts of things were much easier, because at least you had a common framework. What we are finding is that now we have to convince whoever the sergeant is who is in charge of the LPTs and give him good reason to go and do an inspection.*<sup>363</sup>

Navigating the system was harder, with CRS staff unclear about who they need to approach in the police team. “It has added an additional layer which makes that, to my mind, less effective.”<sup>364</sup>

WA Police said that the relationships between local policing teams and the CRS providers would need to evolve “and that will need time”.<sup>365</sup>

Only time will tell if the new model is a step in the right direction – time, and some robust performance measures.



MS M.M. QUIRK, MLA  
CHAIR

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363 Ms Yolanda Strauss, Manager, Domestic Violence Services, Women’s Health and Family Services, *Transcript of Evidence*, 19 August 2015, p4.

364 *ibid.* p8.

365 Mr Bradley Sorrell, Acting Commander, Metropolitan Region, WA Police, *Transcript of Evidence*, 9 September 2015, p10.

# **Appendix One**

## **Inquiry Terms of Reference**

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1. What audited and internal performance measures are in place and whether these are sufficient.
2. Victims' perceptions of how police respond to family and domestic violence.
3. How WA Police evaluates its training programs to ensure that officers have the skills and knowledge to deal effectively with family and domestic violence victims.
4. How WA Police evaluates the effectiveness of the use of technology in countering family and domestic violence.



## Appendix Two

### Committee's functions and powers

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The functions of the Committee are to review and report to the Assembly on: -

- a) the outcomes and administration of the departments within the Committee's portfolio responsibilities;
- b) annual reports of government departments laid on the Table of the House;
- c) the adequacy of legislation and regulations within its jurisdiction; and
- d) any matters referred to it by the Assembly including a bill, motion, petition, vote or expenditure, other financial matter, report or paper.

At the commencement of each Parliament and as often thereafter as the Speaker considers necessary, the Speaker will determine and table a schedule showing the portfolio responsibilities for each committee. Annual reports of government departments and authorities tabled in the Assembly will stand referred to the relevant committee for any inquiry the committee may make.

Whenever a committee receives or determines for itself fresh or amended terms of reference, the committee will forward them to each standing and select committee of the Assembly and Joint Committee of the Assembly and Council. The Speaker will announce them to the Assembly at the next opportunity and arrange for them to be placed on the notice boards of the Assembly.



## Appendix Three

### Submissions received

Submission number	Name	Position	Organisation
1	Closed	Domestic violence victim	
2	Ms Mary Cowley	Chief Executive Officer	Aboriginal Family Law Services
3	Mr Robert Andrew	Senior Manager, Domestic Violence Services	Relationships Australia (Western Australia)
	Ms Tania Whitelaw	Senior Clinical Coordinator, Domestic Violence Services	
	Ms Polly Crooke	Clinical Coordinator, Domestic Violence Services	
4	Ms Heidi Guldbaek	Coordinator	Domestic Violence Legal Workers Network
5	Ms Angela Hartwig	Chief Executive Officer	Women's Council for Domestic and Family Violence Services





## Appendix Four

### Hearings

Date	Name	Position	Organisation
12 August 2015	Ms Emma White	Director General	Department for Child Protection and Family Support
	Ms Kay Benham	Executive Director, Policy and Learning	
	Mr Joseph McGrath, SC	Director of Public Prosecutions	Office of the Director of Public Prosecutions
	Ms Amanda Burrows	Senior State Prosecutor	
	Mrs Nari Vanderzanden	Instructing Officer, Legal Projects	
19 August 2015	Ms Yolanda Strauss	Manager, Domestic Violence Services	Women's Health and Family Services
	Ms Angela Hartwig	Chief Executive Officer	Women's Council for Domestic and Family Violence Services
	Ms Kedy Kristal	Chief Executive Officer	Patricia Giles Centre
	Ms Anne Moore	Chief Executive Officer, Domestic and Family Violence Services	The Lucy Saw Centre
9 September 2015	Mr Gary Dreiberger	Acting Commissioner	WA Police
	Mrs Michelle Fyfe	Acting Deputy Commissioner	
	Ms Susan Young	Detective Inspector	
	Mr Bradley Sorrell	Acting Commander	
	Mr Mark Stringer	Performance Analyst	
16 September 2015	Ms Mary Cowley	Chief Executive Officer	Aboriginal Family Law Services
	Ms Andrea Smith	Principal Policy Officer	
	Ms Julie Jackson	Director, Family Division	Legal Aid Western Australia
	Ms Jennifer Hoffman	Commissioner for Victims of Crime	Office of the Commissioner for Victims of Crime
	Ms Sally Roworth	Senior Policy Officer	

## Appendix Four

### Briefings

Date	Name	Position	Organisation
7 September 2015, Geraldton	Ms Alison Adam	Chief Executive Officer	Chrysalis Support Services Inc.
	Ms Deanne McCagh	Outreach Worker	
	Ms Kylie Coupar	Advocate	
	Mr Michael Gill	A/Snr Sgt, WA Police Union Director – Central Region and OIC, Mid West-Gascoyne District Support Unit	WA Police Union, Geraldton
	Mr Stuart Gerreyn	OIC, Geraldton	WA Police
	Ms Kylie Whiteley	District Superintendent	
	Mr Murray Smalpage	A/Commissioner, Regional Command	
	Mr Laurie Panaia	A/Cdr, Regional Command	
	Mr Jeremy Ashworth-Preece	Sgt, Geraldton Family and Domestic Violence Response Team (FDVRT)	
	Mr Craig Collins	Inspector	
	Ms Belinda Wainwright	Department for Child Protection and Family Support	Geraldton FDVRT (non-police members)
	Ms Lynley Graham	Department for Child Protection and Family Support	
	Mr Paul Royce	Mission Australia - Coordinated Response Services	
	Ms Tracie McGiffin-Singh	Mission Australia - Coordinated Response Services	
	Ms Leeanne Robertson	Corporate Manager	Geraldton Resource Centre
	Ms Esther Coetsee	Legal staff member	
	Ms Kate Turtley-Chappel	Lawyer	Legal Aid WA

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	Ms Marilyn Green	Operations Manager	Geraldton Streetwork Aboriginal Corporation (Streeties)
	Ms Charmaine Yeates	Manager	Geraldton Yamatji Patrol Aboriginal Corporation
	Mr Ashley Taylor		
	Mr Sandy Davies	Chairperson	Geraldton Regional Aboriginal Medical Service (GRAMS)



## Appendix Five

### Acronyms

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<b>ABS</b>	Australian Bureau of Statistics
<b>AIC</b>	Australian Institute of Criminology
<b>ATSI</b>	Aboriginal and Torres Strait Islander
<b>CAD</b>	Computer Aided Dispatch
<b>CaLD</b>	Culturally and Linguistically Diverse
<b>DCPFS</b>	Department for Child Protection and Family Support
<b>DVIR</b>	Domestic Violence Incident Report
<b>DVLWN</b>	Domestic Violence Legal Workers Network
<b>FDVRT</b>	Family and Domestic Violence Response Team
<b>FTE</b>	Full-Time Equivalent
<b>FVRO</b>	Family Violence Restraining Order
<b>GRAMS</b>	Geraldton Regional Aboriginal Medical Service
<b>HMIC</b>	Her Majesty's Inspectorate of Constabulary
<b>ICC</b>	Integrated Case Coordination
<b>LRCWA</b>	Law Reform Commission of Western Australia
<b>MACM</b>	Multi-Agency Case Management
<b>NSCP</b>	National Survey of Community Satisfaction with Policing
<b>ODPP</b>	Office of the Director of Public Prosecutions
<b>QPS</b>	Queensland Police Service
<b>ROGS</b>	<i>Report on Government Services</i>
<b>VRO</b>	Violence Restraining Order



## Appendix Six

Recommendation 5 and Recommendation 11 from *Enhancing Family and Domestic Violence Laws – Final Report*, Law Reform Commission of Western Australia

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### RECOMMENDATION 5

#### Definition of family and domestic violence

That the new Family and Domestic Violence Protection Order Act provide:

1. That **family and domestic violence** means any of the following conduct committed by a person (the first person) towards another person (the second person) with whom he or she is in a family and domestic relationship:
  - (a) physical or sexual abuse;
  - (b) damaging the second person's property, including injuring or causing the death of an animal;
  - (c) pursuing the second person or another person, or causing the second person or another person to be pursued —
    - (i) with intent to intimidate the second person; or
    - (ii) in a manner that could reasonably be expected to intimidate, and that does in fact intimidate, the second person;
  - (d) behaving in a manner that:
    - (i) intimidates, coerces or controls the second person or is likely to intimidate, coerce or control a person in the second person's circumstances; and



## Appendix Six

- (ii) adversely affects the safety or wellbeing of the second person or is likely to cause a person in the second person's circumstances to reasonably apprehend that his or her safety or wellbeing, or the safety or wellbeing of another person, will be adversely affected;
  - (e) if the second person is a child, committing family and domestic violence against another person to which the child is exposed; or
  - (f) threatening to engage in any behaviour that is included in (a) to (e) above, or causing a third person to engage in behaviour that is included in (a) to (e) above.
2. That for the purposes of 1(a) above:
- (a) **physical abuse** means assaulting a person; causing any bodily harm or injury to a person; depriving a person of his or her liberty; and kidnapping a person; and
  - (b) **sexual abuse** means sexually penetrating a person without his or her consent; indecently assaulting a person; indecently dealing with a person; committing a sexual offence against a child; and sexual coercion.
3. That for the purposes of 1(b) above, **damaging** means conduct that constitutes an offence under ss 444 or 445 of the *Criminal Code* (WA).
4. That for the purposes of 1(b) above, **property of the second person** includes the property of the second person, the property of another person that is situated in premises in which the second person lives or works, and property of another person that is being used by the second person.
5. That for the purpose of 1(c) and (d) above, **intimidate** and **pursue** have the same meaning as in s 338D of the *Criminal Code* (WA)
6. That for the purpose of 1(e) above, a child is **exposed** to domestic and family violence if the child sees or hears or is otherwise exposed to any of the effects of that behaviour.

## **RECOMMENDATION 11**

### **Police training**

1. That the Western Australia Police ensure that it provides comprehensive and ongoing family and domestic violence training to all police officers (including police recruits, frontline police officers, police officers working in management and administrative roles, and police prosecutors).
2. That the training include contemporary understandings of the nature and dynamics of family and domestic violence; and specific issues in relation to family and domestic violence for Aboriginal communities, multicultural communities, persons with disability, children who are exposed to family and domestic violence and children who are perpetrators of family and domestic violence.
3. That the training be delivered by members of the Western Australia Police with expertise in family and domestic violence as well as experts from government and non-government agencies.
4. That the Western Australia Police establish a multi-agency stakeholder committee (comprised of relevant experts from government and non-government agencies) to regularly review the content of the training and to monitor its effectiveness.



## Appendix Seven

### Supplementary statistics

Table A: Police Orders issued, by region, 2010-11 to 2014-15

	Duration	2010-11	2011-12	2012-13	2013-14	2014-15
Metro	24hr	5599	5514	-	1	3
	72hr	1252	2468	9288	9621	10,477
	<b>Total</b>	<b>6851</b>	<b>7982</b>	<b>9288</b>	<b>9622</b>	<b>10,480</b>
South West	24hr	541	559	-		
	72hr	93	217	988	1092	1191
	<b>Total</b>	<b>634</b>	<b>776</b>	<b>988</b>	<b>1092</b>	<b>1191</b>
Great Southern	24hr	393	409	-		1
	72hr	136	215	745	808	862
	<b>Total</b>	<b>529</b>	<b>624</b>	<b>745</b>	<b>808</b>	<b>863</b>
Wheatbelt	24hr	258	263	-	1	
	72hr	68	104	442	480	592
	<b>Total</b>	<b>326</b>	<b>367</b>	<b>442</b>	<b>481</b>	<b>592</b>
South Eastern	24hr	711	690	-	2	
	72hr	161	281	1280	1256	1257
	<b>Total</b>	<b>872</b>	<b>971</b>	<b>1280</b>	<b>1258</b>	<b>1257</b>
Central	24hr	616	578	-	1	3
	72hr	89	242	916	1279	1,591
	<b>Total</b>	<b>705</b>	<b>820</b>	<b>916</b>	<b>1280</b>	<b>1594</b>
Pilbara	24hr	464	519	-		
	72hr	90	217	1271	1204	1166
	<b>Total</b>	<b>554</b>	<b>736</b>	<b>1271</b>	<b>1204</b>	<b>1166</b>
Kimberley	24hr	705	798	-		
	72hr	146	299	1856	1839	1718
	<b>Total</b>	<b>851</b>	<b>1097</b>	<b>1856</b>	<b>1839</b>	<b>1718</b>
State TOTAL	24hr	9287	9330	-	5	7
	72hr	2035	4043	16,786	17,579	18,854
	<b>Total</b>	<b>11,322</b>	<b>13,373</b>	<b>16,786</b>	<b>17,584</b>	<b>18,861</b>

## Appendix Seven

**Table B: Number of domestic violence related restraining order applications lodged in the Children's Court and Magistrate's Court**

Region	2010-11	2011-12	2012-13	2013-14	2014-15
Perth	5096	5135	5023	5213	5208
Central	319	336	355	473	417
Kimberley	325	303	332	435	394
Great Southern	223	235	227	216	222
Pilbara	253	214	192	239	251
South Eastern	238	297	302	300	282
South West	1054	1191	1304	1159	1150
Wheatbelt	184	130	202	209	185
TOTAL	7692	7841	7937	8244	8109

**Table C: Number of domestic violence related restraining order applications granted in the Children's Court and Magistrate's Court**

Region	2010-11	2011-12	2012-13	2013-14	2014-15
Perth	3717	3766	3451	3498	3421
Central	186	209	216	297	300
Kimberley	222	221	221	334	298
Great Southern	148	166	141	158	155
Pilbara	180	182	143	179	202
South Eastern	162	207	175	175	170
South West	568	659	703	554	569
Wheatbelt	112	93	141	163	126
TOTAL	5295	5503	5191	5358	5241

**Table D: Number of Family and domestic violence perpetrators charged, by charge type, 2010-11 to 2014-15**

Charge type	2010-11	2011-12	2012-13	2013-14	2014-15
Assault	3444	2985	2986	2845	2870
Sex assaults	132	135	122	184	127
Breach of restraint order	1762	1949	2291	2458	2670
Other	1574	1548	1523	1470	1609

**Table E: Domestic homicides, by region, 2010-11 to 2014-15**

Region	2010-11	2011-12	2012-13	2013-14	2014-15
Metropolitan	7	7	16	8	10
South West	0	1	0	1	0
Great Southern	1	0	1	1	0
Wheatbelt	0	0	0	0	0
South Eastern	0	3	3	0	0
Central	1	2	2	2	0
Pilbara	1	3	2	0	1
Kimberley	2	1	4	4	1
<i>Total</i>	<b>12</b>	<b>17</b>	<b>28</b>	<b>16</b>	<b>12</b>



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### **Box 1**

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