

RELATIONSHIPS AUSTRALIA WESTERN AUSTRALIA

Response to: Community Development and Justice Standing Committee

Call for Submissions: Inquiry into Methods of Evaluating WA Police Performance

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Q2. Victim's perceptions of how police respond to family and domestic violence

This submission has been prepared by Relationships Australia's Domestic Violence Services. We provide individual and group counselling and advocacy for men who perpetrate domestic violence (both mandated and voluntary programs) and women and children impacted by domestic violence.

Our reference to domestic violence is that it is by definition "considered to be behaviour which results in physical, sexual and/or psychological damage, forced social isolation, economic deprivation, or behaviour which causes the victim to live in fear" and whilst we acknowledge that domestic violence can occur in same sex relationships and that men can be victims of domestic violence, we recognise that domestic violence is primarily a gendered issue with over 95% of victims being female and violence being perpetrated by male partners. (*Best Practice model for the provision of programs to victims of domestic violence in Western Australia*. 2000, p.5). For this reason this submission is based upon the feedback from those women/mothers we work with, in terms of the responses they have received from some WAPOL in reporting or seeking advice and support in relation to their experience of domestic violence.

Arising from our extensive work with women/mothers and children, and in line with current research, we also recognise and emphasise that, evolving beyond that definition, we are aware that men's tactics of abuse can be intentionally directed with the aim of interfering in mothering. For example interfering in the way a mother chooses to mother/parent her child, disrupting and damaging the mother child relationship and bond and severely restricting and controlling the resources, time and energy that the mother has available to her to mother her child (Humphreys, 2011). It is from this perspective that we also emphasise that when a man chooses to use violence and abuse in the family, it represents poor fathering practices.

Firstly we would like to acknowledge the commitment and dedication of WAPOL in their support of and work with families impacted by domestic violence. We recognise the complexity and impact that working in the field of family domestic violence (FDV) has on victims, but also professionals working in this field and the broader community. FDV continues to be placed as one of the Australia's most concerning and pervasive social issues. A reflection of the seriousness and level of urgency to address, respond to and eliminate domestic violence against women and children has more recently been referred to as a "national emergency" by politicians.

Upon listening to accounts of women/mother's positive responses from police we are acutely aware of the importance of a positive police response to women and children. This poses the question of what does a positive response consist of?

Women inform us that a positive response from police has been one where:

- They "treated me respectfully"
- "They believed me"
- They told me "it (the violence) was not OK and that they could help me"
- "They were really good to my kids and asked them if they were OK"
- "They told me about what services were out there to help me and my children and my partner"
- "The police took evidence and wrote it down"
- "They advised me what my options were"
- "I felt confident that the police officer knew what was happening"
- Police can be seen to be following procedures and take time to assess the situation carefully
- "They spoke to me and my children", "they made sure we were OK and then spoke to my partner"
- "They said they would get back to me and they did, the officer called me and asked how I was going"
- "They understood why I didn't want to get a violence restraining order" (because it would make them more unsafe)
- "They told my husband that there is help out there for him and gave him a brochure"

The importance of these positive responses resides in the evidence of we have learnt from women, that if they receive a positive police response, they are more likely to call police if they are abused by their partner again. We have seen that positive police responses such as those listed above, reinforce to the women and their children that domestic violence is unacceptable, is illegal and that their safety, wellbeing and their human right to a life of liberty, security and freedom of movement, opinion and expression is valued by the legal system (United Nations universal declaration of human rights, 1948).

When children are present when police attend the home they are also receiving and observing these positive responses that reinforce to the children that they are not to blame for the violence, their mother is not to blame for the violence, that FDV is unacceptable and that there is support for them, their mother and their father.

We would also like to emphasise that the man who has perpetrated FDV is also receiving and observing this police response and gets the message, so to speak, that he is responsible and accountable for his abuse, his abuse is not acceptable and police will not engage in the victim blaming stance that the man may hold.

From being acutely aware of the impact of positive police responses, we are then very cognizant of responses women have received from some WAPOL that are detrimental to women and children (and men) and are very concerning for our service.

Responses of concern include where upon reporting FDV, either in the context of a police call-out or when a woman visits a police station to report, include the following. It is important to note that each example represents a single exchange from one WAPOL officer to a woman. It is in no way to suggest that these examples represent the majority of WAPOL officer's responses and they are shared instances with the intention of highlighting where some WAPOL responses can be improved.

- "He assaulted me and they blamed me because I tried to defend myself"
- "I felt like they didn't care, they just dismissed me"
- "They didn't write anything down, they didn't take it seriously"
- "They blamed me"
- "They didn't even really talk to me, they just listened to his story"
- "They just said you need to get a VRO"
- They told me there was nothing they could do about it. It's a family court matter"
- "They didn't tell me where I could go or who I could talk to about it"
- "Because it was a text message they said you can't prove he sent it" (he was using third parties to abuse via technology)
- "He (partner) hit me and pulled my hair and they listened to his story and now I'm being charged"
- "He breached his VRO using Facebook and texts but the police didn't take it seriously and said technically it's not a breach"
- "He strangled me and threatened to kill me and the female police officer said to me 'When are you going to do something about this?'"
- "He breached the VRO over 40 times and all he got was a fine, so what's the point of reporting, they (police) don't care. He's still breaching"
- "They told me not to get a VRO, otherwise he won't be able to see his daughter"

In terms of women reporting breaches of violence restraining orders to WAPOL, we are regularly informed by women that many repeated breaches of violence restraining orders are overlooked by the police and classified as "technically not really a breach". This deters women from reporting future breaches and can therefore heighten their risk of violence and homicide.

The acts of domestic violence deemed not liable to intervention may be the very acts that signify to a woman that she and her children are at increased risk of harm. Women often report common responses from police on reporting a breach of VRO (BVRO) including:

"Nothing is done about it (BVRO)"

"They keep telling me that technically it's not a breach, so he keeps getting away with it"

The lack of a response to a BVRO or a minimizing response leaves women reconsidering the value of reporting BVRO's or refusing to report BVRO's as they often feel unsupported and that the violence they are experiencing is not taken seriously.

Women report their perspective of some WAPOL taking the view of some breaches of violence restraining orders as "minor breaches." We see this has the effect on the woman of no longer feeling confident to report or that reporting is not worthwhile and that her safety is not valued. Women report to us that what may be perceived as "minor" by police, as a singular act of abuse, actually sits

within a history of violence of which only the woman would comprehend the significance of that act and the risk that the perpetrator poses.

“They (police) told me I need to get out of this cycle of abuse”

The Cycle of Violence as a construct conceals the agency and choices of perpetrators by assuming they are somewhat caught in, and victim of, a perpetual behavioral pattern. In this manner it conceals the agency and intent of the perpetrator. Nor does it take into account the context in which violence/ abuse is perpetrated – most of it occurs behind closed doors and not in public, again highlighting the agency of the perpetrator. Likewise it does not acknowledge the multitude of resistances to abuse and violence (seen and not seen by others) that victims consistently enact in response to abuse.

Quote from a woman, **“The cycle of violence does not make sense to me I live with the threat of abuse daily”**

“The police told me I should get out of this violent relationship”

The terms “violent relationship” and “abusive relationship” are mutualizing terms that names the relationship as being violent not the perpetrator (Coates & Wade, 2007). This term mitigates perpetrator responsibility and suggests mutual responsibility for violence that is in fact unilateral.

Many women experience responses to FDV that include anger, sadness, confusion, frustration, a sense of hopelessness, self-doubt and changes in how they see themselves. Comments and views from some police, centre on the idea that she is affected by, rather than responding to FDV which fails to recognize her resistance to FDV. If police consider that the barriers to disclosure for victims of FDV include are primarily to do with “low self-esteem”, “depression” and “anxiety,” this is experienced by women as a form of victim blaming. Considering women as lacking self-esteem, being affected by depression and anxiety implies they are the problem and somewhat responsible for the violence they experience – that if they were otherwise they would/could prevent it. An alternative is to consider her experience of sadness, fear, anxiety as normal responses to violence and being controlled. This would avoid the risk of labelling and pathologising the woman who experience violence.

Our group and individual work with women experiencing violence indicates that the barriers to disclosure of DV are not related to the inadequacies or deficits of the woman, but rather due to the following: fear, being physically prevented from reporting, and threats to harm/kill or that he will “take the children,” only to name a few . In addition the accumulative effect and impact of negative social, legal, professional and cultural responses may restrain a woman from reporting violence. Women also state their realistic fear of having their children removed by DCPFS if they report abuse.

The vast difference between women’s reports of some WAPOL responses to FDV allow us to conclude that there are disparate and varying understandings of FDV. We appreciate that this may be related to the varying degrees of experience levels of individual police officers. Again these

responses do not apply to WAPOL in general and they are examples of only some WAPOL officers. For this reason we fervently support comprehensive training on FDV for police by practitioners that specialize in this field. We have often noted substantial discrepancy between our own risk assessments of women whom we would collaboratively assess as high risk and some WAPOL responses to women reporting FDV, (particularly in relation to breaches of VRO's) whereby breaches of the VRO are not taken seriously. This results in unresolved and often heightened and serious risk concerns based on a protracted and severe history of FDV. For example:

A woman who experienced physical abuse (resulting in fractures), sexualized abuse, property damage and threats to harm (with child witnesses), multiple breaches of VRO (including breaking into her home and holding a knife to her throat) reported to police.

One police response: "I see you've had a history of domestics. I hope you've sorted that out"

According to the woman the police did not interview her in regards to the breach of VRO and her partner holding a knife to her throat.

"Why did you let him in?" (One police response to woman)

We also urge the understanding and appreciation of the context in which women "breach VRO's" is often a safety and monitoring mechanism. For example in the context of a woman wanting to check on her ex partner's frame of mind preceding a contact visit with the children. This provided her the opportunity to adapt and revise her safety plan for herself and her children who may not be on the VRO.

"You have to go and get a VRO" (One police response to woman)

There is the added concern of women being pressured to apply for a VRO in order to be considered a "protective parent" yet the woman may have decided not to take out a VRO as she believes it would put her and possibly her children at greater risk of harm.

"I'll never call police again" (response from woman)

Another case example details a woman who persistently called police each time her partner physically assaulted her. This woman experienced emotional, psychological, verbal, financial, sexualized and physical abuse over many years. She had reported this abuse to the police many times. Her most recent injuries sustained from the most recent assault from her partner resulted in fractures and internal organ damage that required a period of hospitalization. On asking this woman if she had reported this assault to the police, she replied **"No. I don't report it to police anymore since the police officer told me that if I keep calling them out I will have my children taken from me."**

Women also report a disparity and inconsistency of police responses in terms of what police class as "evidence," especially around technological abuse such as using Facebook, texts or email. For

example a woman reported that her ex-partner used Facebook to procure an individual, for payment, to kill her. One police response was to tell her that ***“there was no evidence that he would actually go through with it.”*** Additionally one police officer responded by ascribing the cause of his behavior to ***“It’s only his depression. He won’t do it.”***

Therefore it is our assertion that some police may be less inclined to gather or seek evidence of FDV if they hold preconceived determinations and understandings of the seriousness of the abuse/violence or the intent of the perpetrator. For example: The minimization of risk to the victim resulting from the judgment of the individual’s proposed psycho-pathology as only a response caused by “depression.”

We would urge that all WAPOL seek corroborating evidence in relation to an alleged incident of family and domestic violence.

Women report their experience of some police minimizing the accountability for abuse if the perpetrator utilizes a third person to abuse the victim, for example uses a friend’s phone to threaten her. This places the burden of proof onto the victim.

Women report to us that they feel there is a lack of consistency in some WAPOL responses to FDV. We would support a legislative presumption that the accused, having perpetrated FDV, must be arrested for the offence consistently as:

1. This would keep the responsibility with the police for charging as opposed to the victim pressing charges as the victim may be under extreme pressure from the perpetrator to not press charges.
2. It would represent a consistent and expected response from the legal system giving the message that if you perpetrate the crime FDV the consequence will be a criminal charge. This reinforces that FDV is a criminal act and has an educative and deterring function.
3. A summons period may be a time of increased risk and pressure on the victim. Women report that their partners often threaten violence and use coercive tactics of violence to force women to ***“change their story.”***
4. This would signify, at a broader social level, that FDV offences are a crime that warrants a judicial response of arrest and charge as the consequence.
5. From a police experience perspective, the legislative presumption would remove the issue ambiguity regarding FDV processes and charging in relation to lesser experienced police officers.

“He assaulted me and I was given a police order to stay somewhere else with the kids because he told them he would be homeless.”

We would like there to be increased recognition of the damage and trauma caused to victims when they are put under a Police Order and are required to leave the residence, rather than the Police Order placed on the perpetrator to leave the premises. This can suggest to the victim that they are to blame for the violence perpetrated against them. The fact that the perpetrator may

not have sufficient accommodation, if the order was placed on them is irrelevant. Accommodation concerns of the perpetrator should definitely not be criteria for assigning police orders.

In summary we emphasise that when women feel blamed for the abuse they have experienced or that the abuse is minimized in any way, from anyone, that this becomes a potent form of secondary victimization for women and children. It also can act to collude with and reinforce the blaming and minimization behaviours of the man using violence.

Similarly, on occasions when statements of FDV are not taken, FDV is not recorded, the true perpetrator is not identified, there is not an attempt to gather evidence, there is a failure to charge, a failure to recognize FDV dynamics and presentation and failure to appreciate why a victim may not want to make a statement immediately (for her own safety); then the opportunity is diminished or lost to build an accurate documented history of FDV perpetrated. This standardized record and body of evidence and FDV history becomes crucial for granting violence restraining orders for women and children and also to reduce the occurrence of women being charged as perpetrators of FDV, when in fact they are victims of FDV.

We conclude that when women are engaging with WAPOL that they will engage again if they are believed and not blamed for the abuse they experience and that action is taken to hold perpetrators accountable. We find the majority of WAPOL take this position. However the 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.

Again I would like to acknowledge the commitment and dedication of WAPOL in supporting victims of FDV, the community and working in partnership with FDV services such as RAWA's Domestic Violence Services and trust this submission is received and understood in the spirit of improving and enhancing responses to FDV.

Kind Regards

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