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Submission to the Community Development and Justice
Standing Committee

Inquiry into Methods of Evaluating WA Police Performance

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1. About Aboriginal Family Law Services (WA)

The Aboriginal Family Law Services (WA) is committed to being a leader in the provision of family violence legal services, support and education for Aboriginal and Torres Strait Islander people in Western Australia (WA) who have experienced, or, who are experiencing family and sexual violence. (Please note: The term Aboriginal is used herein to refer to both Aboriginal and Torres Strait Islander people wherever relevant.)

Funded by the Department of the Prime Minister and Cabinet (DPMC) under the national Family Violence Prevention Legal Service (FVPLS) Program, we are the largest FVPLS provider in Australia. The FVPLS program provides specialist legal services in the area of family violence matters. It aims to 'prevent, reduce and respond to incidents of family violence and sexual assault among Aboriginal people'. Fourteen services are funded nationally to provide these services to 31 rural and remote locations.

Services are delivered in six regions across WA covering the West Kimberley, East Kimberley, Gascoyne, Midwest, Goldfields, and Pilbara regions. 47% of the state's Aboriginal population resides in these regions.

Offices are located in Broome, Carnarvon, Geraldton, Kalgoorlie, Kununurra, and Port Hedland. From these locations outreach services extend to over 30 remote townships and Aboriginal communities. The corporate services office located in Perth provides strategic and management support to all regional offices including finance, human resources, administration, quality assurance and compliance functions.

2. Introduction

The Aboriginal Family Law Services (WA) welcomes the opportunity to have input into the Community Development and Justice Standing Committee Inquiry into Methods of Evaluating WA Police Performance.

Aboriginal Family Law Services (WA) provides professional legal assistance to Aboriginal peoples that have experienced or are experiencing domestic or sexual violence. This submission will address Terms of Reference 2 by recapping some of the recommendations made by the Chapter Four Subcommittee ("the Subcommittee") in the 20th Anniversary Review of the 1994 Report of the Chief Justice's Taskforce on Gender Bias ("the Review"). We were members of the Subcommittee and contributed to the Chapter Four entitled "Aboriginal Women and Girls and the Law". We undertook a survey of clients, community members and stakeholders to gather evidence to support the progress of the recommendations made in the original report in 1994. We have attached a copy of this Chapter Four to this submission for your reference as we believe that this will inform your inquiry further.

Our response also includes comments from our regional field staff who have daily contact with victims-survivors of family and domestic violence. We expand on their comments and draw parallels to the recommendations of the Review.

The Aboriginal Family Law Services (WA) would be pleased to provide further information additional to this submission if required.

3. Background Information

The child protection system is in crisis nationally, with symptoms being experienced across Australia including burgeoning numbers of children – particularly Aboriginal children – entering out of home care. Domestic and family violence is the key driver behind the overrepresentation of Aboriginal children in child protection. While there is limited data from WA to support this claim, the recent evidence from the Victorian Taskforce 1000 project – a review of the cases of the thousand or more Aboriginal children in care – has found that “well over ninety per cent of Aboriginal children entering care” have done so due to family violence.¹

The Australian government spent approximately \$9.8 billion on welfare for Indigenous Australians in 2012-13. Of this \$4.1 billion went to community support and welfare services. The largest share of this was spent on child protection and out of home care services. Where 29% was spent on services for Indigenous services, 6.5% went to services for non-Indigenous people.²

The Department for Child Protection and Family Support (DCPFS) are unable to state how many children are in the CEO’s care due to family and domestic violence as they do not currently specifically capture and report on this data, however they estimate this to be between 70-90%. In their 2013-14 Annual Report they state that “Violence in the home, predominantly against women and children, is a major underlying factor in many child protection cases. Other common issues that lead to children being at risk of harm include parental drug and alcohol misuse, mental health issues and financial problems”.³

Statistically Aboriginal women fare much worse compared to non-Aboriginal women in relation to the prevalence and impact of family and domestic violence:

- Aboriginal women experience domestic violence more often and more severely than their non-Aboriginal counterparts do;
- There is a higher use of restraining orders compared to the non-Aboriginal population, with a higher level of violence in these situations;
- Aboriginal women are statistically more prone to hospitalization and death as a result of family and domestic violence (35⁴ times and 10⁵ times respectively).

In Western Australia, family and domestic violence incidents reported to the police have increased over the 5-year period from 2008 on average by almost 43%. All regions had an increase of greater than 30%. The region with the largest increase is the Kimberley, showing a 5-year increase of 79% in Domestic Violence Incident Reports (DVIR) that have been completed by police. These figures do not specify ethnicity, an issue raised separately in this submission. However, it is relevant to note that while Aboriginal people make up 3.1% of the Western Australian population, the Kimberley population is closer to 50%.⁶ It is reasonable to question how many of the reports made in the Kimberley relate to Aboriginal victim-survivors of family and domestic violence.

¹ Victorian Aboriginal Community Controlled Organisations and Community Service Organisations (2014) Koorie Kids: Growing Strong in their Culture, A Plan for Aboriginal Children in Out of Home Care, October 2014 Update

² Australian Institute of Health and Welfare (2015) The Health and welfare of Australia’s Aboriginal and Torres Strait Islander peoples, p. 150

³ Department for Child Protection and Family Support (2014) Annual Report 2013-14

⁴ Australian Institute of Health and Welfare (2006) Family violence among Aboriginal and Torres Strait Islander peoples <http://www.aihw.gov.au/workarea/downloadasset.aspx?id=6442458606>

⁵ Family Violence Prevention Legal Services – Research and Needs Analysis Report, 16 July 2013, Nous Group

⁶ Western Australia’s Family and Domestic Violence Prevention Strategy to 2022: Achievement Report to 2013

In that same 5-year span, hospitalizations related to family and domestic violence have increased for men and women by an average of almost 46%. Homicides have doubled. The number of perpetrators charged with assault and sexual assault has decreased by 19% and 29% respectively. The number of perpetrators charged with breaches of a restraining order, including police orders has increased by 45%.⁷

Further ramifications of family and domestic violence on Aboriginal women and communities are visible through other indicators:

- Aboriginal people are overrepresented in the child protection system with Aboriginal children making up 51.5% of children in out of home care in WA.⁸
- The percentage of Aboriginal compared to non-Aboriginal children in care by region (including metro) in WA varies from 20% (Peel) to 100% (East Kimberley).⁹
- Aboriginal people are overrepresented in the prison system, comprising 40 % of the total prison population, with the adult female prisoner population over 50 %.¹⁰
- Children who experience family violence or have been in care are more likely to use legal aid as adults.¹¹

Removal from family can lead to a breakdown in family connections, a significant risk factor for juvenile offending, linked also to adult offending.¹² Current figures see Aboriginal children imprisoned at a rate 58 times higher than non-Aboriginal children, making up 75-80% of the population at Banksia Hill Detention Centre.¹³ Comparatively the WA detention rate for children is 30% higher than for the Northern Territory.¹⁴ Further, 80% of adult prisoners have been incarcerated previously.¹⁵

Whatever we say about the prevalence and impact of domestic violence in Australia, it is important to note that an estimated 90% goes unreported.¹⁶ A 2005 report stated that in the last 12 months only 5% of women who had experienced violence from a current partner had reported the last incident to police.¹⁷ Further, underestimations may be due to reporting barriers unique to Aboriginal victims-survivors and failures to identify or record Aboriginality of the victim's.

The financial burden of family and domestic violence to the Australian community is well documented and estimated at \$13.6 billion in 2008-09.¹⁸ This is expected to rise and includes direct and indirect costs such as, the "direct costs to employers from absenteeism, staff turnover and lost productivity; the indirect costs are defined as employer tax share of public sector costs in the provision of services to victims and perpetrators of domestic violence; direct and opportunity costs to victims, perpetrators, family and friends; and the

⁷Western Australia's Family and Domestic Violence Prevention Strategy to 2022: Achievement Report to 2013

⁸ Department for Child Protection and Family Support, November 2104

⁹Department for Child Protection and Family Support, November 2104

¹⁰ Australian Bureau of Statistics (ABS), 4512.0 - Corrective Services, Australia, September Quarter 2014 (4 December 2014) (Table 14)

¹¹ Productivity Commission (2014) *Access to Justice Arrangements*, Inquiry Report No. 72, p 777

¹² Productivity Commission (2014) *Access to Justice Arrangements*, Inquiry Report No. 72, p 783

¹³ Australian Institute of Health and Welfare (2006) Family violence among Aboriginal and Torres Strait Islander peoples, p. 11 <http://www.aihw.gov.au/workarea/downloadasset.aspx?id=6442458606>

¹⁴ Australian Institute of Health and Welfare (2014) Youth detention population in Australia ,p. 11

¹⁵ Australian Bureau of Statistics (ABS), 4517.0 - Prisoners in Australia, 2014 (11 December 2014) (Table 28)

¹⁶ Murray, S and Powell, S (2011) Domestic Violence Australian Public Policy, p59; Australian Institute of Health and Welfare (2006) Family violence among Aboriginal and Torres Strait Islander peoples, Canberra, p. 31.

¹⁷ Aboriginal Affairs NSW (2005) Two Ways Together Report, Department of Premier and Cabinet

¹⁸ The National Council to Reduce Violence against Women and their Children (2009) The Cost of Violence Against Women and Their Children, Commonwealth of Australia, p 4

shared impact of domestic violence on the wider community, including inter-generational costs.”¹⁹

For Aboriginal communities the prevalence and impact of family and domestic violence is understood in terms of loss of connection to family, culture and self. The development of a sense of belonging and self may be severely compromised when raised out of one’s own family. The circumstances of the removal, the quantity and quality of ongoing contact with parents and the ability to adapt to the new living situation will impact on the child’s development. The child’s ability to meet developmental milestones will be challenged and almost certainly impaired by the trauma of the removal and any consequent placement shift – as well as from the predisposing circumstances of abuse and trauma. Traumas associated with removal from family can include individual, cultural, community, family and economic.²⁰

Childhood trauma and the resultant impact on development lead to poorer outcomes in adulthood across all spheres – relationships, education, health (physical, cultural, spiritual), employment, and economic independence.

“The absence of ongoing support can lead not only to poor outcomes in existing cases, but can contribute to an inter-generational perpetuation of the dynamics that lead to child removal.”²¹

Creating the conditions whereby trauma can be healed for those who have already experienced family and domestic violence is crucial to preventing violence for the next generations. A focus of resources and sustained effort now is fundamental to breaking the cycle of violence, which leads to negative life outcomes experienced by so many Aboriginal men, women and children.

¹⁹ Laing, L and Bobic, N (2002) Economic costs of domestic violence

²⁰ SNAICC (2014) Family Matters: Kids safe in culture, not in care, Western Australian Issues Paper

²¹ Allison, F, Schwartz, M, Cuneen, C (2014) Indigenous Legal Needs Project WA, James Cook University p 188

4. Terms of Reference

1. What audited and internal performance measures are in place and whether these are sufficient.

No comments.

2. Victims' perceptions of how police respond to family and domestic violence.

In 2014, the Aboriginal Family Law Service (WA) assisted the Chapter Four Subcommittee ("the Subcommittee") perform and analyse research into women and girl's access to the law to inform the 20th Anniversary Review of the 1994 Report of the Chief Justice's Taskforce on Gender Bias ("the Review"). This research covered all 51 recommendations of the original report including the police, their training, cross cultural awareness, multifunctional police facilities, and recruitment.

The Subcommittee's investigation include desktop reviews, and interviews with various people including Indigenous females inclusive of Elders and young Indigenous females; members of the Judiciary (current and former); members of the legal profession (Indigenous and non-Indigenous, female and male); and persons involved in delivering victim support services and family violence programs. Efforts were made to consult with the contributors to the 1994 Report, acknowledging many of these have continued to work in the service of the Western Australian Aboriginal community, and can give valuable longitudinal feedback on the implementation of the Report.

The current Chief Justice of the Supreme Court of Western Australia, the Honourable Justice Wayne Martin, when consulted for this Chapter commented that he found it hard to bring to mind any aspects of the legal system which did work well for Indigenous women. Whether as witnesses, victims or accused persons, Aboriginal women are at a disadvantage. However addressing problems experienced in the legal system is only one of the ways to seek a positive response to the disadvantage experienced by Indigenous females. The gross disparity experienced in health, nutrition, housing, school attendance, and arising from abuse (substance, sexual, physical and emotional), also needs to be addressed to achieve equity. The consideration of a response to these issues as part of a movement toward Aboriginal empowerment generally, was outside the scope of this Review.

Two decades on, it was timely to reflect on progress made on the recommendations, given the political changes that have been achieved for women generally, and to gauge if this progress also applies to Aboriginal women. Women have continued to seek out equity through lobbying for change in all arenas including developing more relevant legislation dealing with women and children who are survivors of family and domestic violence. Work continues to be a priority in this area given the overwhelming evidence that Aboriginal women are more likely to experience family and domestic violence than non-Aboriginal women.

From the Review, a number of recommendations were made with particular reference to the police. These are as follows:

Aboriginal Cross-Cultural Awareness

4.1 Aboriginal Cross-cultural Awareness courses should:

- 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 but this could be delivered in multiple shorter modules.²²

4.6 As a matter of urgent priority, dedicated training resources are embedded in the Western Australia Police Academy and Professional Development portfolio to develop and maintain a contemporary and rigorous Aboriginal cross-cultural training program for both recruits and in service training. This program will have the capacity to be inclusive of outside presenters as well as community input. Courses must meet the standards in Recommendation 4.1.

4.7 Participation in all Aboriginal cross-cultural courses is to be mandatory for Western Australia Police recruits and an essential part of police professional development and a pre-requisite for promotion.

4.8 Within 12 months from the date of this review the Western Australia Police reports in its annual report on its progress in achieving these goals.²³

Safety at Court

4.19 In small and/or remote locations Western Australia Police officers must be proactive and intervene to ensure the safety of vulnerable witnesses.

Multifunctional Police Facilities

4.20 Within 12 months of the date of this review, Aboriginal cross-cultural courses, meeting the recommended standards in Recommendation 4.1 be provided by Western Australia Police for all police officers assigned to work in Multifunctional Police Facilities to ensure cultural competence on the part of those police officers in the delivery of services.²⁴

4.21 Within 12 months of the date of this review all State government agencies whose services are needed in Multifunctional Police Facilities including child protection, education, health, mental health, local government, community development, corrective services and courts, review the assignment of workers to those facilities and ensure that services are provided on site where reasonably possible (not as fly-in, fly-out workers) so that workers are able to build trust and confidence with community members.

4.22 Within 12 months of the date of this report all State government agencies who provide services in Multifunctional Police Facilities, provide Aboriginal cross-cultural courses meeting the standards in Recommendation 4.1 to all workers assigned to work in Multifunctional Police Facilities to ensure cultural competence on the part of

²² Chapter Four Subcommittee (2014) 20th Anniversary Review of the 1994 Report of the Chief Justice's Taskforce on Gender Bias, p. 259

²³ Ibid. p. 260

²⁴ Ibid, p. 262

those workers in the delivery of services.

Police Recruitment

4.23 Western Australia Police strengthens their efforts to recruit Aboriginal women and men as police officers so that they make up at least 3.0% of the police force.

4.24 Western Australia Police puts in place supports to retain Aboriginal recruits and encourage their advancement in the police service, particularly the advancement of Aboriginal women recruits.²⁵

Six recommendations in the 1994 original report concerned the need for cross-cultural training for judicial staff including policing officers. Four of these specifically related to the need for police to have a better understanding of Aboriginal culture. After a review of the current training schedule for police recruits, it was necessary to include this in the 2014 Review. It demonstrated that only 120 minutes was dedicated to teaching to new recruits about Aboriginal cultural awareness, as well as a lack of ongoing professional development opportunities for serving officers.

Cross-cultural is considered extremely important in the multifunctional police facilities give in their locations in remote Aboriginal communities. Set up as a result of the Gordon Inquiry and recommendations from the report "Putting the Picture Together", the facilities are effective with the participation of community members, in turn requiring police officers to have robust links with that community. This means they must be able to demonstrate cultural responsiveness, and require the necessary professional support to achieve this.

During interviews performed for the purposes of the Review, victim-survivors of family and domestic violence expressed concerns over their safety at court. This was an issue raised in the Review and the Subcommittee recommended that police ensure the safety of vulnerable witnesses in remote locations where facilities only allowed for public waiting areas.

Court Safety

Have you or someone you know ever felt unsafe or been threatened while attending court? How could this have been improved to make them feel safe? (Interview Question)

"I was pregnant and applying for a VRO on my husband. He pushed me outside the courthouse and the judge did not grant me a VRO" - Client

"More security in waiting rooms" – Community Member

"More security guards" - Client

"More security present who are capable to protect clients" – Community Member

²⁵ Chapter Four Subcommittee (2014) 20th Anniversary Review of the 1994 Report of the Chief Justice's Taskforce on Gender Bias, p. 263

"By not having the court so open. Closed courts" – Community Member

*"Separate entrances and exits. Close circuit TV" – Community Member*²⁶

Western Australian police recruitment of Aboriginal female officers was an ongoing issue with research for the Review uncovering that Aboriginal representation was 1.7% as at December 2013. This was also mentioned in Recommendation 36 of the original report which stated, *"More Aboriginal women be appointed as police officers (not police aides). There be a full police training facility established in the Kimberleys (sic)"*.²⁷

The figure for all women employed in the police force at the end of 2013 was 32.6%.²⁸ The Western Australian Police noted that applicants' reluctance to identify as Aboriginal, as well as low applicant success rate (only 2 out of 300 applicants join the police force) were factors were potential factors in low numbers of Aboriginal female police officers. Progress in this area appears minimal in the two decades since the original Gender Bias report was published and it most relevant to consider this lack of progress in the treatment of victim-survivors of family and domestic violence, particularly those who are Aboriginal.

The original Gender Bias report made the following recommendations:

Recommendation 42: *The Police Department develop mechanisms for ensuring that only police officers suited to work with Aboriginal people are posted to locations with substantial Aboriginal populations.*

Recommendation 43: *The Police Department more closely examine the needs of Aboriginal women in remote communities for police services and develop a strategy towards improving service delivery to such women and communities.*

In the interviews conducted for the purposes of the Review, 94% of respondents had contact with police. Of these respondents, 35% had had positive experiences, however 32% had negative experiences. The quality of the remaining 27% was unknown. As noted in the Review, the most common feedback was about people feeling ignored, police not possessing the necessary communication skills, or that their complaint would not be progressed or taken seriously.²⁹ There were also some serious concerns raised about reports made by women that involved intoxication (of the women making the complaints) and handling of domestic violence incidents.

For the purposes of this submission, the Aboriginal Family Law Services (WA) sought feedback from its field staff about the perceptions of victim-survivors of how police respond to family and domestic violence. Feedback was gathered from the Kimberley, Midwest and Goldfields offices. Field staff include management, legal and non-legal staff. Each staff member have defined roles within the organisation including the support of clients who have contact with our service due to their experience of family and domestic violence and their Aboriginality. These are key eligibility for our services. Just over half of our staff are

²⁶ Ibid, p. 342

²⁷ Chief Justice's Taskforce (1994) Report on Gender Bias, p 110

²⁸ Chapter Four Subcommittee (2014) 20th Anniversary Review of the 1994 Report of the Chief Justice's Taskforce on Gender Bias, p. 308

²⁹ Ibid, p. 306

Aboriginal, and are community members in the regions in which they work. The timeframe to prepare this submission was not sufficient to perform a client survey to gather information about their perceptions of police responses. As an organisation who deals daily with the issue of family and domestic violence, our staff were able to supply examples and feedback they have received from clients about how police work with the issue in their region.

The first theme of the feedback we received is that in the experience of clients – who are mostly female – police response is at best inadequate and they do not care about their situation. The inadequacy of the police responses covers a myriad of criticisms including the time it takes to respond to complaints, lack of trust in the police to assist victim-survivors, lack of services in remote locations, and perceived issues related to Aboriginality.

A number of staff 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.

“A lot of the time the police say that they are very busy and won't be able to attend to them straight away. A lot of women give up after reporting a few incidents because they feel that even if they do call the police, nothing will be done about it straight away and that's when help is needed the most.

There was an incident a few weekends ago when a young woman I know personally was chased by her intoxicated partner, who stole a car to follow her from one town to another and chased her around the shop threatening her in front of her baby daughter. Luckily a family member was there and able to defuse the situation and she was able to drive back home.

She went to the police station when she got into town, however, no one was available to take her statement – it was a Sunday so no other services were available to her and she spent the night afraid to sleep. She didn't want to go to the refuge because she was scared for her mother who was also receiving threatening messages from the perpetrator. This is the same weekend where there was a homicide in town due to family and domestic violence.

It just seems like when they go to the police, there is no one there that victims feel like actually care about what happens to them. ”

– *Aboriginal Family Law Services staff member*

Women are reluctant to make reports also due to a lack of trust in some officers' ability to deal with their complaint in a respectful and competent manner. This has the immediate risk of exposing the woman and her children to more violence, and also reduces her chances of referral to support services. Studies have shown that it can take numerous police attendances before victims give consent to be contacted by services, or it may be a serious incident has happened during domestic violence that makes the victim contact services. Victims are known to use strategies such as giving a false or inactive phone numbers in order to dispense with police presence at domestic violence call outs as soon as possible.

One staff member advocated automatic 72 hour Police Orders at each police attendance for domestic violence, in order that all the correct information be gathered (including children's names) and that contact by outreach services be instigated by this process. It was noted that there are instances where children's names are not recorded on Domestic Violence Incident Reports (DVIR) and that these details become apparent only through the triage process lead by the Department for Child Protection and Family Support (DCPFS). This suggests some

potential data gaps and subsequent delays for other services if first responders are not gathering all relevant data.

These issues relate back to previous sections on training for police officers, here specifically for family and domestic violence. While there are specialist officers in some locations, these officers are not in every station and are not rostered on all the time. For the remainder of the time, victim-survivors should expect a level of professional service from every officer when making a complaint, as one would from any profession required to follow internal policies and have ongoing professional development in an area so relevant to their daily work.

"We assisted a client to apply successfully for a VRO. She called to ask if this VRO should stop the other party from making threatening gestures and threatening texts. When she went to the police station to report this breach, she was told by the Sergeant that 'no, as long as he is 20 feet from her he is ok'. She said there were two other officers there that looked doubtful but weren't willing to correct their Sergeant. I asked her to come in to the office and we could see them with her however she didn't come in. Victims here very rarely make formal complaints about services or their treatment. They will complain to us, however when we encourage them to make a complaint they just drop it."

– Aboriginal Family Law Services staff member

"I helped a friend once who had been assaulted by her partner. I drove in to her drive way to pick her up as we were going out and she was standing there with a lump on her head and blouse all ripped, holding it closed, sobbing, and jumped in the car. I took her straight to the police station however once there she didn't want to "get him in to any trouble" and so wouldn't answer all the questions. This frustrated the police officer and he gave her an angry lecture about wasting his time and "you can't come in here and not expect us to prosecute him etc" I basically felt really bad that I had brought her there, however at 6pm there are no counselling services and she didn't feel comfortable going to the women's refuge. He did pass the information on to the DV officer who followed up the next day with her and was very supportive."

– Aboriginal Family Law Services staff member

"One woman told me that on sometimes when police were called to a house to stop a domestic violence incident, where alcohol was involved, the police told them that they can't do anything about it because all community members are aware of the community by-laws (no alcohol) so it's their responsibility when violence happens at their place, and the police wouldn't get involved."

– Aboriginal Family Law Services staff member

"A client rang for advice about getting a VRO as she split with her partner 1 ½ months ago and he has been harassing and threatening her since. I asked if she had reported any of this to the police and she said only one time. She asked them about getting a VRO and they told her not to as they had kids together and by getting a VRO that would mean he couldn't see the kids which was not fair on him and it wouldn't work out."

– Aboriginal Family Law Services staff member

Feedback was also provided about the priority that family and domestic violence was given by police officers. This not only related to time taken to respond to incidents, but also to resource issues related to recovery orders. Although difficult enough to coordinate in the metropolitan area where transport options are more abundant, in regional and remote areas where distance is also an issue, the arrangements for recovery orders have been highly problematic. With consideration for the demographic of the population in the areas that this organisation services, the experience of disadvantage and marginalization is all too common. For most transport is communal and means of communication often complicated. In one example provided for the purposes of this submission, the mother of the child being recovered had no phone and no transport. Our staff were acting as both the provider of the transport and the conduit for communication. When the police were available, everybody else had to be ready to go or else lose this opportunity and wait for their next availability. Staff felt that it was “made obvious” to them that the recovery order was an “inconvenient extra duty” added to the police officer’s day. We are not sure the mother seeking out the safety of her children from their violent father would have appreciated this sentiment.

As described in the opening section, the Aboriginal Family Law Services (WA) services six regional areas and numerous outreach locations. Some of these outreach locations are more remote than others and some have better services and communication infrastructure than others. For the remote communities although some may have police stations these may not operate on a 24 hour basis or have capacity to deal with situations when they arise. This can be extremely difficult at best, or even life threatening, if a victim requires help during an domestic violence incident or assault. And as mentioned in previous comments, if police do not respond immediately victim-survivors may stop reporting.

There was feedback from staff about victim-survivors’ Aboriginality affecting police responses to family and domestic violence. That is, that victim-survivors perceive that the police believe “because I am Aboriginal I am either used to it or I should put up with it”. Similar attitudes were exposed through the survey performed for the Review of the Gender Bias Report towards family and domestic violence. A survey participant described how police seemed to think that her ex-partner’s stalking and threatening her before seriously assaulting her were a “normal occurrence”.³⁰ These appear to be examples of quite distorted beliefs on the police officer’s behalf and need to be challenged through initial and ongoing professional development, both on cross-cultural awareness and family and domestic violence.

Conclusion

Family and domestic violence continues to be destructive and expensive issue for the Australian community, especially the Aboriginal and Torres Strait Islander communities. Impacts are broad reaching and include social, relational, cultural, economic and intergenerational. How systems approach this issue is key to its effective resolution.

The police force have a fundamental role in addressing family and domestic violence. They have the mandate for lawful behaviour and community safety. One of their community outcome aims to have people feeling safer at home and in the community. These all support the concepts of victim-survivor safety, perpetrator accountability and violence prevention

³⁰Chapter Four Subcommittee (2014) 20th Anniversary Review of the 1994 Report of the Chief Justice’s Taskforce on Gender Bias, p. 306

which are concepts commonly held across the community service sector (government and non-government).

It would appear however from consumer feedback that police responses to reports of family and domestic violence may not be creating the outcomes they set out to achieve. Our research demonstrates consumers using our service - Aboriginal women who are victim-survivors of family and domestic violence – feel that the polices' response to their reports has been inadequate and uncaring. They have not responded to reports of violent incidents in a timely manner if at all. They have received inaccurate information about their ability to report breaches of VROs and felt disempowered to make formal complaints about this poor service. They have been let down by the lack of services in their small and remote community. They have been belittled for being victims of family and domestic violence by officers who do not understand the dynamics of emotional and psychological abuse. They have been vilified for being Aboriginal, and expected to tolerate violence as if it were in some way normal. They have been warned off applying for a VRO in case the perpetrator was inconvenienced if he wanted to see his children, demonstrating a complete lack of understanding that family and domestic violence inflicted by a father against a mother, is violence inflicted against the children. They have been blamed for the violence because they were drinking in alcohol restricted communities – as if the consumption of alcohol precludes any individual from personal safety, and the police officer's moral and ethical responsibility for protecting it.

We are aware there are a number of police officers who are capable and competent in dealing with victim-survivors of family and domestic violence. Some may be part of a specialist domestic violence unit, others are not. We recommend that all officers are trained more thoroughly in Aboriginal cultural awareness, at recruitment phase and on an ongoing basis. This may be a prerequisite to promotion as suggested in the Review. Training specifically related to family and domestic violence is required to ensure all officers understand the complexities of the issue from a victim-survivors perspective, as well as from a law enforcement perspective. The importance of the way a police officer handles a report of family and domestic violence cannot be understated, for the likelihood of future reporting, for the success of future legal proceedings, and most importantly for the safety and wellbeing of women and children.

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.

No comments.

4. How WA Police evaluates the effectiveness of the use of technology in countering family and domestic violence.

No comments.