

## 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.