



NSW Ombudsman

Domestic violence:
improving police practice

A special report to Parliament under s31 of
the *Ombudsman Act 1974*

December 2006

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ISBN 1-9211-3167-5

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Dear Madam President and Mr Speaker

I submit a report pursuant to section 31 of the *Ombudsman Act 1974*. In accordance with the Act, I have provided the Minister for Police with a copy of this report.

I draw your attention to the provisions of section 31AA of the *Ombudsman Act* in relation to the tabling of this report and request that you make it public forthwith.

Yours sincerely

Bruce Barbour
Ombudsman

Ombudsman's message

Victims of violence at the hands of a partner or other family member live with the ever-present threat of danger. For some, the consequences can be fatal. Police are the first point of assistance for many victims of domestic violence. For their safety and protection, it is crucial to get the policing response right.

This report, *Domestic violence — improving police practice*, focuses on three critical areas: enhanced support for victims of domestic violence; better cooperation between NSW Police and other agencies with key responsibilities, especially the Department of Community Services and local courts; and more effective frontline policing responses. We highlight significant improvements since our earlier review of policing domestic violence in 1999, but also focus on the need for further reforms.

The most urgent task is to adequately equip police and other frontline staff working in areas of greatest need, especially in very busy metropolitan commands and in sparsely resourced rural areas with some of the highest per capita rates of domestic violence in the state. In many of these high-need and high-risk locations, there are outstanding individuals working hard to achieve effective results. Yet too often they, and the families they assist, are let down by ineffective or inadequately resourced systems and supports.

The recommendations in this report are specifically targeted at enhancing the policing and prevention of domestic violence. However, improvements in evidence collection, brief preparation, victim support, case management and other core skills and systems needed for more effective domestic violence interventions, will enhance policing generally.

This report is the culmination of a comprehensive research process involving a thorough examination of policing in NSW. Our findings and recommendations are informed by extensive consultations, interviews and surveys of senior, specialist and frontline police, specialists from other agencies and non-government service providers, and others who are passionate about securing safety and justice for victims of domestic violence.

I extend my thanks to the many people who gave generously of their time, experience and insight during our consultations. I am confident that our recommendations will do much to assist them in their important work.



Bruce Barbour
Ombudsman

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Executive summary

Police play a critical role in responding to domestic violence. By virtue of their powers to arrest offenders and seek protection for victims, police provide access to the criminal justice system and safety for those who urgently need it.

In NSW, police respond to approximately 120 000 domestic violence incidents each year. In the 12 months to 30 June 2006, NSW Police recorded 26 429 domestic assaults, representing over 30% of all reported assaults.¹ Data from 2004 show that the majority of victims during that year were women. About one-third of victims were injured, with 15% suffering serious injuries such as fractures, burns and internal injuries.² In the first nine months of 2006, 12 women and two children were murdered in domestic circumstances.³

While domestic violence occurs everywhere, some areas of the state have a much higher reported rate of offences per capita than others. Of the 20 local government areas with the highest per capita rates of recorded domestic violence, 14 are located in western NSW. Many of these areas are poorly equipped to deal with domestic violence due to a smaller number of police resources and support services spread over much greater distances. In other areas, the sheer volume of reported domestic violence presents significant challenges for police and other service providers.

Given the scale of domestic violence, and its impact on families and communities, it is critical that the response of police is as efficient and effective as possible. Police need to be given the tools to do their job properly and good practice needs to be identified and rolled out across the state. Wherever they live, victims of domestic violence and those who support them are entitled to receive a consistent standard of service.

The purpose of this report is to identify barriers to police in responding effectively to domestic violence incidents, highlight good practice in local commands across NSW, and suggest ways NSW Police can improve police practice. Our findings and recommendations are based on 12 months of extensive research that included wide consultation with police, other service providers and victims' advocates across the state.

What we found

Views of police officers

For many police, responding to domestic violence incidents is a major part of their job. They attend inherently volatile situations, facing unknown risks and unpredictable outcomes. Responding to these situations presents police with significant challenges. Domestic violence incidents are often complex and time-consuming, and police officers express a variety of frustrations. Some feel hopeless and powerless to effect real change to the lives of domestic violence victims, and are often disappointed when victims fail to provide a statement or attend court, making it difficult or impossible to prove an assault or breach of a protection order. Police also find the administrative and legislative requirements associated with responding to domestic violence onerous.

Views of service providers

All the service providers we consulted acknowledged the difficulties that police face in responding to domestic violence. Most were quick to acknowledge examples of good policing they had encountered. However, concerns were commonly expressed about a lack of consistent service provided by police, both within and between local commands, and the failure of officers to apply basic steps set out in police policy and procedures. Service providers were particularly concerned about those areas of policing that directly impact on victim safety:

- delays by police in responding to incidents
- failure to act on reported breaches of Apprehended Domestic Violence Orders (ADVOs)
- failure to fully investigate domestic violence incidents, and
- inadequate victim support and follow-up.

Many service providers attributed these failings to inadequate police training about domestic violence.

Our major findings and recommendations

Using minimum standards to promote good practice

There is currently no comprehensive framework to guide Commanders when planning their response to domestic violence, and no standards to effectively measure their performance.

In order to promote proven strategies for policing domestic violence across the state, and to facilitate the systematic tracking of local performance, NSW Police needs to develop a good practice framework and require all Commanders to implement it in consultation with their communities. Commanders should be asked to explain their actions to implement the good practice framework and the outcomes of those actions as part of reviewing their performance. While a “one size fits all” approach will not work, the framework should identify core good practices that all commands can adopt, and document effective policing strategies to be implemented depending on the situation in each command. In particular, we support:

- the wider establishment of domestic violence investigation and/or arrest teams in high-risk local area commands, and the adoption of the principles that underpin such teams in other commands
- monitoring and targeting of high-risk victims and offenders through measures including regular checks to ensure defendants are complying with the conditions of the orders against them, and
- comprehensive implementation of victim support mechanisms.

While NSW Police has a system to centrally monitor performance through the Family and Domestic Violence Unit within the Commissioner’s Inspectorate, its capacity is limited by ad hoc reporting and limited resources. We have recommended that the Commissioner of Police review the staffing needs of this unit.

Tools for frontline police

A good practice framework needs to be supported by tools for operational police, supervisors and police prosecutors. Three primary tools we have identified are a domestic violence risk assessment model, standard operating procedures and investigation kits.

Assessing risk at every incident

Risk assessment is the process by which specific information is gathered and analysed to predict future risk of violence, and to determine the mode of intervention that will best enhance victim safety. NSW Police does not employ a standardised risk assessment tool for police to use in determining their response to individual domestic violence incidents. We have recommended a model that promotes victim safety and is routinely used when officers respond to individual incidents.

Updating procedures to guide police

The existing standard operating procedures (DVSOPS) that guide police in responding to domestic violence require revision and enhancement. Some parts are out-of-date. NSW Police has already begun improving these procedures, and has agreed to have regard to the issues and recommendations contained in this report.

Investigation kits

To investigate domestic violence offences, police officers need to be equipped for the various methods of evidence collection and supported in the appropriate use of these methods. Investigation kits, containing digital/video cameras and voice recorders, are important for improving the collection of evidence. They can speed up the investigative process, and allow police to tender more comprehensive briefs of evidence at the earliest opportunity, improving court outcomes for victims. We have recommended that NSW Police fund all local area commands to obtain investigation kits to improve evidence collection.

Enhancing the role of DVLOs

Domestic Violence Liaison Officers (DVLOs) are police officers who provide a vital link between police and the community, particularly victims and their advocates. They are a central resource for frontline police. It is a critical role given the prevalence of domestic violence in the community and the policing resources it demands. Yet there are few incentives for police officers to become DVLOs and the lack of peer recognition and status significantly impacts on their effectiveness.

The need to provide a career path and add prestige to the DVLO role has been recognised within NSW Police. Local commands will now have greater discretion to appoint officers who are performing DVLO duties to more senior ranks. While this is a step forward, it is by no means a guarantee that DVLOs will always be given additional status where appropriate.

There are a number of other factors that impact on the capacity of a DVLO to perform their role effectively. Many local area commands in rural areas do not receive designated funding for the DVLO position. This includes commands with some of the highest per capita rates of domestic violence in the State. In order to create a DVLO position,

Commanders must draw from limited general duties police. This often means the DVLO role can only be filled on a part-time basis.

Even when the DVLO is full-time, the hundreds of kilometres between sectors means a DVLO cannot adequately service an entire local command, they cannot always attend court in various locations or key networking meetings, and are sometimes unable to provide support to victims. One effective solution is to task particular officers in each of the main outlying sectors of a command to replicate the DVLO role.

At the time of our consultations, a major limitation facing the majority of current DVLOs was that only a handful were qualified to provide accredited domestic violence training to their LAC. Since that time, the number has significantly increased to 43. NSW Police has indicated that it wants to increase this number and maintain it to ensure that accredited trainers are not lost when they cease to perform the DVLO function. In view of this, we have recommended that NSW Police maintain an average of eight accredited DVLOs in each region.

Commanders need to prioritise and strategically task the DVLO. This means rostering DVLOs so that they can maximise opportunities for contact with victims and offenders, providing them with the resources they require to perform their role (eg. regular access to a vehicle), prioritising the development and maintenance by DVLOs of strong relationships with community, and making sure that there is a trained officer to fill in for the DVLO when they are absent.

Training to improve local outcomes

The quality and quantity of domestic violence training received by police officers was repeatedly raised as an issue. Inconsistencies and gaps affect the provision of training and its content. NSW Police needs a comprehensive domestic violence training strategy and a system for effectively monitoring its implementation.

Training must provide officers with a practical working knowledge of their powers and responsibilities. It should address common “real life” scenarios and equip officers with a range of strategies to use in responding to these situations, thereby increasing confidence and skill. We have identified particular areas for improvement in training content. This includes better guidance for officers on investigating domestic violence offences and identifying primary aggressors, improved information about protecting children when responding to domestic violence incidents, and advice about effective policing interventions.

While some commands may choose to make domestic violence training compulsory at various times and for various officers, there is currently no requirement that officers must undertake further domestic violence training once they have graduated from the Police College. Our review found there would be significant benefits in requiring all officers to undertake such training within 12 months of their attestation. Additionally, police officers providing or supporting frontline policing services in commands identified by NSW Police as high-risk in relation to domestic violence should be required to complete domestic violence training as part of the Mandatory Continuing Police Education requirements on an annual basis.

Commanders, DVLOs, frontline police and service providers all believe that local training is preferable. Requiring large numbers of officers to travel to a central location to receive training is costly and time intensive. It is particularly impractical for officers who work in remote commands. Local training enables larger numbers of police to be trained at the same time and for the training to be tailored to accommodate the specific needs of commands.

Despite previous commitments by NSW Police to involve other services in delivering training, this is not occurring regularly or consistently at the local level. Many community partners, such as women’s refuges, domestic violence court assistance schemes and Regional Violence Prevention Specialists, want to be involved in training police, yet offers to do so are often not taken up. Involving appropriate partner agencies enables police to draw on additional knowledge and expertise, demonstrates a recognition of and respect for this, and fosters positive working relationships.

We recommend that NSW Police review its training needs to assess these matters as an integral part of improving police responses to domestic violence. The review should canvas areas of need, content, delivery, and monitoring of quality and provision. In developing the strategy, NSW Police should consult with relevant external agencies, consider outsourcing the development of some specialist training components and identify how the implementation of the strategy will be coordinated and monitored. The training strategy should clearly identify and document the objectives and outcomes of all training, promote the localised delivery of training, and incorporate structures to adequately monitor the provision and quality of training.

Supporting effective prosecutions

Police prosecutors provide a vital link between arresting officers and the court. The domestic violence workload of prosecutors is heavy and, as there are no specialist domestic violence prosecutors in NSW, must be dealt with in addition to their other prosecutorial responsibilities. The NSW Law Reform Commission’s report on Apprehended

Violence Orders noted substantial concerns about the quality of service provided by police prosecutors in domestic violence matters. Although there was considerable praise for individual police prosecutors, the Commission's concerns were repeated during our consultations both with police and other stakeholders. Many attributed their perceived inadequacies to their extensive workload and pressures to process matters quickly.

Other factors compound these problems. While trainee police prosecutors receive instruction about domestic violence, prosecutors otherwise receive little guidance about what constitutes good practice for preparing and prosecuting domestic violence matters. We recommend that NSW Police address this deficiency, and that police prosecutors undertake mandatory domestic violence training as part of their annual continuing education requirements.

Additionally, there is a system for central monitoring of failed prosecutions, but little in place to monitor the overall performance of police prosecutors and address any identified performance issues. To support good practice and promote an effective, organisation-wide response to domestic violence, we recommend that NSW Police monitor the performance of police prosecutors in relation to domestic violence matters. The input of Commanders should be sought as part of any performance monitoring.

There are presently too few structured opportunities for LACs to liaise with police prosecutors to ensure domestic violence matters are effectively prosecuted. We recommend that NSW Police encourage and support arrangements for police prosecutors to confer regularly with Crime Managers, DVLOs and court assistance scheme coordinators to enhance the preparation and handling of domestic violence matters at court.

The need for a consistent and streamlined court process

In responding to domestic violence, police come into frequent contact with the court system. Applications for ADVOs and prosecutions of domestic violence offences (such as assault) are heard in local courts.

Police officers raised issues concerning the consistency of local courts. First, they gave examples of situations in which they felt the practices of the court were at odds with the requirements of the DVSOPS and/or the legislation. Second, police complained about inconsistent practices between courts and individual magistrates. We found that there are good practices occurring at some courts aimed at streamlining the court process and reducing its impact on victims of domestic violence. However, these practices are not consistently applied in all local courts.

We have identified the need for NSW Police and the Local Court to develop a good practice protocol, consistent with the DVSOPS, for the handling of domestic violence matters. Some of the areas where consistency is most needed include:

- ensuring that appropriate and specific protection is considered for children through the use of ADVOs
- providing safe rooms for victims and supporting their use
- ensuring high quality information is available to the court at the earliest opportunity to streamline processes, and
- minimising, where possible, the occasions on which victims of domestic violence are required to attend court.

We also recommend that consideration be given to the benefits of designating "spousal victims" of domestic violence as "vulnerable persons" so that alternative arrangements are made for them to give evidence, reducing the impact of the court process.

One of the most useful tools for police when making ADVO applications and prosecuting domestic violence offences is videotape evidence obtained at the scene that documents a victim's injuries, demeanour and account of what took place. We recommend a review of existing legislative arrangements to allow for the admission of and reliance on electronic evidence, even if a victim does not appear at court.

Finally, we note that many locations do not have a women's domestic violence court assistance scheme, or have access to a scheme but its coverage is limited. Given the prevalence of domestic violence, the needs of victims and the very valuable service that court assistance schemes provide, we recommend that the Attorney General consider extending its Women's Domestic Violence Court Assistance Program.

Legislation protecting victims in need

A major component of policing domestic violence involves applying for, serving and policing Apprehended Domestic Violence Orders (ADVOs). Police must apply for an ADVO if they suspect a domestic violence offence has been recently committed, is being committed, is imminent or is likely to be committed, unless they believe the person in need of protection (PINOP) intends to make a complaint for an order, or that there is a good reason not to.

The NSW Law Reform Commission reported in 2003 on Apprehended Violence Orders. It found that police feel there is a need to streamline the processes associated with protection orders. Our research affirmed this. In particular we found that applying for an ADVO by way of a complaint and summons is inefficient and leaves victims without

immediate protection. Police use the complaint and summons route when they do not have grounds to apply for an interim order or when a Telephone Interim Order (TIO) is declined by an authorised justice. This involves police attending court to obtain a summons for the defendant to appear at a later date for the hearing of the ADVO application. Police are then required to serve the summons on the defendant, who is often unable to be located quickly. Approximately half of all ADVOs are applied for in this way.

Another frustration for police officers is the often time-consuming requirement to attend court during business hours with the PINOP to apply for an interim order. Further, many officers in our focus groups complained about the high rate of dismissal of ADVO matters, which they attributed in part to the PINOP not appearing at court or giving evidence that they have no actual fears (often despite evidence of ongoing threats to their safety). They also expressed frustration at the number of ADVO withdrawal applications by defendants and/or PINOPs they are required to process. Finally, police said that the administrative requirements associated with protection orders are cumbersome.

In response to the NSW Law Reform Commission report, Parliament recently passed the *Crimes Amendment (Apprehended Violence) Act 2006*. Among other things, the Act:

- provides clearer instruction to police officers about applying for AVOs
- extends the period of protection afforded to victims by interim AVOs
- enables police to apply for Telephone Interim Orders (TIOs) on a 24 hour basis, and
- allows magistrates to make orders in some circumstances without needing to be satisfied that the applicant in fact holds fears for their safety.

It is too early to say how these amendments will affect the process of applying for an interim order, although they should provide for some additional efficiency. We recommend that the Commissioner of Police evaluate the operational impact of the amendments. However, the *Crimes Amendment (Apprehended Violence) Act 2006* does not effect changes to the complaint and summons process, which we regard as the most significant obstacle to streamlining the ADVO application system. For this reason, we have also recommended that the Minister for Police request the Attorney General to strongly consider further amending the *Crimes Act* to require police officers to apply for all ADVOs by telephone, which would effectively negate the complaint and summons process.

Reaching out to Aboriginal women

While domestic violence affects all communities, the dangers for Aboriginal women are multiplied — they are six times more likely to be the victim of a domestic assault.⁴ Our 2005 report, *Working with local Aboriginal communities*, emphasised the importance of police developing strong relationships with local communities in order to identify positive ways to respond to domestic and family violence. There are many commands taking positive steps towards creating and maintaining productive relationships with their Aboriginal communities. However, great challenges remain.

While the preparedness of victims of domestic violence to come forward is an issue across the community, it is particularly significant for Aboriginal women. This is due in part to the history of distrust between Aboriginal people and police and the history of Aboriginal deaths in custody. While more Aboriginal women's and men's cultural groups across the state are actively confronting the issue of family violence, and more Aboriginal women are being employed in community support roles, police must do more to reach out to Aboriginal women to effect change.

Many of the areas in NSW where domestic violence is endemic are also those least equipped to deal with it. For instance, many rural local area commands do not have designated funding for DVLOs even though their per capita rates of domestic violence are among the highest in the state.

Even where commands do have effective DVLOs, they often struggle to get Aboriginal women to confide in them about family violence. Police need Aboriginal women who are able to work alongside them to encourage victims to come forward. All the Commanders we consulted in locations with significant Aboriginal populations recognise this.

The need for more female ACLOs and Aboriginal family violence workers

There are 56 Aboriginal Community Liaison Officers (ACLOs) across the state. Women occupy only 12 of these positions. In almost every Aboriginal community, there are calls for more female ACLOs. The current number of 12 is grossly inadequate and the impact is felt most strongly by victims of domestic violence.

The Manning/Great Lakes Police and Women's Refuge Partnership Against Domestic Violence Project — the only model of its kind in NSW — demonstrates that civilian Aboriginal family violence workers who work side by side with police and the courts can and do make a real difference in encouraging victims to come forward and receive support. Because there is evidence of significant underreporting by Aboriginal women, consideration should be given to extending this approach to all commands with significant Aboriginal populations regardless of their current reported level of domestic violence.

Protecting children

On average there are approximately 1400 child-at-risk reports made by police each week to the DoCS Helpline, and DoCS refer around 800 reports for further assessment. Most of these reports result from police responding to domestic violence. Police need adequate guidance in how to recognise and respond to the risk to children arising from domestic violence. It is also critical that police and child protection workers work together to maximise the safety of children. In this regard there is a need for strong communication and timely exchange of information between police and the Department of Community Services (DoCS).

However there is variable quality in the information provided by police to DoCS in child-at-risk reports. For this reason, police should be better informed about the sort of information they need to provide so that DoCS can properly assess the level of risk to a child. NSW Police and DoCS have commenced discussions about improving risk assessment procedures for child-at-risk reports made by police. We have recommended that they develop a shared risk assessment model that will assist in alerting either agency about children and young people at risk of harm, particularly in situations of domestic violence.

Appropriate intervention on a child's behalf is not limited to the making of a mandatory report to DoCS. Our focus groups indicated that it is unusual for police to initiate separate ADVOs for children. There appear to be several reasons for this, including a misunderstanding about the level of protection afforded to children by inclusion on their mother's ADVO and a reluctance to take action that may impact on a father's contact with his children. Only police officers can apply for an ADVO to protect a child under 16 years of age, so it is vital that they are aware of the circumstances in which doing so is appropriate. In this regard, better guidance for police is required.

In addition to better procedural guidance for police about child protection, there is a need for local police and child protection workers to form strong operational partnerships and to jointly implement active strategies such as regular case-tracking meetings for appropriate high-risk cases and, where desirable, joint home visits.

The need for an effective interagency response

The response of police is only one — albeit critical — element of an effective response to domestic violence. Police must work with other agencies to end the cycle of violence. Our research indicates that a successful interagency response to domestic violence needs to incorporate:

- effective police investigations and referral to support services
- effective victim support, including court support
- effective child protection measures when children are involved, and
- a strong focus on the perpetrator.

In recent years the NSW Government has invested in a number of pilot projects aimed at developing and implementing interagency responses. Only one of these formally involves the Local Court. Several of the projects have been, or are in the process of being, evaluated. A number have already been the recipients of state and/or Commonwealth crime prevention awards. There is an urgent need to identify the best aspects of the various models that have been trialled and to find ways to implement these in other locations across the state, starting with those areas with the most acute need.

Effective interagency responses depend on cooperation between agencies at the local level. Our consultations revealed that participants of various interagency models are confronted by similar challenges in this regard, two of the most significant being the different and sometimes competing ideologies and priorities of agencies, and perceived obstacles to sharing information. The recently published *NSW Interagency Guidelines for Child Protection Intervention 2006*⁵ acknowledge some of the challenges and provide a framework for working towards achieving effective interagency cooperation.

Through our research, we saw a number of examples of solid interagency practice that involved one or more of the following elements:

- strong senior leadership
- liaison with local agencies and service providers
- case management of high-risk matters, and
- co-location of agencies and/or services.

In practice, however, local cooperation between agencies in responding to domestic violence is still largely ad hoc and dependent on the goodwill of individuals. There is still very little formalised cooperation between government and non-government agencies across the state. We have recommended that the Human Services Chief Executive Officers

Forum consider the benefits of implementing specific domestic violence interagency models and/or practices across the state, particularly in locations identified as high risk.

Making a public commitment to improve service

Until very recently, there was no public document that outlined NSW Police's strategic response to domestic violence and how that response is implemented at both the corporate and local level. On 23 November 2006, NSW Police launched a comprehensive webpage on its internet site (www.police.nsw.gov.au) outlining what the public can expect when they contact police for assistance, as well as detailed material on the dynamics of domestic violence, support services and links to other agencies. The webpage launch is a welcome initiative. It provides a detailed and easy to use reference for people seeking information about domestic violence and how NSW Police will respond.

We believe there would be considerable benefit in NSW Police also developing a publicly available code of practice that consolidates relevant legislation and police policy and procedure, including the roles, responsibilities and processes that will be undertaken by police and police prosecutors in response to domestic violence, and the court process for victims. A code will help ensure a consistent, equitable and accountable response by police officers, and reinforce what is expected of them.

Reviewing domestic homicides

Given the high rate of domestic homicides, we support the establishment of a domestic homicide review process in NSW. Such a process has the potential to improve the collective understanding and knowledge of agencies, including NSW Police, about how domestic homicides come to occur and what strategies and practices may reduce the risk of their occurrence. A domestic homicide review process would in this way support the efforts of NSW Police to continually improve its overall response to domestic violence.

Conclusion

This report is intended to inform the public and to provide guidance to NSW Police about the key issues they need to address to ensure ongoing improvements in the policing of domestic violence. We have also sought to acknowledge and highlight some of the better examples of good practice occurring in local communities.

In light of NSW Police's support for the majority of the recommendations contained in this report, we have asked the Commissioner of Police to develop a framework for implementation by February 2007.

Endnotes

- ¹ NSW Bureau of Crime Statistics and Research, *NSW Recorded Crime Statistics Quarterly Update*, June 2006
- ² People, J., *Trends and Patterns in Domestic Violence Assaults*, Crime and Justice Bulletin No. 89, NSW Bureau of Crime Statistics and Research, October 2005.
- ³ Figure provided by Domestic Violence Committee Coalition, launch of Black and Blue Campaign, NSW Parliament House, 14 September 2006. NSW Police was unable to provide us with information about the number of domestic homicides in NSW.
- ⁴ Cited in Office for Women, NSW Premiers Department, *Women, Violence and Safety: Fact sheet 4*, 2006.
- ⁵ NSW Department of Community Services, *NSW Interagency Guidelines for Child Protection Intervention* 2006.

Summary of Recommendations

	Recommendations	Page number
	Apprehended Domestic Violence Orders	
1	The Commissioner of Police evaluate whether the legislative amendment to enable police to apply for Telephone Interim Orders (TIOs) on a 24-hour basis sufficiently improves the process of applying for an interim order.	26
2	<p>a. The Minister for Police provide a copy of our report to the Attorney General, for consideration of an amendment to Part 15A of the <i>Crimes Act</i> to require police officers to apply for all Apprehended Domestic Violence Orders (ADVOs) by telephone.</p> <p>b. If legislated, the Commissioner of Police evaluate the operational impact of the amendment. Any evaluation should have regard to whether there has been an improvement in relation to the efficient service of ADVOs.</p>	26
3	NSW Police amend the <i>Domestic Violence Standard Operating Procedures</i> to include a requirement that police should not accept an application by any party to a domestic violence matter, or their representative, for the withdrawal of police action in relation to domestic violence matters, including ADVOs	26
4	<p>NSW Police provide quarterly progress reports on the implementation status of the following initiatives:</p> <ul style="list-style-type: none"> — AVO electronic data transfer to non-GLC courts — “Create AVO” COPS application — enhancement to COPS screens containing information about AVOs, and — any other administrative improvements as part of the NSW Police/ CourtLink Information Exchange Project or other initiatives. 	32
	Domestic Violence Liaison Officers	
5	NSW Police require the Domestic Violence Liaison Officer (DVLO) to be a full-time equivalent position in local area commands (LACs) identified by NSW Police as high-risk in relation to domestic violence.	32
6	NSW Police require regional and remote LACs, where main sectors do not have the services of a dedicated DVLO, to appoint and support officers to replicate, as far as possible, the core duties of DVLOs.	32
7	NSW Police require all LACs to have an officer or officers trained as a “back up” DVLO.	32
8	NSW Police give strong consideration to attaching Leading Senior Constable status to the DVLO position in LACs identified by NSW Police as high-risk in relation to domestic violence.	32
9	NSW Police provide specific funding for designated DVLO positions in all high-risk LACs, including Level 3 LACs.	32

	Recommendation	Page number
10	NSW Police ensure the Annual DVLO State Forum continues to be held and resourced appropriately.	32
11	NSW Police require regional DVLO meetings to be held on a bi-annual basis.	32
12	NSW Police immediately prioritise the training of all current DVLOs in the Investigation and Supervision of Domestic Violence workshops and the Domestic Violence Liaison Officers Course.	32
13	NSW Police require training in the Investigation and Supervision of Domestic Violence workshops and the Domestic Violence Liaison Officers Course to be mandatory for all DVLOs.	32
14	NSW Police develop a corporate induction package for distribution to all DVLOs on commencing the role.	32
15	NSW Police ensure that at any given time, eight DVLOs in each region are accredited to deliver local training to general duties officers and, if necessary, training be outsourced to facilitate this objective.	32
	Domestic violence and the court system	
16	<p>The Minister for Police provide a copy of this report to the Attorney General for the information of the Chief Magistrate of the Local Court, with a view to the Commissioner of Police and the Chief Magistrate, in consultation with victim and defendant representatives, developing a “good practice” protocol, consistent with the DVSOPS, between NSW Police and the Local Court. This may include adopting practices such as:</p> <ul style="list-style-type: none"> — ensuring that appropriate and specific protection is considered for children through the use of ADVOs — providing “safe rooms” for victims and supporting their use — implementing tools such as the “blue form” to enhance the quality of information available to the court and to promote its provision at the earliest opportunity, and — minimising, where possible, the occasions on which victims of domestic violence are required to attend court. 	38
17	<p>The Minister for Police refer to the Attorney General for consideration:</p> <ol style="list-style-type: none"> a. the benefits of designating a “spousal” victim of domestic violence a “vulnerable person” for the purpose of court proceedings to allow for alternative arrangements for the giving of evidence b. whether existing legislative arrangements sufficiently allow for the admission of, and reliance on, electronic evidence, and c. the adequacy of coverage provided by the Women’s Domestic Violence Court Assistance Program. 	38
18	<ol style="list-style-type: none"> a. NSW Police monitor the performance of police prosecutors in relation to domestic violence matters, including adoption of good practices. b. The Commissioner of Police establish a family and domestic violence prosecutions coordinator at the rank of Senior Sergeant, as proposed by the Commissioner’s Inspectorate, to: 	38

	Recommendation	Page number
18	<ul style="list-style-type: none"> — develop, trial and monitor good practice in the prosecution and management of domestic violence court work — provide expert legal advice to police prosecutors — prosecute more complex and serious matters — monitor the overall quality of briefs and reasons for failed prosecutions- provide training to police prosecutors about conducting domestic violence prosecutions, and — develop, encourage and support arrangements for police prosecutors to confer regularly with stakeholders such as Crime Managers, DVLOs and court assistance scheme coordinators. 	38
19	NSW Police ensure the revised <i>Domestic Violence Standard Operating Procedures</i> address good practice by police prosecutors in relation to domestic violence matters.	39
20	NSW Police encourage and support arrangements for police prosecutors to confer regularly with Crime Managers, DVLOs and court assistance scheme coordinators for the purpose of enhancing good practice in relation to the preparation and handling of domestic violence matters at court.	39
21	NSW Police require police prosecutors to complete a mandatory domestic violence training component as part of their annual continuing education commitment.	39
	Domestic violence and child protection	
22	<p>NSW Police consider the issues outlined in this section and in our <i>Annual Report of Reviewable Deaths 2004</i>, when revising the <i>Domestic Violence and Child Protection Standard Operating Procedures</i>, and in particular:</p> <ul style="list-style-type: none"> — outlining the processes available for obtaining information from DoCS — outlining in detail when a report about a child or children must be made to DoCS — emphasising the importance of considering and obtaining ADVOs for children, and — providing good practice advice on making reports to DoCS. 	44
23	<ol style="list-style-type: none"> a. NSW Police and DoCS develop a shared risk assessment model that will assist in alerting either agency about children and young people at risk of harm, particularly in situations of domestic violence. b. NSW Police provide quarterly progress reports in relation to the development of: <ul style="list-style-type: none"> — an electronic notification to DoCS of children at-risk — an MoU with DoCS on the exchange of information — a shared risk assessment model with DoCS, and — the “AVO Compliance with Legislation” project. 	44

	Recommendation	Page number
	The need for an effective interagency response	
24	<p>The Commissioner of Police provide a copy of this report to the Human Services Chief Executive Officers Forum, and that the Forum consider the benefits of implementing specific domestic violence interagency models and/or practices in NSW, particularly in locations identified as high-risk, such as:</p> <ul style="list-style-type: none"> — integrated case management and/or case-tracking — wider implementation of the DVPASS mechanism, and — co-location of police officers, child protection workers and domestic violence victim support workers. 	56
	Family and domestic violence in Aboriginal communities	
25	<p>The Minister for Police consider:</p> <ul style="list-style-type: none"> — ensuring ongoing funding for the Manning/Great Lakes Police and Women’s Refuge Partnership Against Domestic Violence — providing funding for Aboriginal family violence workers in local area commands with significant Aboriginal populations (having regard to the 29 local area commands identified in the <i>Aboriginal Strategic Direction plan</i>), and — providing funding for an additional number of female designated Aboriginal Community Liaison Officer positions to be attached to local area commands with significant Aboriginal populations. 	61
26	<p>NSW Police ensure that Aboriginal cultural awareness content is included in all domestic violence training and that appropriate Aboriginal community representatives, specifically women, endorse such content.</p>	61
	Domestic violence training for police	
27	<p>NSW Police develop a comprehensive domestic violence training strategy with regard to the issues identified in the section “Domestic violence training for police”, in particular:</p> <ul style="list-style-type: none"> — the need for training to be practically informed — the need for training to be delivered locally — using other agencies to provide training, and — monitoring the quality and provision of training. 	67
28	<p>NSW Police review, in developing the strategy, the adequacy and appropriateness of training content, in particular content addressing:</p> <ul style="list-style-type: none"> — the correct identification of primary aggressors — stalking and intimidation offences — child protection and family law issues (including the appropriateness of making ADVO applications on behalf of children) — issues relating to victims from marginalised sectors of the community and their needs 	67

	Recommendation	Page number
	<ul style="list-style-type: none"> — apprehended violence orders, and — the effectiveness of particular police interventions <p>and ensure appropriate community representatives endorse content relating to victims from marginalised sectors of the community and their needs.</p>	
29	NSW Police require all police officers to complete the Investigation of Domestic Violence workshop within the first year following their attestation.	67
30	NSW Police require all police officers serving in LACs identified by NSW Police as high-risk in relation to domestic violence to complete domestic violence training on a regular (preferably annual) basis.	67
	Frontline policing strategies for responding to domestic violence	
31	NSW Police fund all LACs to obtain domestic violence investigation kits (digital/video cameras and voice recorders) to facilitate improved evidence collection in relation to domestic violence offences.	77
32	NSW Police develop standard operating procedures, supported by mandatory training, to accompany the implementation of domestic violence investigation kits.	77
33	NSW Police monitor compliance with its corporate direction concerning the verification of domestic violence COPS events by supervisors.	77
34	NSW Police develop a risk assessment model to guide the decision-making of police in responding to individual domestic violence incidents, and require LACs to utilise it.	77
	Achieving a comprehensive response to domestic violence	
35	<p>NSW Police develop a “good practice” framework for policing domestic violence. This framework should include effective:</p> <ul style="list-style-type: none"> — investigation and prosecution of domestic violence incidents — protective responses for victims (ADVOs; acting on breach allegations) — referral mechanisms to enhance victim support, including implementing a DVPASS mechanism and having up to date domestic violence information kits — interagency cooperation and liaison — child protection response where required — strategies for targeting high risk offenders and victims — ongoing education and training for officers — use of the DVLO role, and — systems for ensuring compliance. 	81
36	NSW Police require Commanders to implement the framework, including assessing the appropriate strategies for local implementation, eg. the benefits of implementing domestic violence investigation and arrest team in high risk commands.	82

	Recommendation	Page number
37	NSW Police require LACs to consult local service providers and relevant agencies in implementing the good practice framework.	82
38	NSW Police include, as a performance indicator, the overall effectiveness of how an LAC has implemented the good practice framework.	82
39	NSW Police provide full advice as to the performance indicators for LACs in respect of domestic violence. This advice should include: <ul style="list-style-type: none"> — current indicators — the system for monitoring these indicators — how outcomes are measured and reported to Commanders, and — the range of actions available where a command's performance is identified as requiring improvement. 	82
40	NSW Police provide advice about the methodology it uses to identify LACs at high risk in relation to domestic violence, and the list of LACs currently identified as high risk, together with the reasons for this.	82
41	NSW Police provide advice about the revision of the existing <i>Domestic Violence Standard Operating Procedures</i> in light of the issues raised in this report.	
42	NSW Police develop, with particular reference to the <i>Victorian Code of Practice for the Investigation of Family Violence</i> , a comprehensive, publicly available Code of Practice outlining NSW Police's strategic response to domestic violence and how that response is implemented at both the corporate and local level.	82
43	The Commissioner of Police: <ol style="list-style-type: none"> a. conduct a review of the adequacy of staffing levels within the Family and Domestic Violence Unit of the Commissioner's Inspectorate. b. provide additional resources if the review identifies deficiencies in staffing levels. 	82

Glossary

ACLO	Aboriginal Community Liaison Officer.
ADVO	Apprehended Domestic Violence Order — an order under Division 1A of the <i>Crimes Act</i> . An ADVO may be made for the protection of: a person against another person with whom he or she has a domestic relationship; or two or more persons against another person with whom at least one of those persons has a domestic relationship. An ADVO is intended to prevent or apprehend potentially violent behaviour before it occurs. Failure to comply with the conditions of an ADVO is a criminal offence.
AVO	Apprehended Violence Order — were introduced in 1982. In 1999, Part 15A of the <i>Crimes Act</i> was amended to create two types of AVOs — apprehended domestic violence orders (ADVOs), for the protection of persons in a domestic relationship, and apprehended personal violence orders (APVOs) for protection in all other categories.
Breach	An ADVO is 'breached' when the person against whom it is made fails to comply with the conditions it specifies. Breaching an ADVO is a criminal offence.
CCTV	Closed Circuit Television.
CIDS	Computerised Incident Dispatch System — the system used by NSW Police to electronically communicate information about an incident or event and its level of priority in relation to other matters.
CMU	Crime Management Unit — CMUs are responsible for promoting the command's strategic response to crime by identifying crime trends and developing intervention and prevention strategies.
COPS	Computerised Operational Policing System - the database used by NSW Police to record all incidents reported to them, including domestic violence incidents and ADVOs.
CSC	Community Services Centre (DoCS).
CUF	Court Users' Forum.
DART	Domestic Assault Response Team.
Defendant	A person who has been charged with a criminal offence; a person from who a PINOP seeks to be or is protected by an ADVO.
DoCS	Department of Community Services.
DVICM	Domestic Violence Intervention Court Model.
DVIRT	Domestic Violence Investigation Response Team.
DVLO	Domestic Violence Liaison Officer.
DVPASS	Domestic Violence Proactive Support Service .
DVSOPS	<i>Domestic Violence Policy and Standing Operating Procedures</i> — documents operational requirements for police officers when responding to domestic violence matters.
ECLO	Ethnic Community Liaison Officer.
EDO	Education and Development Officer.
ERISP	Electronically Recorded Interview of Suspected Person.
JIRT	Joint Investigation Response Team — these teams are comprised of police, DoCS and Health personnel who are responsible for investigating reports of child abuse that constitute a criminal offence. They rely on the trained specialists from police and DoCS to investigate these reports, and Health to provide counselling, medical examinations and other health services.
LAC	Local Area Command — NSW Police is organised into 80 operational units, or local area commands, across seven regions. Each LAC takes in several local police stations.

LGA	Local Government Area — NSW is divided into 152 local government areas across 14 regions.
MERIT	Magistrates Early Referral Into Treatment is a NSW Local Court scheme to divert adult defendants into drug treatment.
MPCES	Mandatory Police Continuing Education Scheme.
PINOP	Person in need of protection — a person who seeks to be or is protected by an ADVO.
RVPS	Regional Violence Prevention Specialist.
TIO	Telephone interim order.
VKG	NSW Police radio.
YLO	Youth Liaison Officer.

A note about quotations and terminology

Much of the information sought from police, other services and community members was provided in confidence. To protect the identity of those who provided feedback, we have not attributed any information in this report, including direct quotes, unless it is already publicly available, or we were given explicit permission to do so.

There are a variety of preferred terms in the community for referring to individuals who have experienced domestic violence. In this report, we refer to “victims” to reflect the term commonly used by police.

Chapter 1. NSW Ombudsman investigation

1.1 Introduction

In New South Wales (NSW), police respond to approximately 120 000 calls for assistance in relation to domestic violence each year.⁶ In the 12 months to 30 June 2006, NSW Police recorded 26 429 domestic assaults, representing over 30% of all reported assaults.⁷ Because domestic violence is significantly underreported, it is likely that the true extent of the problem is far greater than these figures suggest.⁸ So far this year there have been 14 domestic violence related murders in NSW (12 women and two children). This already represents an increase of three murders compared to the whole of last year.⁹

What is clear is that police officers are confronted by domestic violence on a regular basis. In almost all local area commands (LACs), responding to domestic violence is part of the core business of policing. It is critical that the response of police to domestic violence is as efficient and effective as possible, both to ensure victims receive protection and support, and for the benefit of the whole community by promoting the best use of the limited resources available to police. Critically, police represent the gateway to the criminal justice system. They have specific powers to seek protection and redress for victims of domestic violence. In saying this, it is important to acknowledge that addressing domestic violence is not solely the responsibility of police. Domestic violence has profound social, health and economic consequences, and as such, requires a whole of community response.

1.1.1 The Ombudsman's 1999 report

In December 1999 the Ombudsman made a special report to Parliament, *Policing Domestic Violence in NSW*. The report was a response to continuing community concerns about the policing of domestic violence. Its purpose was to canvas possible ways by which the Police Service could better use its resources and continue to improve its service delivery in relation to domestic violence.

The report made 25 recommendations addressing a range of issues. A number of the recommendations supported the Ombudsman's main finding, that the Police Service needed to better monitor its response to domestic violence to ensure consistency and quality across the state. The report was positively received by the Police Service, which was reflected in the Service developing and implementing the *Domestic Violence Policy and Standard Operating Procedures* (DVSOPS) in response to our recommendations.

It is now seven years since *Policing Domestic Violence in NSW* was published. It is therefore timely that we revisit the policing of domestic violence to recognise progress, address ongoing and emerging concerns, and identify opportunities for further improvements.

1.1.2 Reports in other jurisdictions

In recent years major reports on the policing of domestic violence in other Australian jurisdictions have been issued, indicating the broader importance and currency of the topic. They include *Policing Domestic Violence in Queensland*, a report by the Queensland Crime and Misconduct Commission (March 2005); *An Investigation into the Police Response to Assault in the family home*, a report by the Western Australian Ombudsman (September 2003); and *Policing Domestic Violence — Own Initiative Investigation into Policing Domestic Violence in the ACT*, a report by the Commonwealth Ombudsman (July 2001).

In addition, a number of governments and police services in state jurisdictions have initiated their own reports. Victoria Police conducted a review into violence against women in 2001. The findings of that review were published in August 2002 in *The Way Forward: Violence Against Women Strategy*. One of the strategy's recommendations was the development of the *Victoria Police Code of Practice for the Investigation of Family Violence*. The Code of Practice was implemented in August 2004.

There have also been inquiries examining domestic violence issues in the context of broader Government service delivery. In Tasmania, an Options Paper, *Safe at Home: A Criminal Justice Framework for Responding to Family Violence in Tasmania*, was released in August 2003. The Paper has led to a comprehensive policy overhaul in Tasmania, including a significantly increased role for police in responding to family violence. Similarly, in Western Australia there was *Putting the Picture Together, Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities* — better known as the Gordon Inquiry.

1.1.3 The scope of this report

Both in Australia and overseas there is a large body of literature on domestic violence that addresses a wide range of issues and encompasses a variety of approaches. The purpose of this report is not to critically analyse or duplicate this literature, nor to address domestic violence in a comprehensive social context. Rather, the primary objective of the report is to address the need for “good practice” of domestic violence policing across NSW, and to identify ways for NSW Police to better work towards this objective.

Our focus is informed by our work in this area since 1999, which has indicated that, while there are common approaches to policing domestic violence across the state that generally reflect the requirements of the DVSOPS, the quality of the operational and strategic work carried out in individual LACs can vary significantly. The ultimate result is that outcomes for victims and offenders can differ considerably.

Our report also highlights some of the flaws in the current system for responding to domestic violence, including legislative and administrative requirements that cause police frustration, gaps in protection for victims and their children and inadequate interagency cooperation.

1.2 Our methodology

We have utilised a range of research methods to inform this report. They are listed below.

1.2.1 Investigation

On 5 January 2006, we issued a notice of investigation requiring NSW Police to produce detailed information about their response to domestic violence, including: education and training; staffing; policy; programs; research; coordination; monitoring; and statistics. NSW Police provided us with their response on 24 March 2006. Prior to finalising our investigation, in October 2006 we prepared a provisional report outlining our preliminary views and recommendations.

We received NSW Police’s response to our provisional report on 22 November 2006. The response, as it relates to our recommendations, is included at Appendix 1. NSW Police has accepted the majority of our recommendations and six are under consideration. We have also incorporated comments of NSW Police, as appropriate, in the report.

1.2.2 Surveys

We sent written surveys to NSW Police Domestic Violence Liaison Officers (DVLOs) and Crime Coordinators in all 80 Local Area Commands. The responses were centrally collated by NSW Police and provided to us in original form for analysis.

We also surveyed the 33 domestic violence court assistance scheme coordinators across NSW and the 18 Regional Violence Prevention Specialists¹⁰ employed by the Violence Against Women Unit at the Department of Community Services (DoCS) as part of the NSW Strategy to Reduce Violence Against Women.

A small number of DVLOs (3) and Crime Coordinators (2) did not complete their surveys. We received 22 completed surveys from court assistance scheme coordinators and 8 completed surveys from Regional Violence Prevention Specialists.

Copies of the surveys are included as appendices to this report.

1.2.3 Meetings with NSW Police

Ombudsman staff held an initial meeting with senior officers from the NSW Police Commissioner’s Inspectorate in November 2005. Discussions were also held throughout 2006 between senior Ombudsman staff and the Commissioner’s Inspectorate, as well as the Corporate Spokesperson for Domestic Violence, Assistant Commissioner Reg Mahoney.

In August 2006, we held a roundtable discussion with 20 Commanders, Crime Managers and Crime Coordinators from across the state to discuss some of the findings of our investigation and to “road test” some of our main recommendations. We selected Commanders who had innovative and effective domestic violence policing practices operating in their LACs.

1.2.4 Aboriginal Strategic Direction plan

Our April 2005 report, *Working with local Aboriginal communities*, detailed our audits of NSW Police’s implementation of their *Aboriginal Strategic Direction* plan in 14 LACs. Since that report, 17 further audits have been conducted. The

report both acknowledges the enormous challenges posed by the prevalence of domestic violence, and highlights positive work being done by NSW Police in individual LACs to address it.

As part of these audits, we consulted women's refuges, family support services, domestic violence court assistance schemes, advocacy services and Aboriginal women from each community.

Our investigation into the policing of domestic violence in NSW draws on our ongoing Aboriginal audit work both in terms of identifying common problems and practical solutions to address them.

1.2.5 Consultation with peak bodies

We met with the Domestic Violence Advocacy Service, the Women's Refuge Resource Centre, the Immigrant Women's Speakout Association and the NSW Council of Social Service (NCOSS) and had discussions with members of the Domestic Violence Coalition Committee.

1.2.6 LAC audits and visits

We visited nine LACs in rural and metropolitan NSW to canvas local policing issues and strategies in: Tweed/Byron, Far South Coast, Campbelltown, Macquarie Fields, Tuggerah Lakes, Brisbane Water, Wagga Wagga, Mt Druitt and Darling River.

In each LAC we interviewed the Commander, Crime Manager or Crime Coordinator and DVLO(s), and conducted focus group discussions with general duties officers. We also sought information from local community service providers such as women's refuges, family support services, advocacy services and women's domestic violence court assistance schemes.

In addition to our formal audits, we visited Bankstown LAC to speak with the Commander about his command's approach to domestic violence.

In each area we consulted with a range of community organisations and service providers to gather information and feedback for our investigation.

1.2.7 Complaints audit

In 2004 and 2005, the Ombudsman was notified of 452 complaints about the policing of domestic violence or allegations about police involvement in perpetrating domestic violence. We reviewed these complaints to identify some recurring issues and concerns.

1.2.8 Reviewable child deaths

We revisited our inquiries into a number of reviewable child deaths¹¹ that occurred between 2003-05 that involved a family history of domestic violence known to NSW Police and/or DoCS. Among other things, these matters highlight the importance of effective sharing of information between agencies.

1.2.9 Other consultation

In October 2006 we provided the Department of Community Services (DoCS) and the Attorney General's Department (AGD) with copies of sections of our provisional report relating to their roles and responsibilities. We received a response from DoCS and the AGD on 24 November 2006.

The DoCS response notes that our recommendations are supported and generally reflect DoCS' priorities regarding family and domestic violence. We have incorporated aspects of the response, where appropriate, in the body of this report.

The AGD's response is generally supportive of our recommendations. We have incorporated aspects of the response, where appropriate, in the body of this report.

We also attended two major national conferences, *Refocusing Women's Experience of Violence* (Sydney, September 2005) and the *Australian Institute of Judicial Administration/Australian Institute of Criminology Family Violence Conference* (Adelaide, February 2006).

We met with the Australian Domestic and Family Violence Clearinghouse early in our investigation. In addition we interviewed staff from Victoria Police and DV Victoria, the peak non-government organisation of domestic violence services in that state. These consultations provided valuable advice about the recent reforms to domestic violence policing in Victoria.

1.2.10 Review of literature and domestic violence initiatives

We conducted a comprehensive literature review in the early stages of our investigation. The review highlighted the nature and extent of issues and concerns about the policing of domestic violence in Australia and elsewhere and also alerted us to indicators of good practice. In addition, we undertook a review of current and previous policing-related domestic violence initiatives in Australia and to a lesser extent, overseas.

Endnotes

- ⁶ Assistant Commissioner Reg Mahoney, ABC 702, 25 November 2005.
- ⁷ NSW Bureau of Crime Statistics and Research, *Recorded Crime Statistics Quarterly Update*, June 2006.
- ⁸ The *Women's Safety Australia survey* (Australian Bureau of Statistics, 1996) found that only 19% of women who had been physically assaulted by an intimate partner in the previous 12-month period reported the assault to police. *Women's Experiences of Male Violence: Findings from the Australian Component of the International Violence Against Women Survey* (Australian Institute of Criminology, 2004) found that only 14% of women reported their most recent experience of intimate partner violence.
- ⁹ Figure provided by Domestic Violence Committee Coalition, launch of Black and Blue Campaign, NSW Parliament House, 14 September 2006. NSW Police was unable to provide us with information about the number of domestic homicides in NSW.
- ¹⁰ We understand that Regional Violence Prevention Specialists are now known as Senior Regional Strategies Officers — Violence Prevention.
- ¹¹ Under Part 6 of the *Community Services (Complaints, Reviews and Monitoring) Act 1993*, the Ombudsman is required to review certain deaths, including the deaths of children who were known to DoCS up to three years prior to their deaths.

Chapter 2. Policing domestic violence in context

2.1 Defining domestic violence

In Australia, the term “domestic violence” is usually taken to mean intimate partner abuse, specifically violence between a male and female partner, most commonly perpetrated by the male partner. It may also be used to refer to abuse that occurs in any domestic relationship.¹² In recent times the term “family violence” has achieved mainstream usage in many jurisdictions, especially among Aboriginal people, to broaden the focus on the experience of violence within extended families. However in NSW, “domestic violence” remains the common term.

NSW Police operates within the very broad definition of domestic violence contained in Part 15A of the *Crimes Act 1900* (the Act). The Act defines domestic violence as a “personal violence offence”. Intimate partner abuse accounts for a large proportion of domestic violence incidents that require a police response. However, police also attend a significant number of incidents involving other family members. Abuse between siblings or a parent and child is not uncommon.¹³ Police also attend a large number of domestic incidents resulting in no “personal violence offence” being detected.

2.2 The incidence of domestic violence in NSW

Domestic violence is significantly underreported. While its true incidence in NSW is unknown, some data is available. In 2005, the NSW Bureau of Crime Statistics and Research (BOCSAR) published *Trends and Patterns in Domestic Violence Assaults*, based on NSW Police records. That report found that, between 1997 and 2004, the recorded rate of domestic assault increased by almost 40% in the Sydney Statistical Division and more than 50% across the state. This statistic runs counter to the current general trend toward lower rates of crime in NSW. According to the BOCSAR report, there is no evidence to suggest that the increase is merely reflective of an increased willingness on the part of victims to report incidents of domestic violence to police.¹⁴

In the 12 months to 30 June 2006, NSW Police recorded 26 429 domestic assaults, representing over 35% of all recorded assaults.¹⁵ In 2004, most victims were women (71.1%) and the majority of offenders were male (80.4%). About one-third of victims were injured as a result of the assault, with 15% suffering serious injuries¹⁶ such as fractures, burns and internal injuries. In the first nine months of 2006, 12 women and two children were murdered in domestic circumstances.¹⁷

Table 1: Top 20 LACs for recorded domestic violence incidents 1 Jan — 28 Aug 2006

Rank	LAC	LAC level	Authorised strength at Sept 2006 ¹⁸	Recorded domestic violence incidents
1	Mt Druitt	1	163	2 976
2	Lower Hunter	1	209	2 438
3	Tuggerah Lakes	1	188	2 245
4	Lake Illawarra	1	206	2 242
5	Lake Macquarie	1	180	2 223
6	Macquarie Fields	1	156	2 093
7	Richmond	2	182	1 924
8	Mid North Coast	2	155	1 904
9	St Marys	2	122	1 827
10	Brisbane Water	1	221	1 788
11	Bankstown	1	270	1 782
12	Campbelltown	1	166	1 744
13	Coffs/Clarence	1	167	1 619
14	Blacktown	1	163	1 605
15	Shoalhaven	2	121	1 426
16	Wollongong	1	201	1 349
17	Holroyd	2	130	1 337
18	Liverpool	1	170	1 302
19	Fairfield	2	214	1 290
20	Orana	2	128	1 261

Source: NSW Police, Enterprise Data Warehouse, August 2006.

Table 1 shows the 20 local area commands with the highest reported volume of domestic violence incidents. However, when ranked according to rate of recorded domestic violence offences *per capita*, the picture looks somewhat different. Table 2 shows that with the exception of Campbelltown, the LGAs with the highest reported rates per capita of domestic violence offences are located outside of the greater Sydney metropolitan area and mostly in the Western region. All of these LACs have significant Aboriginal populations, and this is consistent with research that indicates that the rate of domestic violence related assault against Aboriginal women is significantly higher than the state average.¹⁹

Table 2: The 20 LGAs with the highest per capita rates of domestic violence, Jan — Dec 2005

Rank	LGA	Corresponding LAC ²⁰	LAC level	Authorised strength at Sept 2006	Recorded domestic violence offences	Est. LGA population	Rate per 100 000 of population
1	Bourke	Darling River	3	82	173	3 924	4 408.8
2	Walgett	Castlereagh	3	63	245	8 096	3 026.2
3	Coonamble	Castlereagh	3	63	67	4 728	1 417.1
4	Moree Plains	Barwon	3	94	210	16 027	1 310.3
5	Wentworth	Barrier	3	99	83	7 236	1 147.0
6	Warren	Darling River	3	82	34	3 282	1 036.0
7	Dubbo	Orana	2	128	370	39 077	946.8
8	Lachlan	Lachlan	3	75	70	7 431	942.0
9	Glen Innes	New England	3	138	51	5 945	857.9
10	Gilgandra	Orana	2	128	39	4 682	833.0
11	Guyra	New England	3	138	35	4 441	788.1
12	Kempsey	Mid North Coast	2	155	210	28 114	747.0
13	Inverell	New England	3	138	111	15 729	705.7
14	Muswellbrook	Hunter Valley	3	85	105	15 195	691.0
15	Campbelltown	Campbelltown	1	166	1 034	149 961	689.5
16	Narrandera	Griffith	3	118	44	6 594	667.3
17	Broken Hill	Barrier	3	99	130	20 440	636.0
18	Wellington	Orana	2	128	55	8 668	634.5
19	Cessnock	Lower Hunter	1	209	305	48 143	633.5
20	Richmond Valley	Richmond	2	182	132	20 838	633.5

Source: NSW Bureau of Crime Statistics and Research, *NSW Recorded Crime Statistics 2005*

If police focused on volume alone, many of the LACs or LGAs listed in table 2 would not register in the top 20, even though domestic violence represents a large proportion of crime or casework in these communities. It is important to take these measures into account when determining the level of risk domestic violence poses to a LAC. (We discuss the issue of identifying high-risk LACs in the section “Achieving a comprehensive response to domestic violence”.)

In *Trends and Patterns in Domestic Violence Assaults*, People notes that:

while domestic assault is a problem in every area of NSW, the incidence of domestic assault in an area is strongly linked (either through higher risks of offending or greater risk of victimisation) to the level of economic and social disadvantage in the area.²¹

The prevalence of domestic violence in NSW is greater in areas that have higher proportions of Aboriginal residents and sole parents younger than 25 years, and higher rates of public housing, male unemployment and residential instability.

Trends and Patterns in Domestic Violence Assaults reports that in 2004, more domestic assaults occurred between 3pm and midnight than any other times, with the peak number of incidents occurring between 6pm and 9pm. Alcohol was a significant factor, with 36% of domestic assaults identified by police as being alcohol-related. Police were 1.5 times more likely to record a domestic assault on weekends than on weekdays. There were more recorded incidents of domestic assault in the period October to March 2004 (i.e. the warmer months) with the largest number recorded on New Years Day — about 150% higher than the average for the year.²²

There is a strong correlation between domestic violence and child abuse. It is difficult to reliably determine the incidence of child abuse, but NSW Police estimate that an offence against a child is reported to police in NSW at the rate of around 58 children a day, with many more cases unreported.²³ There has been a consistent upward trend in the annual rate of children and young people in NSW who are the subject of a child protection report, and in the rate of those who are the subject of a report found to require further assessment.

Between July 2004 and June 2005, DoCS received 216,386 child protection reports, an increase of 16.8% on the number received in 2003-04, and 35.5% on the number received in 2001-02. Concern that the child was a direct or indirect victim of domestic violence was the primary reason for making a report. Over 140,000 of these were found to require further assessment.²⁴ NSW Police is the largest child protection reporting group, making more than one in three reports.²⁵

2.3 Legislative framework

The overarching legislative framework governing domestic violence in NSW is contained in Part 15A of the *Crimes Act 1900*. Section 562AC includes the recognition by NSW Parliament that: “domestic violence, in all its forms, is unacceptable behaviour”; that “domestic violence is predominantly perpetrated by men against women and children”; and that “domestic violence occurs in all sectors of the community”.

The main police powers in relation to domestic violence concern search, entry and seizure and the capacity to apply for ADVOs. Provisions relating to search, entry and seizure powers relating to domestic violence offences are contained in Part 6 of the *Law Enforcement (Powers and Responsibilities) Act 2002*. Provisions relating to ADVOs are contained in Part 15A of the *Crimes Act*.

As a result of the NSW Law Reform Commission’s 2003 report on Apprehended Violence Orders,²⁶ the NSW Parliament has recently amended Part 15A of the *Crimes Act*. *The Crimes Amendment (Apprehended Violence) Act 2006* (the Act) was assented to on 27 October 2006.²⁷ The Act effects a number of changes, including:

- the inclusion of a clear instruction to police officers that the reluctance of a person in need of protection is not a good reason not to make an application for a protection order
- enabling police to apply for interim AVOs by telephone 24 hours a day
- extending the period of interim AVOs from 14 to 28 days, to address the problem of victims being unprotected because their matter does not proceed to court due to congestion.
- enabling a party to AVO proceedings to choose to have a support person present when giving evidence
- enabling an ancillary property recovery order to be made to enable the retrieval of property of a person protected by an order, or of the defendant under an order
- the inclusion of a new definition of intimidation to note specific reference to the use of telephones, text messaging and email
- the inclusion of relationships according to Indigenous kinship customs in the definition of “domestic relationship”
- enabling magistrates to issue AVOs in some circumstances without needing to be satisfied that a victim fears for her/his safety
- providing that a protected person under an AVO cannot be found guilty of an offence of aiding or abetting a contravention of the order.

2.4 The role of police

Police play a critical role in responding to domestic violence. Research indicates that the incident that triggers a phone call to police is highly unlikely to be the first incident of domestic violence experienced by the victim concerned.²⁸ A police officer responding to a call for assistance may be the first person to whom a victim discloses she has been assaulted, or to be in a position to identify that domestic violence is occurring.

To instill confidence in victims, to communicate a strong message to offenders that their behaviour is unacceptable, and to facilitate access to justice and support, it is vitally important that police officers carry out their duties effectively when responding to domestic violence.

Police also have a role in responding to domestic violence beyond attending to immediate calls for assistance. Proactive crime prevention and victim support strategies are required, particularly in areas with a high incidence of domestic violence.

2.5 NSW Police *Domestic Violence Policy and Standard Operating Procedures*

The *Domestic Violence Policy and Standard Operating Procedures* (DVSOPS) guide NSW police officers in their response to domestic violence. The current DVSOPS were introduced in April 2000 following our 1999 report on the policing of domestic violence. They were intended to reflect the Police Service's "strong commitment to and...clear responsibility to develop and implement strategies for detecting, investigating and preventing domestic violence".²⁹

The DVSOPS provide procedural instructions and guidance to police officers for responding to domestic violence incidents, addressing issues ranging from entry to premises to court related procedures.

In addition, the DVSOPS set out the roles and responsibilities of DVLOs, police prosecutors and other key positions. The DVSOPS also contain the Charter of Victims Rights and relevant pro-formas (eg. DoCS mandatory notification form; interpreter request form) and information about referral and support services.

Several components of the DVSOPS are now out-of-date. For example, the sections covering police powers of entry to premises refer to superseded legislative provisions. NSW Police informed us in September 2005 of its intention to revise the DVSOPS to ensure their accuracy and to enhance several aspects of their presentation.

We are advised that the new DVSOPS will be significantly different to the current document. The focus will be on creating a user-friendly resource, with information organised into six sections: reporting; investigation; protective interventions; recording; victim follow-up and appendices. The appendices will include legislation, case scenarios, definitions, position responsibilities (DVLOs, police prosecutors, supervisors), templates (victim statements, COPS narratives, briefs) and relevant policies and procedures (Local Court, VKG, child protection, etc).

For some years there had been no publicly available information about the DVSOPS, or about domestic violence more generally, on the NSW Police Internet site. Recently this had been rectified and on 23 November 2006, a comprehensive webpage was launched which outlines the NSW Police response to family and domestic violence.

2.6 Corporate responsibility for domestic violence

At a corporate level, the ultimate responsibility for determining priorities and policies and monitoring the performance of LACs in relation to domestic violence rests with the Police Commissioner. Staff located within the Commissioner's Inspectorate, the Corporate Spokesperson for Domestic Violence and six Regional Domestic Violence "Sponsors" provide support to the Police Commissioner.

2.6.1 Commissioner's Inspectorate

The Family and Domestic Violence Unit within the Commissioner's Inspectorate is responsible for carrying out an extensive range of functions, including:

- executive and frontline support
- advice, research, planning and auditing
- policy and program review and development
- performance management and monitoring,
- legislative review, and
- interagency collaboration.

As at December 2006, the Family and Domestic Violence Unit consisted of:

- 1 Senior Programs Officer (Domestic Violence) — civilian, and
- 1 Project Officer (Domestic Violence) — police officer.

Additionally, a temporary (2 year) Project Officer position, funded by the Attorney General's Department until September 2007, sits within the Commissioner's Inspectorate to develop, manage and monitor the responsibilities of police in relation to the Domestic Violence Intervention Court Model (DVICM).³⁰

2.6.2 Corporate Spokesperson for Domestic Violence

Drawn from senior members of NSW Police, Corporate Spokespersons are the Commissioner's representatives on a range of significant policing issues. The objective of the Spokespersons Program is to ensure there is clear and consistent provision of advice and representation by NSW Police on key corporate issues.

The Corporate Spokesperson holds responsibility for representing the Commissioner externally and internally on matters concerning a particular community, crime or policing portfolio. These responsibilities include:

- providing advice to the Commissioner and his Executive Team
- participating in, and coordinating NSW Police involvement in, appropriate interagency activities that require NSW Police input
- overseeing and monitoring the development of NSW Police policy and practice
- speaking publicly on behalf of the Commissioner, and
- overseeing internal NSW Police activities and priorities, including chairing committees.

The current Corporate Spokesperson for Domestic Violence is Assistant Commissioner Reg Mahoney, who also leads the Commissioner's Inspectorate. Assistant Commissioner Mahoney has been involved in discussions with various stakeholders and agencies over the last 12 months aimed at streamlining processes and improving outcomes for victims of domestic violence. These will be discussed in further detail later in this report.

2.6.3 Regional Domestic Violence Sponsors

Since mid 2006, each NSW Police region has had a Regional Domestic Violence Sponsor, appointed by the region commander, whose role is to drive the region's strategic response to family and domestic violence and ensure consistency. Each sponsor is a Commander. Regional Domestic Violence Sponsors are responsible for working together with other Commanders as well as DVLOs in their region.

2.7 Operational responsibility for domestic violence

2.7.1 Local Area Commands

Operationally, NSW Police is organised into 80 local area commands (LACs), which are in turn grouped into six geographic regions. Commands are differently resourced in recognition of their variable size, demographic and crime profile.

A Superintendent (Local area commander)³¹ leads each command. In relation to domestic violence, Commanders have a responsibility to provide police officers within their command with adequate training and support to ensure:

- domestic violence matters are dealt with promptly and efficiently
- mechanisms are in place to respond strategically to domestic violence
- victims of domestic violence are responded to in a non-judgmental manner and treated with respect and dignity, and
- all police officers provide victims of domestic violence with the highest level of professional intervention in a culturally sensitive manner.³²

Duty officers also have an important role. They are usually the rank of Inspector and assume much of the day-to-day management of local area commands. Among other things, duty officers are responsible for:

- the professional conduct of all operational police
- the provision of professional, competent service by monitoring the performance of officers
- the mentoring and supervision of the actions of police within the LAC, and
- encouraging community involvement in policing.³³

2.7.2 Crime Management Units

Crime Management Units (CMUs) are part of LACs. They are headed by a Crime Manager, who is usually the second most senior officer in a command, and supported by a Crime Coordinator. CMUs are responsible for promoting the command's strategic response to crime by identifying crime trends and developing intervention and prevention strategies. Specialist and liaison officers, including Crime Prevention Officers (CPO), Aboriginal Community Liaison Officers (ACLO), Ethnic Community Liaison Officers (ECLO), Youth Liaison Officers (YLO), Gay/Lesbian Liaison Officers (GLLOs) and Domestic Violence Liaison Officers (DVLO) are managed through the CMU.

However, not all commands have a designated CPO, YLO or DVLO, even though all commands have a need for these positions. Specific funding for these positions is dependent in part on the designation³⁴ of an LAC as Level 1, 2 or 3. Level 3 LACs, for instance, do not receive funding for any of these liaison positions or the Crime Coordinator role. This means that Commanders have to draw police from general duties to fill these positions. Most of the locations in Table 2 (p.6)

listing areas of NSW with the highest per capita rates of domestic violence are situated in Level 3 commands. As such, there is no designated funding for their DVLO and Crime Coordinator positions.

In some LACs, one officer performs more than one liaison role, for example, sharing the domestic violence and youth liaison portfolios. Permanent part-time officers also often occupy liaison roles because the position is generally rostered between the hours of 9am to 5pm. In commands without designated liaison positions, general duties officers are sometimes unofficially tasked to undertake relevant duties.

2.7.3 Domestic Violence Liaison Officers

DVLOs are general duties police officers who either volunteer or are tasked to undertake the role. Most occupy the rank of Constable or Senior Constable. The DVLO plays an important role by linking the LAC to the community, in particular services and organisations that provide victim support, as well as by offering advice and training to general duties officers. DVLOs also contribute to monitoring the effectiveness of their LAC's response to domestic violence by performing a quality review role. Some commands have more than one delegated DVLO position, and/or officers who act as the "back-up" DVLO when the substantive DVLO is absent. DVLOs attend to all aspects of victim support, protection and follow-up, monitor the service of ADVOs and summonses and instruct the police prosecutor at court.

2.7.4 Police prosecutors

Police prosecutors have specific responsibilities in relation to domestic violence. Organisationally, they are situated in NSW Police's Legal Services division and operationally, they are grouped into three regions. Police prosecutors provide a vital link between police and courts, representing victims of domestic violence related crime as well as the majority of individuals for whom police have initiated ADVO applications. Police prosecutors are expected to liaise and work closely with DVLOs to ensure efficient and effective court outcomes.

2.7.5 AVO Unit

The AVO Unit sits within the Operational Information Agency Command. It provides a centralised data entry facility for all AVOs and assists in the maintenance of the Court Notices Services Management System. The AVO Unit manages the transfer of AVO data from the courts to NSW Police, provides advice on the interpretation of AVO data and enables operational police to manage the workflow of AVOs.

2.7.6 Principal Tutor, Domestic Violence

The Principal Tutor, Domestic Violence, is a full-time sworn police officer located within Crime Management Programs, Continuing Education Directorate, Education Services. Her role is to design, develop and deliver training courses on domestic violence and support the delivery of local training by police.

Endnotes

¹² Hegarty, K., Hindmarsh, E. and Gilles, M., "Domestic violence in Australia: definition, prevalence and nature of presentation in clinical practice", *Medical Journal of Australia* 2000, 173, pp. 363-367. p1.

¹³ See People, J., *Trends and Patterns in Domestic Violence Assaults*, Crime and Justice Bulletin No. 89, NSW Bureau of Crime Statistics and Research, October 2005.

¹⁴ See People, J., *Trends and Patterns in Domestic Violence Assaults*, Crime and Justice Bulletin No. 89, NSW Bureau of Crime Statistics and Research, October 2005.

¹⁵ NSW Bureau of Crime Statistics and Research, *New South Wales Recorded Crime Statistics Quarterly Update*, June 2006.

¹⁶ People, J., *Trends and Patterns in Domestic Violence Assaults*, Crime and Justice Bulletin No. 89, October 2005.

¹⁷ Figure provided by Domestic Violence Committee Coalition, launch of Black and Blue Campaign, NSW Parliament House, 14 September 2006. NSW Police was unable to provide us with information about the number of domestic homicides in NSW.

¹⁸ The number of police officers attached to a local area command. The actual strength of a LAC at any given time may differ from the authorised strength.

¹⁹ In 2002 the rate was six times the NSW average. NSW Department of Aboriginal Affairs, *Two Ways Together: the NSW Aboriginal Affairs Plan 2003-2012, Report on Indicators*, June 2005, p.5.

²⁰ Note that each LAC often covers more than one local government area.

²¹ People, J., *Trends and Patterns in Domestic Violence Assaults*, Crime and Justice Bulletin No. 89, NSW Bureau of Crime Statistics and Research, October 2005. p.10.

²² People, J., *Trends and Patterns in Domestic Violence Assaults*, Crime and Justice Bulletin No. 89, NSW Bureau of Crime Statistics and Research, October 2005.

²³ Glendinning, L. Horrific Child Abuse Figures Spur Crusade, *Sydney Morning Herald*, 24 October 2005. <http://www.smh.com.au>. Accessed 24 October 2006.

²⁴ NSW Department of Community Services, *Annual Report 2004-05*, p.42.

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- ²⁵ NSW Department of Community Services, *Annual Statistical Report 2004-05*, p.13.
- ²⁶ NSW Law Reform Commission, *Apprehended violence orders*, Report 103, 2003.
- ²⁷ At the time of writing the Act had not been proclaimed.
- ²⁸ Chung, D., "The Response to Family Violence", Paper given at Australian Institute of Judicial Administration Family Violence Conference, Adelaide, February 2006.
- ²⁹ NSW Police Service Domestic Violence Policy Statement, *NSW Police Service Domestic Violence Policy and Standard Operating Procedures*, April 2000, p.8.
- ³⁰ The DVICM is discussed later in this report.
- ³¹ 'Superintendent' refers to the officer's rank, whereas 'Local area commander' (Commander) refers to the position title.
- ³² *NSW Police Service Domestic Violence Policy and Standard Operating Procedures*, p.12.
- ³³ *NSW Police Service Domestic Violence Policy and Standard Operating Procedures*, p.12.
- ³⁴ Another major consideration is the demographic profile of a LAC.

Chapter 3. How police currently respond to domestic violence

We consulted a range of police officers as well as service providers across the state and heard a variety of views about the policing of domestic violence. In this part, we set out those views. While we do not necessarily endorse all of these views, it is important that we accurately reflect them, particularly as police told us they impact on how they respond to domestic violence.

3.1 Police officers' views about responding to domestic violence

Attending to domestic violence incidents is core business for police officers. In some commands, it constitutes the majority of their work. There is no doubt that this work poses a variety of challenges and frustrations. Police officers in our focus groups articulated a range of views about domestic violence and their responsibility to respond to it, including:

- disapproval and anger towards perpetrators and sympathy and concern for their victims
- resentment at being required to attend incidents that do not involve “genuine” domestic violence and/or that involve verbal arguments “only”
- criticism of victims who call police to report domestic violence but then fail to “cooperate” by providing a statement or attending court
- the attitude of the victim is an irrelevant consideration, and there are often good reasons why the victim may appear passive or “uncooperative”
- the negative impact on morale and attitude when victims and others at the scene of incidents are hostile and abusive towards police, eg. being yelled at, spat at, having objects thrown at them
- frustration, disillusionment and “hopelessness” due to attending multiple incidents involving the same victim and/or offender
- frustration at “non-genuine victims” of domestic violence who seek to “use the system” for their own purposes, eg. to exact “revenge” on their partner or ex-partner or to obtain “ammunition” for Family Law Court purposes, and
- a perception that the courts impose lenient penalties for domestic violence offences, thereby undermining the efforts of police to enforce the law and leading them to view the policing of domestic violence incidents as a waste of time and effort.

3.1.1 Capacity to respond effectively to domestic violence

Police officers expressed a range of views about their capacity to respond effectively to domestic violence, including:

- being inadequately resourced to cope with the large number of domestic violence incidents they are required to attend
- the legislative definition of domestic violence being too broad, requiring them to respond to too many matters that they do not think warrant being treated as such
- the “onerous” legislative and administrative requirements associated with policing domestic violence
- feeling pressure to “turn over” jobs as quickly, while as thoroughly, as possible, and
- the community, including victims’ advocates, not having an accurate appreciation of the demands on the limited resources of police.

3.1.2 Being called to an incident

We asked police officers in our focus groups what goes through their minds when they are called to a domestic violence incident. Almost all the officers in our focus groups responded that they had previously attended a domestic violence incident at which they or a colleague had been threatened or assaulted. The potential for volatility is inherent in domestic violence matters, and in the past officers have been injured and even killed in the course of responding to them. In February 2006, for example, two officers sustained fractures after being assaulted by a man at the scene of a domestic violence incident they attended at Richmond,³⁵ while in December 2005 a police officer was attacked by a man armed with a screwdriver and a knife after responding to a domestic violence report at Macquarie Fields.³⁶ In one remote community, police are routinely confronted with family members and neighbours throwing glass bottles at them when they attend domestic violence incidents.³⁷

It was therefore not surprising that the most common response to our question concerned personal safety and the safety of colleagues. Other responses reflected police frustration in attending domestic violence incidents due to:

- the labour and time intensive nature of responding to domestic violence³⁸
- the “convoluted” procedures and processes they are required to follow
- not knowing what they’ll be confronted with when they turn up at an incident
- the “depressing” effect of returning to the same household over and over again
- being expected to “make a difference” but feeling powerless to do so, and
- resentment about having to frequently deal with people in “dysfunctional” situations.

3.1.3 Availability of information

When asked about the information they receive when being called to a domestic violence incident, police officers spoke about:

- general satisfaction with the level of information
- better quality of information when call logged by VKG rather than if received directly by police station
- variable quality of information depending on what details the “000” operator is able to ascertain, and what information might already be recorded about the parties on COPS, eg. presence of firearms, prior criminal history, and
- location enquiries (a check of COPS for prior history associated with the address they are attending) sometimes being of little assistance, and even misleading, as there is no way to ascertain whether the history relates to the parties currently residing at the address in question.

Police officers in areas with a high volume of reported domestic violence reported that they sometimes have to prioritise their attendance at incidents based on how much information they are able to obtain. They acknowledged that this approach is full of potential risks.

3.1.4 Investigation and evidence collection

Most police officers in our focus groups told us that they investigate domestic violence incidents by asking, “what happened” and looking for visible signs of injury and/or evidence of disarray or damage to property. If the alleged offender is present, most police said they attempt to speak separately to both parties.

Police officers stated that NSW Police policy is very clear about the requirement for police to prefer charges where there is evidence that a domestic violence offence has been committed. However, they also reported that domestic violence offences pose evidentiary difficulties:

- officers said their “hands are tied” if a victim will not give a statement and there is no visible physical injury or evidence of disarray or damage to property
- often there are no other witnesses
- neighbours tend to be reluctant to “go on the record”, even where they have made a report to police
- most officers said they will not approach children for statements, and
- some officers said they would not lay charges on the basis of a victim’s account of what happened (ie. a statement) without obtaining corroborating evidence; others said they would act because often no such evidence is available and it is “up to the court to decide” whether an offence occurred.

Some officers said they feel very frustrated when an individual has visible injuries, an obviously frightened demeanour or displays other indicators of having been abused, but insists that s/he is not a victim of domestic violence. A number of officers also indicated that they struggle to determine if domestic violence has occurred, and if so, who is the primary aggressor, when they are called to some incidents (those involving same-sex partners were mentioned more than once as falling into this category).

3.1.4.1 Investigation kits

Officers in our focus groups were aware of the advantages of being able to tender photographic evidence at court. However, practical difficulties arise in commands that do not have designated domestic violence investigation kits (consisting of a digital/video camera and voice recorder) for carrying in general duties vehicles. In this situation, officers must either return to the police station to obtain the LAC’s camera (usually there is only one), take the victim to the police station, or arrange to photograph the victim at a later time. We heard that some officers carry their own cameras, purchased from their own funds, because this situation is so unsatisfactory.

We are aware of several LACs that have high levels of domestic violence where officers use voice recorders to obtain short “grabs” from victims about what occurred that can be tendered at court. They report that this is a particularly useful tool in cases where victims later refuse to provide a statement. Our forums with Commanders agreed that every LAC should be funded to have general duties vehicles fitted with basic tools for evidence collection, such as video and still cameras and voice recorders. Presently, this equipment is linked to funded initiatives.

3.2 Service providers’ views about how police respond to domestic violence

We consulted a range of service providers who have contact with victims of domestic violence, including advocacy services, refuges and court assistance schemes. The most common concerns they raised about how police respond to domestic violence are outlined here.

3.2.1 Enquiries made at the police station

Being called to attend an incident is not the only way that police are alerted to reports of domestic violence. Victims may also present at the local police station, either in person or by phone, seeking information or assistance. Service providers reported that:

- the quality of service received by victims who present to the police station is inconsistent and largely dependent on which officer happens to receive the enquiry
- victims who present at the police station are often told to speak to the DVLO (who may or may not be available at that particular time)
- there tends to be a perception by police that if a victim does not appear to be in “immediate danger”, in other words, does not present to the police station at the time of an incident or immediately afterwards, the threat is less serious, leading to a failure to respond promptly, and
- police officers do not always employ appropriate methods of dealing with victims of domestic violence who present at the police station, eg. questioning the victim at the counter rather than in a private area and leaving victims to wait for “unacceptably long periods of time” in the public waiting area of the police station.

3.2.2 Delays in responding to incidents

In our 1999 report we noted significant community concerns about delays involved in police responding to initial reports of domestic violence. Similar concerns were expressed to us throughout our consultations for this investigation, particularly in relation to rural areas, where many of the local police stations close at 9pm and police from other sectors often have to travel long distances to reach outlying areas. Many victims’ advocates in particular reported that they do not feel confident encouraging victims to call the police when they cannot assure them that police will respond quickly. Delayed police responses were considered to be particularly problematic in terms of effectively policing ADVO breaches.

3.2.3 Failure to adequately investigate

We heard many complaints about failure by police to adequately investigate incidents of domestic violence. This issue, along with failure to act at all, also emerged as one of the most common in our audit of complaints. A view expressed to us repeatedly by service providers was that a decision whether or not to act depended on the views of the officer in charge or the particular police officer attending the scene of a domestic violence incident.

This perceived lack of consistency constituted perhaps the most frequent complaint about the policing of domestic violence throughout our consultations.

In particular we were told that police respond haphazardly to non-physical domestic violence, especially harassment and intimidation. For example, service providers reported that:

- some police officers do not treat certain behaviours as constituting harassment unless those behaviours involve the making of an overt threat
- an offender leaving repeated messages on a victim’s answering machine would not be investigated unless the messages contained actual threats, and
- victims went to police with answering machine tapes, or saved text messages, only to be told that there is insufficient evidence to justify their claim of harassment.

The case study below illustrates the failure of police to establish a pattern of stalking. We oversighted the NSW Police investigation of the complaint.

Case study 1

Failure to establish a pattern of stalking

In 2005 a woman complained that over a four-year period, police failed to properly investigate a number of reported incidents and failed to provide adequate and appropriate victim support. As a result, the woman resorted to applying for her own ADVO. The investigation of the complaint identified that a total of 10 incidents had been reported. The officers dealt with these incidents on a case-by-case basis and failed to discern a pattern of stalking. The investigation also found that the officers were negligent in failing to apply for an ADVO.

A number of service providers were concerned about what they perceive as the tendency of police to make assumptions about the motivation of victims, particularly those involved in current family law proceedings. The danger involved in this practice is well illustrated by a 2003 case in which a man killed his two children and then himself. The children's mother held fears for her children's safety and approached police for assistance. Police surmised that she wanted an ADVO to support her case for custody of the children in the Family Law Court. In a mandatory report to DoCS, police passed on their opinion to the DoCS Helpline, which noted in its assessment of the report the likelihood that the mother was engaging in "point-scoring".³⁹

Service providers frequently complained that too many police officers continue to ask victims questions such as, "what do you want me to do?" or "do you want me to take action?" when the onus for decision making rests with police. These providers put forward the view that a victim is more likely to receive an adequate service in relation to their complaint if they have the support (preferably when dealing directly with police) of a knowledgeable and assertive advocate.

In addition to those things already mentioned, concerns were also expressed to us through our community consultations about:

- the failure of some police officers to use accredited interpreters when investigating complaints involving parties whose first language is other than English, exacerbated by long delays associated with requesting interpreters
- police responding inconsistently and at times inappropriately to victims with mental illness, intellectual or physical disability as well as to Aboriginal, migrant, elderly, and lesbian or gay victims
- conflicts arising in small towns where police, victims and perpetrators are often well-known to the community
- instances where police acted on an outstanding warrant against a victim of domestic violence rather than giving priority to the alleged assault⁴⁰
- the ready acceptance of retraction statements by victims of domestic violence, and
- the perception that police action against perpetrators of domestic violence is not being well supported by the courts, leading to dissatisfaction and disillusionment by police.

The case study below illustrates a recurring concern about the failure of police to use accredited interpreters as well as the inappropriate use of family members to provide translation services. We oversighted the investigation of the complaint by NSW Police.

Case study 2

Use of family member of alleged perpetrator as interpreter

In 2006 a women's legal service complained that police used a family member of an alleged perpetrator of domestic violence to act as an interpreter during their interview with his alleged victim, a Sudanese woman with limited ability to speak and understand English. The legal service said this breach of NSW Police policy hindered the woman's ability to give a frank account of the assault against her. This seriously impacted on her right to have police apply for an ADVO on her behalf and undermined the public interest in having criminal charges laid against the offender.

A 2005 submission to NSW Police by Newtown Women's Domestic Violence Court Assistance Scheme reiterates concern about the use of family members by police to interpret at domestic violence events. It also outlines a number of other barriers facing women from culturally and linguistically diverse communities who seek police assistance, and makes several recommendations aimed at addressing these.⁴¹

For their part, several police officers, including DVLOs, reported feeling frustrated at times by what they perceive as a gap between their capacity to respond to domestic violence and the expectations of the community.

3.3 Responding to ADVO breaches

By far the most common specific complaint reported to us by victims' advocates concerned an inadequate police response to breaches of ADVOs. Research indicates that protection orders are often breached, and often soon after the order has been made.⁴² Between January 2003 and September 2005 there were over 33 000 recorded breaches of Apprehended Violence Orders in NSW.⁴³

3.3.1 Police officers' views

Differing views were expressed in our focus group interviews with police, reflecting the various factors that are weighed in determining how to respond to reported breaches.

Some officers said that breaches are "black and white". These officers said that reported breaches must always be acted upon. Other officers said that while they understand it is the policy of NSW Police that there is no such thing as a "technical breach", some reported breaches "walk a fine line". A common example provided involves a person in need of protection (PINOP) reporting that the defendant has breached an ADVO by ringing the PINOP's home and leaving multiple messages. Some police said that if the ADVO allows the defendant to contact the PINOP to facilitate child contact, it could be difficult to determine that the order has been breached if there are no recordings of the actual messages. Text messages present particular difficulty, according to many police officers, who say it is impossible to prove that it was the defendant who actually sent the messages.

Police frequently cite a lack of evidence as an obstacle when investigating breaches. Police officers report that breaches can come down to "her word against his" and that it is not possible to proceed on this basis. Others said that the word of the PINOP is enough to justify action and that it is up to the court to determine whether a breach has occurred. Overall, based on our consultations, it may be the case that police officers struggle more with reported breaches that do not involve obviously abusive actions such as physical assault causing visible injury or malicious property damage.

A number of police officers state that breaches of ADVOs occur due to conditions in ADVOs that are very difficult to comply with. A common example provided was "not to go within 100 metres of the PINOP's residence" when in fact the defendant must drive past the residence in order to get to work. Some officers also said that indefinite wording of conditions can make breaches difficult to police. The most commonly cited examples were "may approach but not contact" and "must not approach while intoxicated". Officers made the point that the former is ambiguous while the latter involves a subjective test.

3.3.2 Service providers' views

Service providers' views about police responses to ADVO breaches include:

- some police will not attempt to gather sufficient evidence of ADVO breaches, for example by utilising call tracing, speaking to potential witnesses or requesting "000" recordings
- delays in police attending a reported breach mean it cannot be proven
- police do not create official record/s of reported breaches
- police treat breaches in isolation, rather than in context, leading to a failure to identify an ongoing pattern of abuse, and
- police officers may ignore breaches that occur when the defendant is in the process of exercising child contact,⁴⁴ something that was also noted by the NSW Law Reform Commission in its report on AVOs.

3.3.3 Consequences of failure to respond to breaches

The case study below illustrates the serious consequences that can result from the failure by police to adequately respond to multiple ADVO breaches. We oversighted the police investigation of a complaint about this matter.

Case Study 3

Failure to investigate multiple ADVO breaches

In 2004 a woman reported to police that her ex-boyfriend had breached an ADVO by harassing her by phone and SMS messages. She showed police her mobile phone, which contained copies of SMS messages allegedly sent to her by the man, and presented a list of calls and messages that were allegedly sent by him. Police did not retain these as evidence and failed to take a statement from the woman, advising her instead to change her phone numbers. The woman subsequently complained about the lack of action taken by police. As a result, a memo was issued listing the man as wanted for arrest. A short time later, the man attended the police station in an intoxicated state. Police failed to arrest him, instead arranging for him to return the next day when he was not intoxicated. Rather than attend the police station the following morning, the man entered the woman's residence by smashing a door. He assaulted the woman and her mother and stabbed her father with a knife brought onto the premises. Police then attended the scene and arrested the man. The NSW Police investigation of the police handling of this matter found the original officer failed to properly investigate the alleged breaches of the ADVO on the basis of his belief that the woman was partly responsible for the man's behaviour.

In relation to ADVO breaches, it is worth noting that Deputy State Coroner Milovanovich has previously recommended "an examination of the standard operating procedures and directions in regard to the timely arrest of known offenders", specifically when there has been a breach of a protection order.⁴⁵ This recommendation was made as a result of the Coroner's inquest into the Poulson matter, which resulted in the deaths of two adults and two children. In that matter, police received a report of a woman being sexually assaulted by her former partner. In committing the assault, the partner breached an ADVO. However, police did not immediately arrest the former partner, reasoning that they did not yet have sufficient evidence to charge him with sexual assault. However, they could have immediately arrested him for breaching the ADVO. The man killed his two children, his father-in-law and himself a short time after committing the sexual assault.

3.4 Administrative requirements associated with domestic violence

3.4.1 Entering the COPS event

Most officers said that entering a COPS event for a domestic violence incident is not onerous. Despite this, DVLOs told us that police officers often make errors or omissions in domestic violence COPS events, or that it is clear from the event that appropriate follow-up has not occurred. For example, the event narrative may indicate evidence of an assault, but the incident is classed as "verbal argument only" because the victim did not want police to take action. Another common problem is COPS events that do not reflect the associated CIDS report (the report logged by VKG). These problems lead to many DVLOs spending a significant amount of time reviewing events (to ensure the appropriateness of actions taken and proper record keeping) and referring them back to investigating officers for correction and/or completion. One of the dangers inherent to this cycle is that officers may come to over-rely on the DVLO to rectify any deficiencies in the action they take, leading them to take less care than they ought to.

3.4.2 Making a mandatory child-at-risk report

Police officers in our focus groups were clear about their requirement to make a mandatory report to DoCS if children are present at a domestic violence incident. Some expressed the view that this is not always warranted. For example, several officers said they do not think it is always necessary to make a report in relation to incidents classified as "verbal argument". Despite this view, the vast majority of officers said they were not in favour of greater discretion on the part of police officers because the risk that "something could go wrong" is too great. As one officer stated, "I don't want to get hauled before the Coroner to explain why I didn't report [a matter]".

It is NSW Police policy that mandatory reports should be phoned through to the DoCS Helpline and that resorting to fax is acceptable only if an officer has to wait more than five minutes in the Helpline queue. DoCS data for the period July 2004 to March 2006 indicates that on average, calls to the Helpline are answered in well under four minutes.⁴⁶ Despite this, many officers told us that they usually fax their reports as it is "quicker and easier" to do so and it enables them to retain proof of having made a report and a record of its contents. Other officers said that they always phone the Helpline. Significantly, those who usually fax their reports said they would make an exception and phone the Helpline if they have very urgent and/or serious concerns about a child. We discuss mandatory reporting in more detail in the section "Domestic violence and child protection".

3.4.3 Arresting and charging an offender

Charging an alleged offender is a time consuming process. Officers in our focus groups estimated that it takes approximately three to four hours to arrest, charge, fingerprint and apply for an interim protection order, or longer if they need to conduct an interview.

Several officers complained that while they are “stuck” at the station “going through the motions” of charging an alleged offender and following all the procedures that involves, they are not on patrol, ready to respond to incoming reports.

Police officers have a number of responsibilities in terms of preparing domestic violence matters (including protection orders and criminal offences) to be dealt with at court. Those of key importance are ensuring the prosecutor is provided with an adequate brief of evidence, ensuring the victim/witness is aware of the requirement to attend court, and facilitating that attendance, and being available to provide evidence before the court as necessary.

Different LACs use different methods of meeting these responsibilities. However, as a general practice, the onus rests with the investigating officer. Officers reported spending considerable time and effort attempting to ensure that victims/witnesses attend court when necessary. They were critical both of the requirement for victims to attend court on so many occasions, and the failure of large numbers to do so.

3.5 Supporting victims

Most police officers in our focus groups saw themselves as having a limited role to play in terms of providing support to victims. Several made the point that they are “investigators, not counsellors”, although others spoke in terms that indicated a desire to mediate or “problem-solve” at domestic violence incidents. Generally, police indicated they are in favour of arrangements that enable them to refer victims to the DVLO or external sources for information and support. For example, in some commands, police are required to ask victims if they consent to having their details referred to a local support agency. Others have pre-prepared information kits for officers to give to victims at the time of attending an incident, or at some later time. Many police officers admitted that they sometimes, or often, forget to utilise such arrangements. A number also said they have no idea whether referrals are effective, particularly in the case of repeat victims.

Victims’ advocates reported that many police struggle with exhibiting a supportive attitude towards victims of domestic violence, particularly victims who do not present in an obviously distressed state or those without physical injuries (one refuge worker commented that “police aren’t great at dealing with victims who don’t present as total basket cases”). In our focus groups, we also observed that some police officers appear to be frustrated by what they regard as a “passive” or “apathetic” attitude of some victims. In contrast, victims’ advocates were usually able to cite examples of excellent policing as well as officers who showed empathy towards victims and were supportive of their service.

During our forums with Commanders, a view was expressed about the extent to which it is appropriate for police officers and DVLOs to provide victim support. One commander said that there are services funded to do this, and that the primary role of police is to ensure good quality investigation and the protection of victims. However, an opposing view is that in many locations, particularly those in rural areas, there is a shortage of such services. In many instances, police provide the sole “gateway” to support for victims of domestic violence.

Endnotes

³⁵ “Two cops injured”, *Hawkesbury Gazette*, 15 February 2006, p.3.

³⁶ “Police attacked after domestic violence call”, *Sydney Morning Herald*, 6 December 2005. www.smh.com.au. Accessed 6 December 2006.

³⁷ Focus group with police officers, June 2006.

³⁸ We note that the Crime and Misconduct Commission’s 2005 report, *Policing Domestic Violence in Queensland*, found that the time taken to deal with domestic violence incidents is substantially greater than the time taken to deal with offences involving people who are not in a domestic relationship.

³⁹ As they constituted reviewable deaths under Part 6 of the *Community Services (Complaints, Reviews and Monitoring) Act 1993*, we were required to review the deaths of these children.

⁴⁰ The DVSOPS state that “officers should deal with any allegations [of domestic violence] first and then negotiate other issues such as warrants or other warnings”. p. 33.

⁴¹ Newtown Women’s Domestic Violence Court Assistance Scheme, Marrickville Legal Centre, *Submission to NSW Police Culturally and Linguistically Diverse Communities Consultation*, 19 July 2005.

⁴² See Katzen, H., “It’s a Family Matter, not a Police Matter: The Enforcement of Protection Orders”, *Australian Family Law Journal*, Vol.14, 2000, pp.1-23.

⁴³ NSW Bureau of Crime Statistics and Research, *NSW Recorded Crime Statistics Quarterly Update*, September 2005.

⁴⁴ See Katzen, H., “It’s a Family Matter, not a Police Matter: The Enforcement of Protection Orders”, *Australian Family Law Journal*, Vol.14, 2000, pp.1-23.

⁴⁵ Deputy Coroner Milovanovich, Inquest into the deaths of Peter William Poulson, Sebastian Kongsom, Marilyn Kongsom and Phithak Kongsom, Westmead Coroner’s Court, 15 July 2005

⁴⁶ NSW Department of Community Services, *DoCS Data (September 2004 — March 2006)* http://www.community.nsw.gov.au/documents/docs_data/quarterlysept04_mar06.pdf. Accessed 22 November 2006.

Chapter 4. Apprehended Domestic Violence Orders (ADVOs)

4.1 An overview of the system

Apprehended Violence Orders (AVOs) were introduced in NSW in 1982. In 1999, Part 15A of the *Crimes Act* was amended to create two types of AVOs — apprehended domestic violence orders (ADVOs), for the protection of persons in a domestic relationship, and apprehended personal violence orders (APVOs) for protection in all other categories. The Apprehended Violence Legal Issues Coordinating Committee (AVLICCC) chaired by the Attorney General's Department monitors major trends relating to AVOs, including rates of withdrawals/dismissals. NSW Police is a member of AVLICCC.⁴⁷

A major component of policing domestic violence involves applying for, serving and policing ADVOs. In 2005, police made 27 525 applications for ADVOs (including TIOs, interim orders, complaints and summons, warrants and applications for variation or revocation of orders), of which 11 857 were withdrawn or dismissed.

If police attend a domestic violence incident they must apply for an ADVO if they suspect a domestic violence offence has been recently committed, is being committed, is imminent or is likely to be committed against the person for whose protection the order would be made, unless they believe the person in need of protection intends to make a complaint for an order, or that there is a good reason not to. An ADVO can be applied for in one of three ways.

- 1) If urgent protection is required, police must apply for an interim order. At the time of our consultations, police were required to make an application before the Local Court during business hours. After hours, they could apply to an authorised justice for a Telephone Interim Order (TIO). A TIO contains a summons for the defendant to appear at court for the final ADVO hearing. At the time of our consultations, it lasted for up to 14 days. The passage of the *Crimes Amendment (Apprehended Violence) Act 2006* means that police officers will now be able to apply for TIOs 24 hours a day, and TIOs will last up to 28 days.
- 2) Where there is no requirement for urgent protection, or if an authorised justice has declined a TIO application, police must apply for an ADVO by serving the defendant with a complaint and summons. The court then hears the matter at a later date.
- 3) An individual may also apply for an ADVO through the Chamber Registrar at the nearest Local Court.

Regardless of who applies for an ADVO or how, the court may grant the order if it is satisfied on the balance of probabilities that a person who has a domestic relationship with another person has reasonable grounds to fear and in fact fears conduct by that person that, in the opinion of the court, is sufficient to warrant the making of the order.

A 2000 study by the Australian Institute of Criminology found that calling the police in conjunction with obtaining a court order appears to provide effective protection for victims of violence.⁴⁸ However, as noted in the NSW Law Reform Commission report on AVOs, there are several factors that promote the effectiveness or otherwise of protection orders. The commission found that these factors can be categorised into four themes: police attitudes and practices; attitudes and practices of judicial officers, court staff and lawyers; community attitudes; and aspects of the court process.⁴⁹

4.2 Concerns expressed by victims' advocates

Failure by police to apply for an ADVO in circumstances that warrant this action continues to attract complaints by victims and their advocates. In response, the NSW Law Reform Commission commented in its report on AVOs that it may be preferable for an officer above the rank of sergeant, or in charge of the station, to have the discretion to decide whether or not to make an application.⁵⁰ Victims' advocates also told us that often police fail to inform victims of the status of an ADVO, that is, whether or not it has been served.

Many victims' advocates told us of their impression that an increasing number of protection orders are being taken out against victims of domestic violence by the perpetrators of domestic violence assaults. If this is the case, it raises issues about the ability of police officers (and police prosecutors) to correctly identify primary aggressors and to properly take into account the relevant history of all parties, as well as the context in which an incident has occurred, before making an application for a protection order.

We also received information from a key advocacy service alleging that some PINOPs have been threatened with being arrested for causing a public nuisance when they withdraw from ADVO proceedings. We note that while the

DVSOPS provide guidance on the inappropriateness of preferring the charge of “aid and abet” in circumstances where a victim is perceived to have “consented” to a breach of an ADVO, they do not address this additional issue.

A further area of concern expressed to us is the reported over-reliance by some police officers on the use of bail conditions rather than applying for an ADVO in appropriate circumstances. Research we undertook in relation to our review of the *Justice Legislation Amendment (Non-Association and Place Restriction) Act 2001* also indicated that police may be using bail conditions as a means of providing protection for domestic violence victims, instead of applying for a protection order, or because of difficulties associated with obtaining and issuing protection orders. Aside from the fact that police officers are required to apply for an ADVO on a victim’s behalf if a domestic violence offence has been committed, bail conditions do not afford the protection to victims that an ADVO does, as there is no criminal offence for breaching them.

During our consultations, we were also told about the failure of police to inform victims of domestic violence when offenders are bailed or the conditions of bail.

4.3 Police frustrations with the ADVO process

Part 15 of the Crimes Act was enacted in 1987 and the work load of the police and courts virtually doubled overnight and even today, some 18 years after that legislation was invoked, there is no doubt that it is perhaps one of the most taxing areas in terms of resources, education and training.⁵¹

In relation to police attitudes and practice, the NSW Law Reform Commission found that police feel there is a need to streamline the workload associated with the implementation of protection orders. The Commission noted that police experience frustration associated with:

- difficulties serving orders
- numbers of withdrawals/dismissals
- lack of knowledge on the part of the defendant about conditions on the order
- inadequate penalties for breaches of orders
- confusion about the intersection of AVOs and family law contact orders
- the limited availability of TIOs, and
- the reliance on victim evidence to obtain orders and to prosecute breaches.

Police officers in our focus groups expressed a variety of views about ADVOs, many of which confirm the NSW Law Reform Commission’s findings about the perceptions of police.

4.3.1 Threshold/usefulness of ADVOs

Some officers believe that the threshold for obtaining an ADVO is too low, and that this results in an unnecessary number of orders being made. Another claim is that some people seek to obtain an ADVO for spurious purposes, such as to annoy or exact revenge on a partner or ex-partner, or in an attempt to obtain an advantage in relation to Family Law Court matters. A significant number of officers also questioned the usefulness of ADVOs. They referred to the frequency with which ADVOs are breached, and said that the penalties for doing so are, in their view, typically insignificant.

4.3.2 “Assisted breaches”

Another common complaint concerned “assisted breaches”. Officers expressed frustration about persons in need of protection (PINOPs) whom they perceive as not taking their protection order seriously by “allowing” or “encouraging” the defendant to breach it. Several officers put forward the view that police should be able to charge such PINOPs with the offence of “aid and abet”. However, other officers stated that the responsibility for complying with a protection order always rests with the defendant, and the actions of the PINOP are irrelevant and should not be taken into account. This view reflects the instructions contained in the DVSOPS.⁵² The *Crimes Amendment (Apprehended Violence) Act 2006* recently passed by Parliament confirms that a PINOP cannot be charged with “aid and abet” when there is a breach of an ADVO.

4.3.3 Withdrawal/dismissal of ADVO applications

Many officers in our focus groups referred to the high rate of withdrawal/dismissal of ADVO matters as a significant cause of frustration. In 2005, over 43% of ADVO matters were withdrawn or dismissed.⁵³ Officers resent the amount of “paperwork” and time at court that applying for an ADVO requires when there is no guarantee that a particular matter

will proceed, and it is possible that they will be criticised by the court as a result. Police offered several possible reasons for the high rate of withdrawal/dismissal, including:

- victims not turning up to court, having changed their mind about wanting an ADVO due to reconciling with the defendant, being intimidated by the defendant, fearing retribution, feeling guilt or lacking confidence
- victims giving evidence in court that they have no fears of further violence (possibly for one of the above reasons)
- insufficient support for victims going through the court process
- lengthy court processes, and being required to attend court on multiple occasions
- lack of judicial power to make an order regardless of the victim's expressed "lack of fear" (it should be noted that under the *Crimes Amendment (Apprehended Violence) Act 2006*, a magistrate will in certain circumstances not need to be satisfied that a victim has actual fears for her/his safety in order to make an AVO), and
- lack of specialist knowledge/skills on the part of police prosecutors and/or magistrates.

Processing applications for withdrawals by victims and defendants' solicitors in ADVO matters is a time consuming process for police. At our forums with Commanders, it was argued that there should be a "blanket rule" that police will not accept such applications. Indeed, some LACs have already adopted this rule. This has tended to be more straightforward for rural commands, where police are able to more easily engage with local legal representatives in order to send a clear message that police will not accept withdrawal applications.

4.3.4 Administrative requirements

Almost all police officers said that the administrative requirements associated with protection orders are cumbersome and can create a considerable burden for police, particularly in commands with high levels of domestic violence. A police officer in one focus group commented:

The public would be appalled if they knew how much time we spend sitting in front of a computer... NSW Police needs to take a long term view in relation to things like data entry — while it might cost more upfront, it will save officers more time and they can be out on the street doing real police work.

Fifty-six of the 161 Local Courts in NSW are able to electronically transfer AVO information (via the General Local Court or "GLC" system) to the NSW Police AVO Unit once an order has been made. While these 56 courts are said to process approximately 80% of the total workload of the courts across NSW, AVO related court decisions made in the remainder of courts (or by on-call authorised justices, in the case of TIOs) must be faxed to the AVO Unit within NSW Police for manual data entry onto COPS.

This is resource intensive and increases the likelihood of recording errors occurring. In turn, such errors can impact on operational police who have the responsibility of enforcing protection orders. We understand that there is also a time delay between when police receive the physical order from the court to be served, and when police receive an electronic notice that the order has been made. This can create confusion and double handling because police need to cross check all "e-notices" against physical orders to ensure they have been served.

Additionally, applications by police for protection orders must be made manually. They are not directly linked to the associated COPS event, and cannot be electronically sent to on-call authorised justices (for TIOs) or Local Courts, which, in turn, must manually re-enter the information on the application into a separate data system. It is, however, important to note that the COPS system is currently in the process of being replaced to address its many limitations and to produce a much more user-friendly data system. One of the major improvements that will be generated by the replacement is the development and implementation of an electronic "Create AVO application", which will be directly linked to the COPS event of origin. AVO screens will also be more readable to improve the accuracy and ease of interpretation by operational police. The objective of this is to enhance the integrity and accessibility of AVO information to VKG, operational police and DVLOs.

The eventual implementation of the NSW Police/CourtLink Information Exchange Project will also generate improvements by enabling two-way AVO related electronic data transmission between NSW Police, authorised justices and the courts. However these improvements will not address some of the other time and resource intensive requirements associated with protection orders that frustrate police.

4.3.5 Standard interim orders

At the time of our consultations, police were required to attend the Local Court to apply for an interim order during normal business hours.⁵⁴ They had to ensure the PINOP was present, or tender affidavit evidence (which the court may or may not accept). Officers in our focus groups said they found the requirement to attend court frustrating, as it diverted them from frontline duties, sometimes for a significant period of time. This was particularly an issue

for commands that have a high incidence of domestic violence during daytime hours. Also, the requirement for the PINOP to be present (and to spend time waiting) at court was said to present difficulties in terms of time off work, childcare and other responsibilities. Police officers in our focus groups were universally in favour of being able to apply for TIOs 24 hours a day to free themselves and PINOPs from having to attend and wait at court. As we have already noted, the *Crimes Amendment (Apprehended Violence) Act 2006* makes provision for this arrangement.

4.3.6 Telephone interim orders

While most police officers said they did not generally experience difficulty obtaining a TIO, issues raised included inconsistency between authorised justices, eg. exercising different interpretations of “imminent danger”) and frustration by senior police about what they perceive as a lack of respect for their judgement and experience.

4.3.7 Service of summonses and ADVOs

Where police apply for an ADVO by way of complaint and summons (that is, in matters where urgent protection is not required, or where a TIO application is declined by an authorised justice), the summons must be served on the defendant, preferably personally. Police can experience difficulty doing so when a defendant cannot be easily located.⁵⁵

A protection order, whether interim or final, does not become valid until personally served on the defendant, unless the court authorises service in some other way. Again, similar difficulties to those mentioned above arise for police when defendants cannot be easily located, either because they have fled the scene of an incident, cannot be tracked down later, or were not present in court when a final order was made. If the defendant cannot be located, police must return to the court to obtain further instructions. During this time, the person for whom the order was taken out remains unprotected.

Even where an offender is still present at the scene when police attend, police can still have difficulty providing immediate protection for victims. Police have the power to direct a person to remain at the scene for the purpose of applying for and serving a TIO. If the person refuses, police can then arrest and detain them until the TIO has been granted and served. However, police have told us that it is common for a person to consent but then flee the scene while police are in the process of obtaining the TIO. When this occurs, police lose the opportunity to serve the order and provide immediate protection to the victim.

Police officers must also swear an affidavit of service once a protection order has been served on a defendant. In the case of TIOs, they must forward a copy of the affidavit of service and the order to the AVO Unit, while for other orders, they must forward copies of the affidavit and order to the AVO Unit and the issuing court. In the case of orders applied for by way of complaint and summons, a copy of the summons and affidavit of service must be provided to the DVLO, and the summons record completed. Finally, police must inform the PINOP that the order has been served and is enforceable. Once the order is served, police must fax it to the AVO Unit so it can be registered as enforceable.

In our focus groups and survey returns, we were told that police are at times unable to serve summonses/ADVOs in a timely fashion due to inadequate staffing levels. The large number of summonses and orders that police are also required to serve as a result of privately initiated APVO applications reportedly exacerbates this situation. There is also the risk that paperwork can “fall through the cracks” if commands do not have an adequate, coordinated system in place for tracking the service of summonses and protection orders.⁵⁶ In its report on AVOs, the NSW Law Reform Commission found that the high rate of withdrawal in AVO proceedings could be partly attributed to difficulties in effecting the service of AVOs.

4.4 Authority for senior police to make interim or ‘on the spot’ ADVOs

An issue that regularly arose during our consultations with police was the proposal that senior police officers be given authority to make “on the spot” interim orders. The adoption of this proposal was recommended by the NSW Law Reform Commission in its report on AVOs, but it is not supported by AVLICC, the Attorney General’s Department or NSW Police. Those in favour of the proposal say it would save time, eliminating the need for police to arrest and detain offenders for the purpose of serving a TIO. They also argue it would be consistent with other police powers, eg. those relating to bail. Proponents claim that senior officers often have a good understanding of the history between parties, meaning that they would be able to make more informed decisions about whether there is an urgent need for interim orders. Those not in favour of the proposal express concern about a lack of independence, for example, the possibility that having prior knowledge of one or both parties may prejudice the judgement of a duty officer.

Much of the impetus for the proposal derives from the frustration of officers with the cumbersome and time-consuming processes associated with applying for ADVOs. However, the most problematic and time-consuming aspect of those processes would seem to concern applications for ADVOs by way of complaint and summons. Police are required to make application for an ADVO by way of complaint and summons when they cannot demonstrate

that the application requires urgent attention. Approximately half of all ADVOs in 2005 were initiated by complaint and summons. Police returned 12% of summonses and subsequent orders to court as a result of being unable to serve them. Additionally, NSW Police estimate that 25% to 30% of all applications made by police become redundant at the court mention as a result of withdrawals on complaint and summons applications.⁵⁷

If, instead, police were legislatively required to apply for protection orders by way of a TIO at all times, as NSW Police have proposed,⁵⁸ a great deal of time and effort would be saved, as the need for police to serve ADVO summonses would be eliminated. NSW Police estimates that currently approximately 75 000 police hours are taken up by failed attempts to serve and actual service of AVO summonses. A standard process for the initiation of all police ADVO applications would also be created, making it easier for police to administer. Importantly, this standard process would reduce the number of victims who would otherwise be left without protection, and vulnerable to intimidation to withdraw from proceedings during the complaint and summons process.

The basis for an application for a TIO is that the police officer making the application must have “good reasons to believe an order is necessary to ensure the safety of the person...or prevent substantial damage to any property of that person”⁵⁹. A TIO can be made with the basic conditions A, B and (1) under section 562H(4) of the *Crimes Act*.⁶⁰ However, under section 562H(5) of the Act, additional conditions (eg. exclusion orders, not to approach and restricting approaches under the influence of alcohol) can be granted only if police have “good reason to believe that the safety of the protected person is in ‘imminent danger’ from the defendant”. Because anecdotal evidence suggests that the requirement of “imminent danger” is subject to different interpretations, NSW Police has proposed that it be replaced by the wording “immediate need for protection”.

Police officers in our focus groups told us that TIOs are granted “nine times out of 10” and that the whole process generally does not take longer than half an hour where the defendant is present and can be immediately served with the order. If the complaint and summons option was removed, and given the recent amendments to the *Crimes Act* which enable police officers to apply for TIOs 24 hours a day (therefore eliminating the need for officers to attend court during business hours), it is unclear what substantial operational benefit would flow from enabling senior police officers to make interim ADVOs.

While the proposal, if legislated, may satisfy police officers who disagree with the current requirement that only a magistrate may issue an interim protection order, and in the case of TIOs — an authorised justice, this is not adequate reason to justify its adoption. It would still take time for a senior officer to be briefed by investigating police, just as it currently takes time for investigating police to brief a magistrate or an authorised justice. Additionally, while the proposal might eliminate the need for officers to arrest and detain offenders for the purpose of applying for and serving TIOs, it would not address the very common situation that arises where an offender has already fled the scene by the time police arrive at the incident, requiring them to locate the offender and serve the interim order at a later time.

For most Commanders we consulted, the proposal to give senior police officers the ability to make interim ADVOs was not a “burning issue”. Their view was that making the ADVO process more efficient should be the main priority. As we have noted, there are already a number of anticipated improvements to the process, including police having the ability to apply for interim orders by telephone 24 hours a day and systems changes that will enable ADVOs to be electronically created and disseminated between police, magistrates and the courts. Amending the *Crimes Act* to require police officers to apply for all ADVOs in the same way as TIOs, thereby eliminating the complaints and summons route, would further streamline the ADVO process, enabling police to better focus their resources and provide a superior form of protection to victims.

At the time of writing, the *Crimes Amendment (Apprehended Violence) Act 2006* had not been proclaimed. Currently, police make applications for all TIOs to an authorised justice outside normal court hours, and to magistrates during court hours. In his response to our provisional report the Director General of the Attorney General’s Department noted the concerns about the need for PINOPs to attend court on the first return date and stated:

This area of concern is problematic. If the summons has been served and the other party appears and opposes the making of either the order or interim order then of necessity the Court needs to allocate a hearing date. Where the opposition relates to an existing interim order then the Supreme Court decision Smart-v-Johnson applies.⁶¹ That decision makes it clear that the Court needs, in those circumstances, to be satisfied that it is necessary or appropriate to make the interim order. It can only do that if there is supporting evidence to do so.

However, once the *Crimes Amendment (Apprehended Violence) Act 2006* comes into effect, and if legislative change occurs to allow police officers to apply for all ADVOs in the same way as TIOs, it would be open to magistrates to excuse victims from appearing at the first return date, if an interim rather than a final order is to be made. This is also consistent with the changes to the *Crimes Act* that enable magistrates to issue AVOs in some circumstances without needing to be satisfied that a victim fears for their safety.

The proposal to remove the complaint and summons route also addresses some of the concerns raised about the requirement for victims to attend court on multiple occasions. If adopted, the proposal would take the Court ‘out of the

equation' until such time as the TIO is returnable before the Court. This would mean that authorised justices would be making all interim orders by telephone (TIOs).

Recommendations

1. The Commissioner of Police evaluate whether the legislative amendment to enable police to apply for Telephone Interim Orders (TIOs) on a 24-hour basis sufficiently improves the process of applying for an interim order.
2. a. The Minister for Police provide a copy of our report to the Attorney General, for consideration of amendment to Part 15A of the *Crimes Act* to require police officers to apply for all Apprehended Domestic Violence Orders (ADVOs) by telephone.
b. If legislated, the Commissioner of Police evaluate the operational impact of the amendment. Any evaluation should have regard to whether there has been an improvement in relation to the efficient service of ADVOs.
3. NSW Police amend the *Domestic Violence Policy and Standard Operating Procedures* to include a requirement that police should not accept an application by any party to a domestic violence matter, or their representative, for the withdrawal of police action in relation to domestic violence matters, including ADVOs.
4. NSW Police provide quarterly progress reports on the implementation status of the following initiatives:
 - AVO electronic data transfer to non-GLC courts
 - "Create AVO" COPS application
 - enhancement to COPS screens containing information about AVOs, and
 - any other administrative improvements as part of the NSW Police/CourtLink Information Exchange Project or other initiatives.

Endnotes

- ⁴⁷ Data provided by NSW Police.
- ⁴⁸ Young, M., Byles, J. and Dobson, A., "The Effectiveness of Legal Protection in the Prevention of Domestic Violence in the Lives of Young Australian Women", *Trends and Issues in Crime and Criminal Justice* No. 148, Australian Institute of Criminology, March 2000.
- ⁴⁹ NSW Law Reform Commission, *Apprehended Violence Orders*, Report 103, 2003.
- ⁵⁰ As part of verifying domestic violence COPS events, Sergeants or DVLOs should check to ensure that an ADVO has been applied for, where appropriate.
- ⁵¹ Deputy Coroner Milovanovich, Inquest into the deaths of Peter William Poulson, Sebastian Kongsom, Marilyn Kongsom and Phithak Kongsom, Westmead Coroner's Court, 15 July 2005.
- ⁵² The DVSOPS state, "Charging a victim with aiding and abetting is not a priority in domestic violence matters...The defendant breaches the ADVO, not the victim. The victim is not responsible for the defendant's actions. The Court Unit of Court and Legal Services, NSW Police Service, will not support aiding and abetting charges laid in these circumstances". p.33
- ⁵³ Figures provided by NSW Police show 11,857 ADVO applications were withdrawn or dismissed.
- ⁵⁴ In at least one LAC we know of, police have an informal arrangement with the Local Court that enables them to ring rather than attend court to apply for an interim order.
- ⁵⁵ If the defendant cannot be located, the summons can be given to some other person to give to the defendant. The court may also direct that the summons be served some other way.
- ⁵⁶ An article in the *Maitland Mercury* on 28 June 2005 claimed that police failed for 22 days to serve an AVO on a man who was required to report daily to the police station.
- ⁵⁷ All figures quoted from NSW Police, "Briefing to AVLICC on the need to further amend *Crimes Act*", July 2006.
- ⁵⁸ NSW Police, "Briefing to AVLICC on the need to further amend *Crimes Act*", July 2006.
- ⁵⁹ Section 562(2)(c), *Crimes Act 1900*.
- ⁶⁰ Condition A states: "The Defendant must not engage in conduct that intimidates the protected person or any other person having a domestic relationship with the protected person(s)". Condition B states: "The Defendant must not stalk the protected person". Condition 1 states: "The defendant must not assault, molest, harass, threaten or otherwise interfere with the protected person(s)".
- ⁶¹ NSWSC Dunford J, 8 October 1998, unreported.

Chapter 5. Domestic Violence Liaison Officers

5.1 Value of the DVLO role

Performed effectively, the DVLO role is an invaluable one. Like other liaison officer positions, a good DVLO provides a vital link between NSW Police and the community, particularly victims and their advocates, as well as a central point of contact for other officers within NSW Police. It is a critical role given the widespread and frequent incidence of domestic violence in the community and the policing resources it demands.

As we noted in our 1999 report, there has always been strong support for the DVLO role from services such as women's refuges, domestic violence court assistance schemes and others who advocate for victims of domestic violence. Our consultations confirmed that this support continues. The overall message communicated was that an effective DVLO is indispensable. Services were forthcoming with acknowledgement of and praise for such DVLOs. They commonly expressed to us the view that DVLOs should have more seniority as well as support at the corporate and local operational level. The following comments, by a women's refuge manager and a Regional Violence Prevention Specialist respectively, sum up the feelings of many people with whom we spoke:

DVLOs almost always try to help. Some go far beyond what is required of them.

DVLOs often provide a positive face of police to the community. They are...in the main excellent facilitators of action around the policing of domestic violence.

We too were impressed with the DVLOs we met during our consultations and many of those we surveyed. Their commitment to good domestic violence policing was evident. Several have records of performing "above and beyond" the requirements outlined in their position statements.

Many Commanders, Crime Managers and Crime Coordinators we consulted also expressed their recognition of the invaluable contribution made by effective DVLOs. Several suggested the specialist nature of the role should be better recognised and rewarded by NSW Police. Some reported being frustrated at not being able to utilise their DVLO as effectively as they would like due to operational constraints such as meeting first-response requirements and budgetary considerations and difficulties associated with attracting and maintaining the right officers to perform the role.

While some general duties officers in our focus groups expressed appreciation for the work performed by DVLOs, many did not demonstrate a good understanding of the role. This corresponds with the views expressed by DVLOs. The following comment from one DVLO summarises well how many DVLOs feel:

I know my role and the work we do is valued and supported immensely from outside agencies whom I have regular contact with. I would have to say we are held in high regard with them. From a police point of view, I don't know if other police particularly appreciate our role and how we perform it. We don't feel general duties police have a clear understanding of how much pressure and work we alleviate for them.

5.2 Incentive, recognition and status

Our 1999 report recognised that the DVLO role is a specialist one and should be acknowledged as such by NSW Police. Unfortunately, there are still few, if any, incentives for police officers to act in the role, apart from the availability of regular daytime shifts. Conversely, the inability of DVLOs to work 12-hour shifts and have up to six consecutive rest days is one of the less appealing aspects of the role for many officers. There is no special allowance payable to DVLOs, and no recognised career path associated with the position. Partly for these reasons, there is little status attached to being a DVLO. Another contributing factor to this lack of status is that the success of DVLOs is sometimes difficult to measure:

It can be difficult to [statistically] capture and measure aspects of victim support and care...Victim care is not a 'lock up' and hence is not seen as real police work. The value of what we do is measured in the empowerment of our clients and providing information to allow the individuals to make appropriate choices to keep themselves and their children safe. The final goal is always to break the cycle of violence. How does one measure these outcomes, as the results may not be known for some time? It becomes frustrating to know that the value of what we do is not always recognised.

Most DVLOs we surveyed reported feeling neither recognised for their work nor respected by their colleagues. Acknowledgement and support by management (i.e. Commander, Crime Manager or Crime Coordinator) did not compensate for a lack of peer support. Several DVLOs explicitly stated they did not feel supported by management. The following sums up a view expressed by many DVLOs:

The work does not hold the same glory as other more 'black and white' policing issues such as drugs and theft... On a corporate level I do not feel well supported. DV issues are complicated and messy and do not always produce statistics worthy of the work put in. More sanitised areas of policing are given the resources and our area is given a lower priority.

DVLOs were more likely to say that they felt recognised and appreciated by the community than by other police:

[I feel] greatly valued by the community and court support [workers], not so much by managers.

I feel [the DVLO role] is very valued outside the police, but not at all recognised within the service.

I always hear the words 'thank you' from a member of the public, every shift.

As a result of the lack of incentive and status attached to the DVLO role, it can sometimes be difficult for Commanders to attract candidates to take up and remain in the DVLO position.⁶³ The DVLO role has a significant turnover. In the 2005 calendar year there was a 20% turnover of officers performing the role.⁶⁴

The lack of peer recognition and status of the DVLO role impacts significantly on the capacity of a DVLO to undertake their duties effectively. DVLOs are effectively required to supervise and assess the performance of other police officers in relation to the policing of domestic violence. Frequently, they are also responsible for addressing deficiencies in this regard, including the provision of training. However, a lack of appreciation of the DVLO role, and the relatively junior rank of most DVLOs (generally Constable or Senior Constable) can undermine the authority and effectiveness of DVLOs.

There are currently a handful of DVLOs who have entered the position at a rank above Senior Constable and anecdotal evidence suggests their comparative seniority assists them to effectively monitor and respond to the performance of other officers in relation to domestic violence. Some commands, particularly those with high levels of domestic violence, have recognised the need to attach Leading Senior Constables or Sergeants to the DVLO position to give it the required authority and to send the message to police that domestic violence is an important part of their business.

We understand that the need to add prestige to the DVLO role has been recognised corporately, and LACs will now have the discretion to fill "vacant" Leading Senior Constable positions and a number of Sergeant positions in certain LACs however they wish. This will allow Commanders to appoint officers who are performing DVLO duties to these more senior ranks. While this is a step forward, and gives LACs the opportunity to also recognise the importance of other liaison roles, such as YLOs, it is by no means a guarantee that DVLOs will always be given additional status where appropriate.

However, there has been progress in relation to the availability of a career path as a result of some LACs establishing domestic violence investigation and/or arrest teams led by Sergeants. Although the Sergeants are not performing the DVLO role, this does mean that officers who have worked as DVLOs may be better placed to move into these leadership roles in the future. It is also likely that DVLO positions attached to domestic violence investigation and arrest teams will be regarded as having greater authority as a result of the status flowing from having Sergeants lead the teams.

Additionally, some commands have emphasised that DVLOs need to be thought of as integral members of CMUs. In recognition of their involvement in this team, some Commanders have given DVLOs the opportunity to perform in the Crime Coordinator role (a Sergeant-level position). Together, these factors should make the DVLO role more attractive and respected.

5.3 Limitations on effectiveness

Apart from the lack of status attached to the position, there are a number of other factors that impact on the capacity of a DVLO to perform their role effectively.

5.3.1 Training

Some DVLOs have received no training to perform the role. As at January 2006, approximately 15% of DVLOs were untrained. There is no corporately devised induction package for DVLOs. As a result, some may be left to "learn the ropes" without adequate instruction and support. The Domestic Violence Senior Programs Officer and Project Officer in the Commissioner's Inspectorate provide some support, but their resources are limited and it is unrealistic to expect them to comprehensively perform this function across the state. In addition, some DVLOs received their

training a number of years ago and have not completed any refresher training in recent times. This is not an ideal situation. Given the high turnover in the DVLO role, training needs to be quickly and easily accessible for new officers.

5.3.2 Access to resources and geographic factors

Many DVLOs have reported that they do not have reliable access to a vehicle and this limits their ability to undertake proactive work such as conducting home visits to victims, attending community meetings and events, and assisting victims with transport to court. DVLOs (as well as other police) usually have to share a computer, and have advised that this can limit their capacity to access data when needed, causing significant frustrations. DVLOs also do not carry corporately provided (or paid for) mobile phones and this means that they are not always readily contactable, particularly by key stakeholders.

Vast geographical distances are another problem faced by DVLOs in rural and regional areas. These distances make it impossible to effectively service a whole command in many instances, as one DVLO explains:

There are 17 sectors in this LAC. Some matters such as ADVOs are not attended to by the DVLO due to the large distances involved. There are also five different Local Courts on two different circuits so again, not all court dates are attended each month.

5.3.3 Reviewing COPS events

Historically, a majority of commands have tasked their DVLOs with verifying and/or quality reviewing COPS events. While this can have the positive effect of promoting consistency and accountability, it can also prevent the DVLO from being available to undertake more proactive and strategic work. Recently, a corporate direction was given that supervisors should be tasked with verifying domestic violence events, which has the benefit of increasing the experience and expertise of a larger pool of officers and providing supervisors with a more detailed awareness about how their staff are performing. DVLOs would then restrict their quality review role to conducting sample audits of COPS events, focusing on repeat offenders and victims as well as events completed by police officers who may have performed poorly in the past.

However, some issues have been raised about quality and consistency. As a result we have been advised that verification and quality review has been devolved back to the DVLO in many LACs. DVLOs have mixed feelings about this. Some strongly believe that they should carry out the work themselves, as it promotes greater quality and consistency and enables them to keep in touch with what is happening “in the field”. Others feel frustrated by having to spend hours in front of a computer instead of doing more proactive work in the community. What is clear is that the corporate directive is not being consistently implemented.

Our feedback from Commanders through our forums indicated a preference for supervisors to verify domestic violence events. While there will be variances in the quality and consistency of verifications as a result of involving more than one officer, this is not a sufficient reason not to comply with what is otherwise an appropriate corporate approach.

One of the most important reasons for the corporate directive was the need to address the “work flow” issues associated with 12-hour shifts and officers not being on duty for six days at a time. DVLOs are also rarely rostered to work weekends. Tasking the verification function to supervisors means that the responsibility for ensuring domestic violence events are responded to appropriately carries over to whichever supervisor is on duty, rather than the DVLO. This reduces the risk of matters “falling through the cracks”. (We address this issue further in the section “Frontline policing strategies for responding to domestic violence”).

5.3.4 Ability to provide local training

At the time of our consultations, a major limitation facing the majority of current DVLOs was that only a handful were qualified to provide accredited domestic violence training to their LAC. As at May 2006, there were only 11 DVLOs with accreditation across NSW. Since that time, the Commissioner’s Inspectorate has negotiated with Education Services to significantly increase this number. As at December, 43 DVLOs are accredited to provide training. NSW Police has indicated that it wants to increase this number and maintain it to ensure that accredited trainers are not lost when they cease to perform the DVLO function.

Provided the content and delivery of training is properly accredited and quality assured, there are good reasons why it should be delivered locally. It eliminates the need for officers to travel, often considerable distances, away from the command (saving time and money) and enables greater numbers of officers to be trained at the same time (increasing efficiency). It also means that training can be delivered according to a schedule that suits the command, rather than having to fit in with a centralised timetable. Training that is locally delivered can also be tailored to address

specific local issues (eg. policing domestic violence in Aboriginal or migrant communities) or with a focus on common errors or questions from local police.

In recognition of the progress that NSW Police has made in this area, we have amended our provisional recommendation that each region should have four accredited DVLOs to provide training. Given that NSW Police has significantly increased the number of accredited DVLOs this year, we have recommended that an average of eight accredited DVLOs per region is maintained.

5.3.5 Rostering

5.3.5.1 Level 3 commands

The lack of funding for a designated DVLO position in Level 3 commands can create significant limitations. Because of staffing shortages or other operational demands, DVLOs in Level 3 commands are often pulled from their usual duties at short notice in order to meet the commands' "first response" requirements. Being diverted to general duties can mean that DVLOs do not attend key meetings (eg. local domestic violence committee; women's refuge liaison committee; court user's forum), or even, in a few cases, the AVO list day in the local court. One DVLO who reports that she finds herself in this situation on an almost constant basis commented:

I have had three shifts in the DVLO role in the last six months...I feel as though I am the DVLO in name only...

One Level 3 Crime Coordinator explains:

There seems to be an expectation that Level 3 LACs should be able to implement and maintain the same DV related strategies as those successfully run at Level 1 LACs. I consider this grossly unfair considering the DVLO position at a Level 3 LAC is usually 'borrowed' from the general duties strength, which commonly attracts immediate friction from the remaining general duties staff...Most Level 3 LACs are in rural or regional locations, requiring the one DVLO to cover a large geographical area in order to service the local courts.

Even where DVLOs work in designated full-time positions, some report that the very substantial workload generated by domestic violence in their command restricts them to responding in a largely reactive rather than proactive way. These DVLOs feel that they can't "get on top" of their work because of its sheer volume:

[There is] not enough time to do everything I would like to do. [I] would like to network with support agencies more but [this is] not always possible due to work commitments surrounding ADVO court days and normal DVLO duties which need to be attended to on a daily basis.

I feel I'm hardly making any headway...there's not enough time in the day.

Some DVLOs have also expressed frustration at being unable to work some evening or weekend shifts, which would create more opportunities for contacting/liasing directly with victims and offenders. These DVLOs attribute this inability to concerns at the command level about the extra salary costs associated with such shifts.

5.3.5.2 Availability of back-up

At a number of LACs, particularly in rural, regional and remote areas, there is no appropriately trained officer who is available to "back-up" the DVLO when he or she is absent due to illness, leave, attending training or other reasons. Not having a trained back-up DVLO creates considerable risks. The substantive DVLO may be reluctant to take leave for appropriate reasons due to fear that this will adversely affect the command's ability to respond effectively to domestic violence. This reluctance may be a factor in survey responses from some "solo" DVLOs reporting that they feel "burned-out".

Not having a back-up DVLO also exposes commands to the risk that something important may "fall through the cracks" while the substantive DVLO is on leave. The consequences of this may range from an increased number of complaints to serious outcomes affecting the welfare of victims. This risk is especially acute if the command does not have appropriate systems in place to ensure timely and accurate follow-up of all domestic violence matters.

5.3.6 Designating DVLO duties to officers in outlying sectors

In regional and remote areas where large geographical distances need to be covered, it is almost impossible for a DVLO to adequately service the entire LAC in terms of attending court in various locations and key networking meetings, and providing support to victims. When DVLOs are "spread too thinly", it is difficult for them to maintain a strategic focus (eg. building and maintaining relationships with local service providers, targeting high-risk offenders/victims). It is also a significant contributing factor to "burn-out" among DVLOs. Often, it leads to inadequate support

being provided to victims in outlying sectors of a LAC. Table 2 shows that many of these sectors have the highest rates of recorded domestic violence (per capita) and are in the Western region of the state.

We have seen significant advantages in tasking particular officers in each of the main outlying sectors to effectively replicate the DVLO role to the extent that they are able. DVLOs support these officers by providing specialist training and advice, while CMUs give statistical and intelligence support and consultancy-like advice on implementing proactive strategies. However, primary responsibility for adopting domestic violence prevention and victim support strategies lies with the officers living and working in these locations. This allows relationships between local police and service providers to be built and maintained.

This sector-based approach has been effectively adopted in Barrier LAC, which covers areas including Broken Hill, Wilcannia and Dareton and has a significant Aboriginal population spread over a large geographical area.

5.3.7 Peer support and sharing ideas

Some DVLOs report feeling isolated because of the lack of opportunities to meet, discuss issues, and share information with other DVLOs. The State Domestic Violence Council was formed in 1997 as a forum for DVLOs to discuss statewide issues and matters of policy, reform and review. In 2003 NSW Police decided that it was no longer an effective consultative and advisory mechanism. We understand that between 2003 and May 2006, the only formal face-to-face opportunity for all DVLOs to meet was the DVLO State Forum. While valuable, the forum occurs only once a year.

NSW Police has recently made an attempt to address this deficit by convening regional DVLO meetings. According to the Terms of Reference devised for this purpose, each region will conduct a meeting at least once a year, although we are advised that at least one region, Western, does not think an annual meeting is sufficient and proposes to hold them quarterly. The purpose of the meetings is to:

- provide DVLOs with an opportunity to network and support each other
- exchange information about effective strategies and programs to address domestic violence
- raise issues with the Corporate Spokesperson, the Region Sponsor and the Commissioner's Inspectorate
- provide an opportunity to participate in training and education, and
- where appropriate, provide an opportunity to discuss interagency issues with regional and local partner agencies.

The Corporate Spokesperson for Domestic Violence, or the spokesperson's nominee, will chair the meetings. Officers other than DVLOs who are involved in a LAC's domestic violence portfolio (eg. Crime Managers, Crime Coordinators, ECLOs and ACLOs) will also be able to attend. As part of this initiative, regional DVLO representatives have been nominated in an attempt to promote good communication and information sharing among DVLOs within each region, and to formalise a mentoring role for newly appointed DVLOs.

Initial meetings have now taken place in all regions, with feedback indicating they were very productive forums for all concerned. The meetings have enabled a two-way flow of information between DVLOs and the Corporate Spokesperson and Commissioner's Inspectorate and have generated immediate outcomes. For example, in the Western region, the sponsor is now in the process of formally documenting the strategic focus to be adopted by all LACs in the region. This focus, which promotes a quality policing response with a focus on investigation and victim support, was collaboratively developed as a result of the discussions that took place at the regional meeting based on a model prepared by Lachlan LAC. Additionally, as a result of an identified need, the Commissioner's Inspectorate has undertaken to provide standardised statistics about the incidence and pattern of domestic violence in individual LACs for distribution on a monthly basis to DVLOs and Region Sponsors.

Considerable momentum has been created by the designation of Region Sponsors, the implementation of regional DVLO meetings and the practical outcomes they have already generated. Significantly, DVLOs feel they are initiatives that demonstrate in a practical way the importance of effective responses to domestic violence for NSW Police.

5.4 What makes an effective DVLO?

Our consultations have shown that good DVLOs share several core attributes:

- a strong commitment to implementing the DVSOPS
- adequate experience performing general duties — leading to respect from frontline police
- strong investigation skills
- a focus on the safety of victims
- a willingness and ability to liaise effectively with a wide range of people including victims, their advocates, general duties and senior police officers and police prosecutors

- the capacity to form and maintain productive relationships with key partners, eg. DoCS, police prosecutors, Probation and Parole, Housing, Health, women's refuge/s, court assistance scheme/s, family support service/s, and the Regional Violence Prevention Specialist
- an understanding of the relevant policies and procedures of key partners
- attendance and participation on key committees, eg. local domestic violence committee, women's refuge committee, court user's forum, child protection interagency group
- a willingness to provide and share information and acknowledge the experience and skills of key partners, and
- the capacity to initiate and participate in community events, eg. White Ribbon Day, Stop DV Day.

An effective DVLO is also invariably someone who gets real job satisfaction from performing the role:

In 20 years of policing I have never been so satisfied as I am now in doing the DVLO role. Because you can make real changes in people's lives. You know that you have made it possible for someone to escape violence. There is nothing better than 18 months later a victim approaches you in the street and thanks you because they are alive today and made a new life and escaped the violence all because of the work you did with them.

I love it. People think that I am crazy...but I do.

Recommendations

5. NSW Police require the Domestic Violence Liaison Officer (DVLO) to be a full-time equivalent position in local area commands (LACs) identified by NSW Police as high-risk in relation to domestic violence.
6. NSW Police require regional and remote LACs, where main sectors do not have the services of a dedicated DVLO, to appoint and support officers to replicate, as far as possible, the core duties of DVLOs.
7. NSW Police require all LACs to have an officer or officers trained as a "back up" DVLO.
8. NSW Police give strong consideration to attaching Leading Senior Constable status to the DVLO position in LACs identified by NSW Police as high-risk in relation to domestic violence.
9. NSW Police provide specific funding for designated DVLO positions in all high-risk LACs, including Level 3 LACs.
10. NSW Police ensure the Annual DVLO State Forum continues to be held and resourced appropriately.
11. NSW Police require regional DVLO meetings to be held on a bi-annual basis.
12. NSW Police immediately prioritise the training of all current DVLOs in the Investigation and Supervision of Domestic Violence workshops and the Domestic Violence Liaison Officers Course.
13. NSW Police require training in the Investigation and Supervision of Domestic Violence workshops and the Domestic Violence Liaison Officers Course to be mandatory for all DVLOs.
14. NSW Police develop a corporate induction package for distribution to all DVLOs upon commencing the role.
15. NSW Police ensure that at any given time, eight DVLOs in each region are accredited to deliver local training to general duties officers and, if necessary, training be outsourced to facilitate this objective.

Endnotes

⁶² Comment by DVLO.

⁶³ The NSW Law Reform Commission also noted this in its 2003 report on AVOs.

⁶⁴ Figure provided by NSW Police.

Chapter 6. Domestic violence and the court system

In responding to domestic violence, police frequently come into contact with the court system. Applications for ADVOs and domestic violence offences (such as assault) are heard in Local Courts. The court system was raised time and again during our consultations with police, service providers and the community. As one study notes:

Police do not operate alone in the criminal justice system. Prosecutors and courts are also actors whose ultimate performance is both dependent upon the work product of the police and an impact on the overall performance of the police.⁶⁵

6.1 Police prosecutors

Police prosecutors provide a vital link between police officers and the court in relation to domestic violence matters. They represent a large number of PINOPs in ADVO matters⁶⁶ and also prosecute domestic violence offences. Their domestic violence related workload is heavy, and, as there are no specialist domestic violence prosecutors in NSW, must be dealt with in addition to their other prosecutorial responsibilities.

The report of the NSW Law Reform Commission on AVOs noted the prevalence of significant concerns about the quality of service provided by police prosecutors in domestic violence matters. Although there was considerable praise for individual police prosecutors, these concerns were reiterated during our consultations with police and other key services such as women's domestic violence court assistance workers.

Many people attributed the perceived inadequacies of police prosecutors to them having too great a workload and not enough time to devote to matters thoroughly.⁶⁷ Others felt that some police prosecutors hold views that minimise the seriousness of domestic violence, and/or lack specialist knowledge and training about it. The most common allegations concerned:

- the provision of advice to police informants that is inconsistent with the DVSOPS or incorrect, eg. that there is no need to take out separate ADVOs for children as they are automatically protected by their mother's order
- failure to confer with victims and/or their advocates
- failure to confer with DVLOs
- failure to effectively advocate on behalf of victims, and
- a lack of accountability.

6.1.1 Opportunities to discuss procedural issues

One of the biggest problems we identified is the lack of structured opportunity for senior officers in LACs to liaise with police prosecutors to ensure domestic violence matters are responded to as effectively as possible. This can mean that common issues arising from evidence gathering, statement taking, brief preparation and representation of matters at court, may be inefficiently and/or inadequately addressed. One arena in which DVLOs and police prosecutors may come together is the Court Users' Forum. These forums are held at Local Courts and are convened by Registrars. They provide an opportunity for all users of the court to come together and discuss administrative issues.

However it is not clear whether DVLOs and police prosecutors regularly attend Court Users' Forums, and the extent to which the forums may be an appropriate venue for discussion about the sorts of issues listed above. We have also heard that in some areas, the DVLO(s), police prosecutor(s) and domestic violence court assistance workers meet each week at the end of AVO list day to discuss issues arising. Although positive, this seems to be a limited practice. Currently, it would seem that the only other opportunity for DVLOs and police prosecutors to meet and discuss procedural matters is at court itself. Given the workload of both parties, it is unreasonable to expect thorough discussions to take place in this context.

Creating structured opportunities for liaison poses challenges given that prosecutors spend most of their day in court. However, it is our view that the institutionalisation of regular local meetings between police prosecutors, Crime Managers and DVLOs, and court assistance scheme coordinators (in areas where such schemes operate), could assist to address some of the complaints commonly expressed during our consultations.

6.1.2 Training

The Prosecutor Education Program includes training about domestic violence. Trainee prosecutors undertake theoretical and practical training and are assessed in both of these areas. However, we understand that there is no ongoing requirement for practicing police prosecutors to complete domestic violence training. In our view, it is desirable that police prosecutors be required to do so on an annual basis given the frequency with which they are required to represent domestic violence matters at court.

6.1.3 Accountability

Apart from its central monitoring of failed prosecutions, it is not clear how NSW Police monitors the performance of police prosecutors and addresses identified performance issues. Requiring police prosecutors to regularly confer with senior officers at LACs and court assistance schemes will go some way towards mitigating concerns about their accountability expressed by many of the people we consulted. However, given the volume of domestic violence matters before courts, NSW Police must ensure monitoring the performance of police prosecutors in respect of both ADVO and criminal matters to promote and support an effective, organisation-wide approach to domestic violence. The input of Commanders should be sought as part of any performance monitoring process.

6.1.4 What makes an effective police prosecutor?

Good practice by police prosecutors in domestic violence matters involves the following:

- regularly liaising with LACs at a senior level to ensure an effective, coordinated response to domestic violence matters
- providing advice to police informants that is consistent with the DVSOPS and does not merely reflect their own preferred practices or those of the courts
- ensuring the brief of evidence is thorough and all relevant evidence is included and admissible
- ensuring appropriate charges have been laid
- ensuring exhibits are available as and when required
- seeking early hearing dates and not contributing to any delays
- requesting appropriate adjournments to ensure matters are properly prepared
- meeting with and interviewing the victim/witness and/or their advocate to obtain further information and to provide information about procedures
- advocating for appropriate bail conditions and orders to be imposed
- liaison with court assistance workers and other victim support persons, as appropriate
- making submissions on sentencing with the victim's safety in mind
- providing a positive attitude to prosecution of the offence to the victim to encourage participation and attendance at court
- timely disclosure to the defence, and
- prosecuting offences at a high level of skill.⁶⁸

6.2 The need for consistency

The Partnerships Against Domestic Violence report, Research into good practice models to facilitate access to the civil and criminal justice system by people experiencing domestic and family violence, found that:

*consistency in policy and procedures across justice agencies [is] crucial to increase the access of people experiencing domestic violence to the legal system and to justice within that system.*⁶⁹

Two main issues concerning consistency arose during our consultations with police. First, officers gave examples of situations in which they felt the practices of the court were at odds with the requirements of the DVSOPS and/or legislation. Second, police complained about inconsistent practices between courts and individual magistrates.

Some specific examples reported to us include:

- Magistrates criticising police for bringing charges before the court in the absence of a statement from the victim (the DVSOPS encourage police officers to proceed with matters where there is evidence of a crime, even where the victim may not be willing to provide a statement).

- Magistrates being critical of police for applying for ADVOs in circumstances where they reasonably believe a domestic violence offence has, will or is likely to be committed, but where the alleged victim fails to appear before the court or states before the court that she/he does not fear for her/his safety (the DVSOPS state, per section 562C(3) of the *Crimes Act*, that an officer must apply for an ADVO where they suspect or believe that a domestic violence offence has been recently committed, is being committed, is imminent, or is likely to be committed, unless the officer can demonstrate good reason not to).⁷⁰
- An authorised justice who will not grant a TIO unless the officer applying for the order has sighted and interviewed the defendant (no such requirement is specified in either the *Crimes Act* or the DVSOPS).
- Some magistrates requiring the victim to appear before the court at first mention, while others do not.
- Some magistrates requiring matters to be adjourned on a repeated basis due to the failure of a defendant to appear at court, while others do not.
- A magistrate who requires a full brief of evidence for first mentions (the view of police is that full briefs are required only for hearings and they have seven days to prepare them).
- Some magistrates refusing to name a child on a parent's ADVO or grant a separate ADVO for a child on the basis that doing so would be inconsistent with an existing Family Court contact order (section 68T of the *Family Law Act* gives magistrates the power to make an ADVO and vary an existing Family Court contact order accordingly).⁷¹
- Some magistrates refusing to name a child on a parent's (usually mother's) ADVO on the basis that they are automatically protected by being included on their parent's order (children are only protected from intimidation, i.e. part A of the order which states "The Defendant must not engage in conduct that intimidates the protected person or any other person having a domestic relationship with the protected person(s)"). They are not covered by any additional conditions made in the order, eg. not to approach, contact or telephone).
- Different practices by magistrates in relation to admitting electronically obtained evidence (eg. videotape, voice recordings).

Together, these reported inconsistencies give rise to a great deal of frustration and confusion on the part of police. Discussing the role of the court system in responding to domestic violence, one commander commented:

Magistrates are the crux of it. We have two magistrates that are at opposite ends of the spectrum. One is completely supportive of implementing practices that support victims and police efforts, the other won't even meet with us. The success of local initiatives comes back to the court, and in the middle is a prosecutor — police need support from both to do their job well.

6.3 Other concerns

During our consultations with police and service providers, four distinct issues emerged:

- the requirement for victims to attend court on multiple occasions⁷²
- arrangements for domestic violence victims to give evidence
- use of electronic evidence (ERISP and video-tape)
- arrangements for AVO list days at court

6.3.1 The requirement for victims to attend court on multiple occasions

Police officers expressed the view that this requirement is very frustrating for victims and police alike. Comments broadly echoed those attributed to Sergeant Luke Hannon of the NSW Police Association in the *Daily Telegraph* earlier this year:

*In almost all other crimes, victims don't have to attend court until it is absolutely necessary, but when it comes to domestic violence matters, the victim has to be there in the first instance.*⁷³

One officer noted that in Western Australia, victims may now give evidence by affidavit at interim protection order hearings. In addition, the court automatically grants a final protection order where an interim order exists but the defendant does not attend the court at final hearing. This eliminates the need for an adjournment. The following comment, by a DVLO, sums up the views of many of her colleagues:

Domestic violence is unique and the court system needs to be aware that more often than not, a victim will not give evidence be it through fear or the 'honeymoon' period... If the courts were more severe on offenders and accepted evidence of victims of DV in their absence, the legislation that the police are enforcing would be more effective.

6.3.2 Arrangements for domestic violence victims to give evidence

Commanders expressed a strong view that they would like to see legislative change to deem “spousal” victims of domestic violence as “vulnerable persons”, reasoning that this would encourage such victims to participate in the criminal justice process by making it less intimidating by, for example, enabling them to provide evidence in ways that do not involve being in the defendant’s presence, such as by affidavit at interim protection order hearings or by the use of screens, alternative seating arrangements or CCTV, or the adjournment of proceedings to other premises. This may reduce the risk of intimidation or coercion of the victim by the defendant. Similar arrangements already exist for children and victims of sexual assault.⁷⁴

6.3.3 Use of electronic evidence (ERISP and video-tape)

One of the most useful tools for police when making ADVO applications and prosecuting domestic violence offences is videotape evidence obtained at the scene that documents a victim’s injuries, demeanour and account of what took place. The electronic recording of victim statements (ERISP) is another helpful tool for police because it enables the victim to explain what happened in their own words as well as recording their demeanour, any injuries and/or apparent distress. These forms of evidence may encourage more and earlier guilty pleas, and also help the court by painting a contemporaneous picture of what has occurred. Our forums with Commanders revealed wide support for the consistent acceptance by courts of such evidence as “prima facie” evidence to support, where appropriate, a “victimless prosecution”, ie. a prosecution that takes place in the absence of the victim where there is other evidence of a crime having been committed.

Operation Choice was a pilot project (2001-03) at Shoalhaven and Lake Illawarra LACs. It aimed to encourage “victimless prosecutions” on the third occasion where there was strong evidence of a crime but the victim was unwilling to engage with the court process. However, despite police receiving additional training, and support from the local magistrate, we understand that Operation Choice resulted in only one successful prosecution out of a large number of cases where videotape evidence was tendered to the court depicting clear evidence of injury and distress to the victim and a version of events. At least one reason why prosecutions failed is likely to be because corroborative evidence of this kind is less persuasive when a victim is unavailable for cross-examination.

While there will always be victims of domestic violence who do not want to participate in the court process, if alternative arrangements could be made available for victims to give evidence in appropriate matters, this may help to reduce the potential for them to be intimidated by having to confront the defendant. In turn, this may lead to an increase in the number of victims willing to participate in the court process.

6.4 Support for victims

DVLOs reported some concerns relating to support for victims at court. Several DVLOs made the point that not all local courts have a “safe room”. Safe rooms provide a separate place where victims can wait for their matter to be heard in the knowledge that they will not have to risk coming into contact with the offender. They also provide a private place in which to obtain advice and/or support from court assistance scheme workers or DVLOs.

DVLOs also expressed concern that it is not possible for them to attend all the local courts in their area in order to support victims. Due to competing demands on their time, many DVLOs prioritise attendance at one local court, usually the busiest and most central. Further, DVLOs point out that not all courts have a domestic violence court assistance scheme to provide assistance and support to victims. There are 33 schemes across NSW that support women at 56 local courts in domestic violence matters, generally only in relation to applications for ADVOs. In 2003-04 the program, which is funded by the NSW Government and administered by the Legal Aid Commission of NSW, assisted in 33,618 ADVO appearances. One-third of women assisted live in rural and remote regions of New South Wales. Over 14% of the total number of women assisted were Aboriginal.⁷⁵

While schemes attempt to cover as many courts in their area as possible, there are inevitably gaps due to limited staffing resources. Schemes often have to rely on utilising volunteer workers to supplement paid positions. Many DVLOs spoke highly of the court assistance scheme workers in their area, saying their own job would be much more demanding and difficult if it weren’t for the service they provide. A positive, productive relationship between DVLOs and workers from their local scheme is essential. In areas where there is no court assistance scheme, or where a scheme is limited in its capacity to provide coverage, it is even more important that commands give priority to enabling their DVLOs to attend court to provide (or supplement) support to victims.

6.5 Positive steps — good practice

Commanders who participated in our forums noted that relationships with magistrates and police prosecutors tended to be more productive in areas where specific domestic violence models were operating, with a shared focus on streamlining “the system” and improving outcomes for victims being more apparent.

6.5.1 The Domestic Violence Intervention Court Model (DVICM)

The Domestic Violence Intervention Court Model (DVICM) operates in Wagga Wagga and Campbelltown and is promoting a productive and cooperative relationship between police and the courts. The DVICM deals with criminal domestic violence matters. By agreement with magistrates, the victim is only required to attend court on the first mention. There are regular, although not specialist, police prosecutors at both locations. Police are being encouraged and supported to submit high quality briefs to the court at the earliest stage possible, preferably on the first mention. Police report that this focus is leading to better evidence collection that, in turn, is resulting in more early guilty pleas and reduced court waiting times.⁷⁶

6.5.2 The “blue form”

Tuggerah Lakes LAC operates the Domestic Assault Response Team (DART) model (described in detail in the next section). The DART has an agreement with the magistrate at Wyong Local Court that promotes a more efficient way of processing ADVO applications. This is known as the “blue form”. Once the DART has spoken to the PINOP (and preferably the defendant), they attend the prosecutor’s office and hand in a “Blue Form”. The form is completed prior to the hearing date. The form:

- has instructions from the PINOP about the conditions they’re seeking (eg. reside together, alcohol restrictions)
- includes the domestic violence and other relevant criminal history of the parties, as well as any associated outstanding charges
- notes whether there are any current Family Law Court orders in place or orders currently being sought
- notes whether there is a DoCS history in relation to any of the children involved
- alerts the magistrate (via a distinctive stamp) if DoCS have current concerns about the safety/welfare of any children involved, and
- contains the signature of the PINOP and if possible, the defendant.⁷⁷

This form is then handed to the magistrate for his information, and the magistrate deals with the ADVO. According to the DART, the use of the “blue form” has significantly streamlined AVO list day processes at court. The DVLO used to attend court on list day from 7.30am until 3.30pm. Since the introduction of the “blue form”, the DVLO rarely has to stay past 10.30am. The magistrate will also excuse a victim from attending court for first mention of ADVO matters for reason of illness, childcare responsibilities, work commitments or fear of the defendant, if they have completed the “blue form”. However, in principle the “blue form” is a way of streamlining the AVO list day process rather than a substitute for the victim’s attendance at court.

The AGD’s response to our provisional report indicated that the Local Court is prepared to consider administrative arrangements within the jurisdiction which assist in the case management of domestic violence proceedings (such as the “blue form”) and to review current list days for matters falling within this aspect of jurisdiction on the full and complete understanding by interest groups that the Court has the ultimate responsibility of managing its workload and is not subject to external direction.

6.5.3 Current Local Court initiatives

We understand that the Corporate Spokesperson for Domestic Violence has recently met with the Deputy Chief Magistrate of the Local Court to discuss the need for action to be taken when individual magistrates are not complying with Court practice directions or good practice generally. One of the Deputy Chief Magistrates is the Court’s representative on committees to deal with domestic violence with particular emphasis on ensuring that those not familiar with the operation of the law are acquainted with the impact of the law on procedural and evidentiary considerations. We also understand that the Deputy Chief Magistrate has indicated a preparedness to meet with these magistrates, along with the Corporate Spokesperson, to communicate the Chief Magistrate’s expectations. The AGD’s response to our provisional report indicates that the Local Court is “very willing” to engage in discussions regarding practical issues affecting case management.

In the AGD’s response to our provisional report, the Director General notes the “anecdotal” issues or concerns raised about the practices of magistrates and commented:

The Court is always amenable to practical suggestions regarding operational considerations. However, it must be borne in mind that Practice Directions of the Chief Magistrate may not always be appropriate. Once the report is made public the Chief Magistrate has undertaken to remind his colleagues through a Chief Magistrate's Circular of some of the concerns expressed on page 62.⁷⁸

While these are positive steps, it is crucial that frontline police are made aware of these processes and that there is an adequate structure in place for local police to raise legitimate concerns and to be provided with appropriate feedback on an ongoing basis.

6.5.4 The need to 'institutionalise' good practice

Ultimately, practical initiatives such as those listed above are likely to encourage police to carry out quality investigations of domestic violence matters, and reduce the likelihood of victims "dropping out" of the criminal justice process. Most are not location specific. Nor do they require additional funding or resourcing. What is needed, however, is for police and courts to work together at a local level to discuss problems and identify solutions. In an environment where there is a large turnover of police in different locations and changes in magistrates and police prosecutors around the state, the need for consistency is crucial. It is therefore important for NSW Police and Local Courts to identify good practice strategies aimed at:

- providing victims of domestic violence with the support they need by making the criminal justice process less confronting and onerous and attempting to ensure they receive the best possible protection, and
- streamlining administrative processes to support police in a difficult and demanding area of their work and to promote greater systems efficiency.

To this end, there is a need for NSW Police and Local Courts to develop a comprehensive protocol for the handling of domestic violence matters. This protocol should be consistent with the relevant legislation governing domestic violence in NSW. The protocol and NSW Police procedures should also be consistent.

Recommendations

16. The Minister for Police provide a copy of this report to the Attorney General for the information of the Chief Magistrate of the Local Court, with a view to the Commissioner of Police and the Chief Magistrate, in consultation with victim and defendant representatives, developing a "good practice" protocol, consistent with the DVSOPS, between NSW Police and the Local Court. This may include adopting practices such as:
 - ensuring that appropriate and specific protection is considered for children through the use of ADVOs
 - providing "safe rooms" for victims and supporting their use
 - implementing tools such as the "blue form" to enhance the quality of information available to the court and to promote its provision at the earliest opportunity, and
 - minimising, where possible, the occasions on which victims of domestic violence are required to attend court.
17. The Minister for Police refer to the Attorney General for consideration:
 - a. the benefits of designating a "spousal" victim of domestic violence a "vulnerable person" for the purpose of court proceedings to allow for alternative arrangements for the giving of evidence.
 - b. whether existing legislative arrangements sufficiently allow for the admission of and reliance on electronic evidence, and
 - c. the adequacy of coverage provided by the Women's Domestic Violence Court Assistance Program.
18.
 - a. NSW Police monitor the performance of police prosecutors in relation to domestic violence matters, including adoption of good practices.
 - b. The Commissioner of Police establish a family and domestic violence prosecutions coordinator at the rank of Senior Sergeant, as proposed by the Commissioner's Inspectorate, to:
 - develop, trial and monitor good practice in the prosecution and management of domestic violence court work
 - provide expert legal advice to police prosecutions
 - prosecute more complex and serious matters
 - monitor the overall quality of briefs and reasons for failed prosecutions
 - provide training to police prosecutors about conducting domestic violence prosecutions, and

— develop, encourage and support arrangements for police prosecutors to confer regularly with stakeholders such as Crime Managers, DVLOs and court assistance scheme coordinators.

19. NSW Police ensure the revised *Domestic Violence Standard Operating Procedures* address good practice by police prosecutors in relation to domestic violence matters.
20. NSW Police encourage and support arrangements for police prosecutors to confer regularly with Crime Managers, DVLOs and court assistance scheme coordinators for the purpose of enhancing good practice in relation to the preparation and handling of domestic violence matters at court.
21. NSW Police require police prosecutors to complete a mandatory domestic violence training component as part of their annual continuing education commitment.

Endnotes

- ⁶⁵ Whetstone, T., "Monitoring the impact of a domestic violence coordinated response team", *Policing: An International Journal of Police Strategies and Management*, Vol.24 No.3, 2001, pp.371-398. p.377.
- ⁶⁶ In some courts, PINOPs are represented by solicitors from community legal centres, the Domestic Violence Advocacy Service, private practitioners, or solicitors funded through Legal Aid (under Domestic Violence Solicitors Schemes).
- ⁶⁷ This was also noted by the NSW Law Reform Commission.
- ⁶⁸ Adapted from a summary provided by Stewart, J., "Specialist Domestic/Family Violence Courts within the Australian Context", Issues Paper 10, Australian Domestic and Family Violence Clearinghouse, 2005. p.14.
- ⁶⁹ Urbis Keys Young, *Research into good practice models to facilitate access to the civil and criminal justice system by people experiencing domestic and family violence*, Partnerships Against Domestic Violence, Office for the Status of Women, Department of the Prime Minister and Cabinet, 2001.
- ⁷⁰ While section 67(4) of the *Crimes Act* enables police to apply to have evidence tendered without the victim being present at court, application must be made for two weeks prior to the court date and police must be able to justify they believe the victim will not attend court. As police point out, it is often not easy to predict a victim's non-attendance.
- ⁷¹ It has been argued that police prosecutors and magistrates require more training about the intersection of ADVOs and Family Court contact orders. See Kaye, M., Stubbs, J. and Tolmie, J., "Domestic violence and child contact arrangements", *Australian Journal of Family Law*, Vol.17, 2003, pp.1-41.
- ⁷² In his response to our provisional report, the Director General of the Attorney General's Department noted the concerns about the need for PINOPs to attend court on the first return date and stated: "*This area of concern is problematic. If the summons has been served and the other party appears and opposes the making of either the order or interim order then of necessity the Court needs to allocate a hearing date. Where the opposition relates to an existing interim order then the Supreme Court decision Smart-v-Johnson applies. That decision makes it clear that the Court needs, in those circumstances, to be satisfied that it is necessary or appropriate to make the interim order. It can only do that if there is supporting evidence to do so*".
- ⁷³ Quoted in Yamine, E. and Saleh, L., "When saying sorry for violence isn't enough", *Daily Telegraph*, 19 July 2005. p.19.
- ⁷⁴ *The Criminal Procedure Amendment (Vulnerable Persons) Bill 2006* was introduced into Parliament on 22 November 2006 and deals with the issue of vulnerable witnesses and the use of audio visual link facilities to give evidence. Presently the definition of a vulnerable witness encompasses children and those who are intellectually impaired. Other categories of witnesses may be considered for inclusion in the future.
- ⁷⁵ Stewart, J., "Specialist Domestic/Family Violence Courts within the Australian Context", Issues Paper 10, Australian Domestic and Family Violence Clearinghouse, 2005. p.30.
- ⁷⁶ The Domestic Violence Intervention Court Model (DVICM) relates to the case management for prosecutions for breaches of orders not the commencement of proceedings to obtain an order. The AGD's response to our provisional report notes that pending the evaluation of the DVICM, the scheme may be extended statewide.
- ⁷⁷ An advantage of obtaining the defendant's signature is that it becomes evidence that they understood the conditions of the AVO in the event of any breach that is later committed.
- ⁷⁸ In this version of our report those concerns are expressed on p. 35.

Chapter 7. Domestic violence and child protection

The issue of child protection goes hand in hand with domestic violence. One American study estimates that in 30% to 60% of families where domestic violence is a factor, child abuse is also occurring.⁷⁹ The Australian Bureau of Statistics' *Personal Safety Australia Survey*, released in August 2006, found that 57% of women who experienced violence by a current partner reported that they had children in their care during the relationship, and 34% of these reported that their children had witnessed the violence.⁸⁰ A 2001 study reported that up to one-quarter of young people aged 12-20 years in Australia had witnessed an incident of physical domestic violence against their mother or stepmother.⁸¹ According to DoCS, domestic violence was identified in over 69 000, or 32%, of all reports assessed by its Helpline during 2004-05.⁸²

Domestic violence may have long-term emotional, developmental and behavioural impacts on children. Children who are subjected to domestic violence are often frequently exposed to other risks, including those associated with parental drug and/or alcohol abuse, parental mental health issues, neglect and failure to thrive. There is some evidence to suggest that co-existent domestic violence and child abuse represents the greatest risk to children's safety and that a large number of cases in which children are killed involve a history of domestic violence.⁸³ Of the 72 reviewable child deaths that took place in NSW in 2004 where the child was known to DoCS, 33 had been the subject of a risk of harm report where domestic violence was a reported issue.⁸⁴ Together, the 33 children were the subjects of 208 reports, 89 of which included domestic violence as a reported risk factor.⁸⁵

The risk to children and young people posed by domestic violence is not limited to the direct psychological, emotional and physical effects that may result. Both during our consultations for this investigation and our audits of NSW Police work to implement its *Aboriginal Strategic Direction* initiatives, we were told about many young people from families experiencing domestic violence who are involved in anti-social or criminal behaviour. Typically, these young people were spending large amounts of time away from home, often late at night, in an attempt to escape the violence. Police expressed their reluctance to return these young people to their homes when they come across them at night, because of the conflict an/or substance use in the family home.

In recognition of the link between domestic violence and child protection, several initiatives involving police have been trialled around the state. For example, child protection workers are co-located with police at both Tuggerah Lakes LAC and Bankstown LAC, while at Green Valley LAC, police refer victims of domestic violence to a specialist team within NSW Health that includes child protection workers.

7.1 Relationship between NSW Police and DoCS

It is critical that both police and child protection workers recognise the link between domestic violence and child protection and that they work together to maximise the effectiveness of their response. According to the NSW Premier, "collaboration between agencies must be regarded as a cornerstone of good professional practice in child protection intervention, not an optional extra".⁸⁶ Most general duties officers said the only communication they had with DoCS was through the Helpline when making mandatory child-at-risk reports. Police reported rarely receiving feedback about their reports. The majority stated that they did not have an adequate understanding of how DoCS prioritises reports.

It is important to acknowledge that police can request feedback from DoCS. Few officers we consulted seemed aware that under section 248 of the *Children and Young Persons (Care and Protection) Act 1998*, police can initiate a request for certain information from DoCS to assist them to determine whether there are child-protection related risks to a child. Significantly, those officers (mainly DVLOs) who had initiated contact with DoCS in order to obtain information reported receiving a helpful and cooperative response. What is critical is that police be active in seeking feedback in appropriate cases. The *NSW Interagency Guidelines for Child Protection Intervention 2006* indicate that:

Mandatory reporters, except NSW Police, will be advised in writing either that the report has been closed at the Helpline or transferred to a Community Services Centre or a Joint Investigation Response Team (JIRT). Feedback will include details of which Community Services Centre or JIRT the matter has been referred to. NSW Police are provided with an automatic receipt of their report, providing a reference number.⁸⁷

The onus rests with police to request feedback from their local Community Services Centre (CSC).

Our survey of DVLOs found that 40% described their relationship with DoCS as "good", "very good" or "excellent". Those who did were much more likely to have established relationships with staff at their local CSC, and regarded these relationships as immensely valuable. Several DVLOs noted that with the introduction of the Helpline, they had considerably less contact with their local CSC. While the benefits of a centralised initial assessment system such as

a Helpline are clear, there may be scope for exploring this concern expressed by police about the perceived lack of contact at a local level between both agencies. Many officers expressed support for an approach that would facilitate better communication between frontline police and DoCS workers by including more direct case-management of high-risk matters.

DVLOs at Tuggerah Lakes LAC and Bankstown LAC painted a positive picture of their relationship with DoCS. Child protection workers are co-located in both commands and work closely with police in relation to domestic violence and children at-risk. Interagency collaboration and information sharing has been found to be critical to ensure the safety of victims of domestic violence and perpetrator accountability,⁸⁸ and co-location is a logical way to promote this.

While co-location may only be appropriate in areas where domestic violence is considered a high-risk, in the absence of co-location, DVLOs need to have a strong partnership with their local CSC that includes regular case-tracking meetings for appropriate high-risk cases and, where desirable, joint home visits.⁸⁹ Many general duties officers would also like the capacity to contact their local CSC directly, perhaps via an “on call” worker, in all circumstances where they hold immediate concerns about the safety of a child.⁹⁰ In this regard, officers told stories of children being left to wait at police stations for hours:

For instance, we grab dad, he's committed an offence so he's in the dock, he's out of action for at least four hours if not more... if he's breached an AVO, he's most likely 'bail refused', so he's gone for the night. Mum may well be too intoxicated to even look after the kids, we can't track down Aunty Vera or anybody to look after them, [so] quite often the station officer is sitting there with three kids running around in the front interview room for hours on end.

7.2 Police officers' views about domestic violence and child protection

NSW Police policy is that all children *present* at a domestic violence incident must be reported to DoCS as a “child at risk”. This policy is reflected in both the DVSOPS and the *Child Protection Policy and SOPS*.⁹¹ Our research indicates that police may interpret the policy in various ways. For instance, it appears that some police may consider it unnecessary to make a report to DoCS if the child was present at the scene of the incident but did not witness violence (for example, the child was believed to be asleep).

In previous reports issued in relation to the Ombudsman's responsibility to review certain child deaths, we have noted that NSW Police's policy and instructions to police may lead to the failure of police to make a report in situations where children are not physically present during an incident, but are known to be living in a domestic violence situation.⁹² For example, in one case, police intervened in a public domestic violence assault involving the temporary carers of a young Aboriginal child who later died. Although police knew that the parties had children in their care, they did not make reports to DoCS on the basis that the children were not “present” at the time of the incident.

It is important that police officers clearly understand that a risk of harm report should be made to DOCS in circumstances where although a child is not present at the incident, the police are aware of a child protection history, and the DVSOPS and *Child Protection SOPS* need to reflect this.

7.3 ADVOs for children

Appropriate intervention on a child's behalf is not limited to the making of a mandatory report to DoCS. Our focus groups indicated that it is unusual for police to initiate separate ADVOs for children. The major reasons for this appear to be: a lack of understanding about the risk to children constituted by domestic violence; a misperception about the level of protection afforded to children by inclusion on their mother's ADVO; not being able to obtain a proper statement or other evidence to demonstrate that a child has fears for his/her safety; an awareness of the reluctance of some magistrates to issue separate protection orders for children; and a reluctance to take action that may impact on a father's contact with his children.

In our *Report of Reviewable Deaths in 2004* and in reviews of deaths in 2005 we raised some questions about how effectively police are utilising their powers to take out ADVOs on behalf of children, and whether police officers have adequate procedural guidance to determine the circumstances that warrant application for an ADVO on behalf of a child. We note also that the NSW Law Reform Commission recommended in its 2003 report on AVOs that police should be required to make a separate ADVO application on behalf of a child where the child is on the protected parent's ADVO and the parent seeks to withdraw or vary the order. Only police officers can apply for an ADVO for the protection of a child under 16 years of age, so it is important that they are aware of the circumstances in which doing so is appropriate.⁹³ In this regard, we have requested that NSW Police advise us of the progress of its “AVO Compliance with Legislation” project.⁹⁴

During our consultations we met only one DVLO who said that it was not uncommon for her to apply for a protection order specifically on behalf of a child, and that this was often done at the request of DoCS. Interestingly, the command in which that DVLO works is part of the Domestic Violence Intervention Court Model and stands out for its good interagency communication, particularly its strong relationship with the local DoCS CSC. Strong local relationships between police and DoCS, whether through co-location of police and child protection workers, the institution of case tracking meetings, or other means, may positively influence police decisions in relation to applying for ADVOs for children.⁹⁵

In their response to our provisional report, DoCS emphasised the importance of more frequent and better use of exclusion orders,⁹⁶ in addition to separate ADVOs for children, to minimise the detrimental effect of domestic violence on children and young people because these orders remove the perpetrator from the home.

7.4 Information sharing

To respond effectively to domestic violence, it is critical that timely information is exchanged between NSW Police and DoCS. For example, NSW Police needs to ensure information is provided to DoCS about ADVOs, as DoCS may make risk assessment decisions based on this information. It is also important that police are aware of what action DoCS is taking in relation to families.

7.4.1 Mandatory reporting

There is variable quality in the information provided by police to DoCS by way of child-at-risk reports. Officers who provide faxed reports routinely do so by forwarding a copy of the COPS narrative of an event. This is potentially problematic because COPS narratives tend to focus on the particulars of the current incident and do not necessarily contain contextual information that may assist DoCS to make an appropriate assessment (eg. results of history check of offender/victim, including any history of violence perpetrated by the offender against previous partners, the nature and frequency of violence between the parties and whether it appears to be escalating).

On average there are approximately 1 400 reports from NSW Police to the DoCS Helpline each week, and around 800 of these reports are transferred to CSCs for further assessment.

7.5 Progress to date

7.5.1 Risk assessment for children and young people at risk of harm

Given the many thousands of domestic violence reports that NSW Police makes to DoCS each year, there is a significant onus on police officers to provide comprehensive information to the department about a child's circumstances and any risks associated with the domestic violence. NSW Police acknowledges the need for better quality mandatory reporting. We understand that NSW Police and DoCS have had discussions about ways to improve risk assessment procedures for child protection reports made by NSW Police.⁹⁷ The *NSW Interagency Guidelines for Child Protection Intervention 2006* provide comprehensive coverage on reporting risk of harm which should also assist NSW Police in determining when to contact the DoCS Helpline.

7.5.2 Exchange of information

DoCS has advised that it expects to commence an "electronic reporting" trial system in 2007, with the Department of Education and Training. Once any issues arising from the trial are resolved, electronic reporting may be extended to other agencies, including NSW Police. In the interim, a standardised template has been developed for mandatory reporters to fax risk-of-harm reports to the DoCS Helpline.

NSW Police and DoCS are also developing a Memorandum of Understanding (MoU) on the exchange of information. The MoU will cover the expectations of police in reporting risk of harm related to domestic violence, i.e. the nature and extent of information that police should provide when making a mandatory report to DoCS. Information and training will be provided to police to accompany the implementation of the MoU.

7.5.3 Better guidance for police

In our *Report of Reviewable Deaths in 2005* we have recommended that NSW Police prioritise its revision of the DVSOPS and *Child Protection Procedure and SOPS* to ensure:

- they provide adequate advice to police about circumstances where a risk of harm report to DoCS may be appropriate in cases where the child is not present with the adult and police are aware of a child protection history
- give adequate guidance to police about circumstances where it may be appropriate for police themselves to seek further information about the safety of children under section 248 of the *Children and Young Persons (Care and Protection) Act 1998*, and
- encourage full and relevant reporting to DOCS on the type and level of risk posed to children who are present at a domestic violence incident.

In our *Report of Reviewable Deaths 2004*, we also recommended to NSW Police that the *Child Protection Procedures and SOPS* be amended to include procedural advice to police on the preparation of reports about children and young people at risk who have been the subject of numerous reports to DoCS. This advice should be consistent with relevant DoCS procedures. NSW Police accepted this recommendation.

We also note that the recently updated *NSW Interagency Guidelines for Child Protection Intervention 2006* contain useful information and guidance on the indicators and risks of domestic violence, and about “risk of harm” more generally. It also provides a “template for reporting” that can be used to assist in preparing a risk of harm notification.

Recommendations

22. NSW Police consider the issues outlined in this section and in our Report of Reviewable Deaths in 2004, when revising the *Domestic Violence and Child Protection Standard Operating Procedures*, and in particular:
 - outlining the processes available for obtaining information from DoCS
 - outlining in detail when a report about a child or children must be made to DoCS
 - emphasising the importance of considering and obtaining ADVOs for children, and
 - providing good practice advice on making reports to DoCS.
23. a. NSW Police and DoCS develop a shared risk assessment model that will assist in alerting either agency about children and young people at risk of harm, particularly in situations of domestic violence.
- b. NSW provide quarterly progress reports in relation to the development of:
 - an electronic notification to DoCS of children at risk
 - a Memorandum of Understanding with DoCS on the exchange of information
 - a shared risk assessment model with DoCS, and
 - the “AVO Compliance with Legislation” project.

Endnotes

- ⁷⁹ Edelson, J., "The overlap between child maltreatment and woman battering", *Violence Against Women*, Vol.5. No.2, 1999, pp.134-154.
- ⁸⁰ Australian Bureau of Statistics, *Personal Safety Australia survey*, 2006.
- ⁸¹ *Young Australians and Domestic Violence*, National Crime Prevention, Attorney-General's Department, 2001. Cited in J Mulroney, *Australian Statistics on Domestic Violence*, Australian Domestic and Family Violence Clearinghouse, 2003.
- ⁸² NSW Department of Community Services, *Annual Statistical Report 2004-05*. p.15.
- ⁸³ See Laing, L., *Children, young people and domestic violence*, Issues Paper 2, Australian Domestic and Family Violence Clearinghouse, 2000 .p.16.
- ⁸⁴ 13 of the children were Aboriginal.
- ⁸⁵ NSW Ombudsman, *Report of Reviewable Deaths in 2004*, p.81.
- ⁸⁶ NSW Department of Community Services, *NSW Interagency Guidelines for Child Protection Intervention 2006*. p. 5.
- ⁸⁷ NSW Department of Community Services, *NSW Interagency Guidelines for Child Protection Intervention 2006*. p 41.
- ⁸⁸ Urbis Keys Young, *Research into good practice models to facilitate access to the civil and criminal justice system by people experiencing domestic and family violence*, Partnerships Against Domestic Violence, Office for the Status of Women, Department of the Prime Minister and Cabinet, 2001. See also see Shepard, M., "Twenty Years of Progress in Addressing Domestic Violence: An Agenda for the Next Ten", *Journal of Interpersonal Violence*, Vol.20 No.4, April 2005, pp.436-441.
- ⁸⁹ Case-tracking meetings are a feature of the DVICM and joint home visits are a component of DART.
- ⁹⁰ In their response to our provisional report, DoCS advised that "in reference to the suggestion that provision be made for NSW Police to contact a CSC directly about an immediate risk of harm, it is necessary for a new risk of harm report to be made to the DoCS' Helpline" (p.4).
- ⁹¹ The *NSW Interagency Guidelines for Child Protection Intervention 2006* provide in relation to police reporting when a child is not present at a domestic violence incident, that a risk of harm report should be made if there are reasonable grounds to suspect that the child or young person is at risk of harm and current concerns exist for the child's health or wellbeing.
- ⁹² NSW Ombudsman, *Report of Reviewable Deaths in 2004*, 2005.
- ⁹³ Section 562ZZC(3) of the *Crimes Amendment (Apprehended Violence) Act 2006* makes it clear that only a police officer can apply for a variation or revocation of an order on behalf of a child.
- ⁹⁴ Recommendation of *Report of Reviewable Deaths in 2005*, NSW Ombudsman.
- ⁹⁵ The use of separate ADVOs for children is included in the *NSW Interagency Guidelines for Child Protection Intervention 2006*.
- ⁹⁶ An "exclusion order" is a court order that excludes the perpetrator of domestic violence from residing in the family home.
- ⁹⁷ Lead agencies such as DoCS and NSW Police have agreed that developing a risk assessment framework is a priority. NSW Health has taken the lead agency role for the project and DoCS has agreed to fund the development of a cross-agency risk assessment framework.

Chapter 8. The need for an effective interagency response

[Domestic violence] is a responsibility that extends beyond the police service — all government departments with roles in [responding to domestic violence] need to be working together...⁹⁸

An effective response to domestic violence requires strong cooperation between government and non-government agencies and services. Recognition of the need for “integration” and “coordination” is now a well-established trend.⁹⁹ In recent years the NSW Government has invested in a number of pilot projects aimed at developing and implementing strong interagency responses. Many of these pilot initiatives were locally initiated and developed, including:

- Mt Druitt Family Violence Response and Support Strategy
- Canterbury Bankstown Interagency Domestic Violence Response Team
- Green Valley Domestic Violence Service
- Domestic Assault Response Team (Tuggerah Lakes)
- Domestic Violence Intervention Response Team (Brisbane Water)
- Staying Home Leaving Violence (Bega and East Sydney)
- Operation Choice (Shoalhaven and Lake Illawarra)
- Manning/Great Lakes Police and Women’s Refuge Partnership Against Domestic Violence Project, and
- Domestic Violence Intervention Court Model (Wagga Wagga and Campbelltown).

Several of these projects have been, or are in the process of being, evaluated. To date, only the Domestic Violence Intervention Court Model (DVICM) has secured long-term, ongoing funding.¹⁰⁰ There is an urgent need to identify the best aspects of the various models that have been trialled and to find ways to implement these in other locations across the state, starting with those areas with the most acute need.

8.1 Elements of effective interagency responses

Our research and consultations have identified four basic elements that are fundamental to achieving a good interagency response to domestic violence:

- effective police investigations and referral to support services
- effective victim support, including court support
- effective child protection response taken when children are involved, and
- a strong focus on the perpetrator.

8.1.1 Police investigation and referral

8.1.1.1 Investigation

The primary role of police in relation to domestic violence is to enforce the law. They are responsible for investigating offences and protecting victims. Of necessity, much of their work is re-active in nature. Good police practice in responding to domestic violence includes:

- Appropriate and timely responses to calls for assistance to domestic violence incidents.
- Appropriate and timely intervention and action, including generally proceeding by way of arrest and charge when a domestic violence offence has occurred, and not by way of summons or court attendance notice.
- Investigation of offences, commencing with treatment of the site of the offence as a crime scene and the gathering of physical evidence (exhibits and forensic evidence), including photographing and videotaping the crime scene, photographing the victim’s injuries, involvement of forensic officers or scene of crime officers, statement taking, canvassing of neighbours, family and friends.
- Obtaining additional supporting evidence, eg. medical evidence relating to the incident and to prior incidents; taped evidence of the emergency call.
- Ensuring the safety and protection of victims and family members through appropriate bail determination and by applying immediately for interim protection orders.

- Video taping or audio taping of statements of victims and records of interview with defendants, using planned, skilful interview techniques.
- Ensuring logging and continuity of exhibits.
- Conducting follow-up interviews with victims to ensure orders sought meet the specific needs of the victim and family and continue to be appropriate.
- Provision of information and notice of the requirement to attend court.
- Referral to appropriate agencies for further assistance.
- High quality brief preparation.
- Timely disclosure to the defendant/defence counsel.
- Liaison with and detailed briefing of prosecutors, including provision of details for submissions on bail and conditions of orders to be made by the court.¹⁰¹

8.1.1.2 Referral to support services

As noted above, it is important that police have the capacity to refer victims to other services with the necessary resources and skills to provide support. From the late 1990s onward a number of LACs initiated trials involving the implementation of an arrangement that enabled police officers to refer (by consent) victims of domestic violence to local support agencies. If consent is received, police provide the victim's contact details to the agency, which then contacts the victim within an agreed timeframe. In 2003 NSW Police developed a Domestic Violence Proactive Support Service (DVPASS) Protocol and Resource Manual to guide local area commands in implementing referral arrangements. Thirty-three (33) LACs were initially involved.

The DVPASS model is known by a variety of names in different LACs, including "yellow card", "sticker" and "fax-back", reflecting the different methods police use in different LACs to record victims' personal information and pass it on to support agencies. The implementation of DVPASS across NSW has not been formally monitored or evaluated by NSW Police. Feedback from DVLOs suggests that a number of LACs have experienced difficulties in maintaining a reliable arrangement with selected agencies, and a significant number of agencies were unable to sustain the level of commitment required to support the LAC referral process due to lack of funding/resources. It is well documented that there is a limited number of services able to provide legal representation, advice and support to victims of domestic violence, particularly in rural areas that have some of the highest needs. For example, in September 2005, the Australian Institute of Health and Welfare reported that women's refuges across the country turn away one in two women escaping domestic violence every day.¹⁰²

However, despite such obstacles, the model has achieved success in a number of locations. The Canterbury DVPASS is one example.

Case study 3

Canterbury DVPASS

The Canterbury DVPASS was initiated in 2001 through the Canterbury Domestic Violence Liaison Committee (CDVLC). It was decided that a domestic violence worker should be employed to link victims to appropriate services immediately following incidents reported to police. A collaborative project between the CDVLC and Campsie LAC, the project is auspiced and managed by the Sydney Women's Counselling Centre and funded from the Community Development Support Expenditure (CDSE) Program by Clubs NSW.

The Canterbury DVPASS was independently evaluated for the period March 2003 to March 2004. The evaluation found that of 1386 domestic violence incidents reported to police, 1077 resulted in referrals to the DVPASS by police. Overall, the evaluation concluded that the project was highly successful in its ability to ensure families experiencing domestic violence are provided with choices and supported in accessing services that build their resilience and capacity to change their circumstances.¹⁰³

Identified strengths were the high quality management environment provided by the support agency, Sydney Women's Counselling Centre; the extensive knowledge of the domestic violence worker about NSW Police domestic violence policy and procedures;¹⁰⁴ the degree to which Campsie LAC was engaged in and supportive of the project; and the well-functioning nature of the auspicing group, the Canterbury Domestic Violence Committee. Identified weaknesses were the provision of limited coordination and casework hours due to lack of sufficient funds for the project; and some issues associated with police officers responsible for initiating referrals (the evaluation found that there was a need for more training and support for police officers to maximise the effectiveness of the project).

The evaluation of the Canterbury DVPASS recommended, among other things, that NSW Police consider implementing appropriate models of Domestic Violence Proactive Support Services across the state and securing both pilot and recurrent funding for these projects. The Canterbury Domestic Violence Liaison Committee is the recipient of a NSW Violence Against Women Prevention Award in recognition of the coordinated response it provides to victims of domestic violence. The Canterbury DVPASS is funded until February 2007.

8.1.2 Victim support (including court support)

The aim of victim support is to empower individuals to make choices and to access services. Victims of domestic violence have short-term and long-term support needs. For example, in the short-term, victims may require support to access and remain in the court system to obtain a protection order, and/or to give evidence against the perpetrator of an offence against them. Another example of a short-term support need is accessing emergency accommodation. In the longer-term, other support needs might include counselling, housing and family law advice.¹⁰⁵

The Women's Domestic Violence Court Assistance Program provides vital support to victims of domestic violence by providing them with information and making the experience of court less confusing and intimidating. DVLOs also play an important role supporting victims at court, particularly by liaising with police prosecutors to ensure they have the required information and advice to enable them to advocate effectively for victims. The courts themselves are instrumental in encouraging victims to remain in the system, for instance, by providing "safe rooms", administering practices that streamline processes and make the system less alienating for victims, and giving consideration to options such as exclusion orders (these issues are discussed in the section "Domestic violence and the court system"). Other services also provide support to victims through the court process, including family support services and women's refuge workers.

The Domestic Violence Intervention Response Team (DVIRT) and the Green Valley Domestic Violence Service are examples of the effective provision of victim support.

Case study 4

Domestic Violence Intervention Response Team (DVIRT)

The Domestic Violence Intervention Response Team (DVIRT) is a project initiated by Brisbane Water LAC with the cooperation and support of local community services. The stated objectives of the DVIRT are:

- to empower victims
- to reduce number of victims withdrawing from ADVO applications
- to increase number of victims attending court
- to decrease the amount of recidivism, and
- to increase reporting of breaches.

It provides an information, referral and support service for people who have had contact with police in relation to a domestic violence incident. Referrals are made by the police through the operation of a sticker system when police attend an incident or when an incident is reported at the police station. The sticker is a pro-forma consent form that can be stuck into an officer's official notebook and signed by the victim, giving authority for their contact details to be released to the DVIRT workers (1 full time coordinator and 1 part time support worker seconded from the Central Coast domestic violence court support scheme).

The DVIRT support workers are co-located with police between Monday-Friday and have access to COPS. They aim to make contact with clients within 24 to 48 hours of the event being reported to police in order to provide information, referral and advocacy. Priority is given to high-risk victims and offenders who are monitored and supported in an attempt to reduce recidivism.

An independent evaluation of DVIRT found that since its commencement, reductions have been achieved in relation to the percentage of repeat offenders and victims, ADVO breaches, court dismissals due to no parties attending, and ADVO withdrawals. Although the reductions so far are small, the evaluation concluded that they represent "trends in the right direction"¹⁰⁶ and can be expected to become statistically significant in the future. Apart from these measures, the evaluation also found a high level of satisfaction on the part of victims with the services they received from DVIRT. DVIRT is the recipient of an Australian Crime and Violence Prevention Award. It is funded by Community Solutions until mid 2007.

Case study 5

Green Valley Domestic Violence Service

The Green Valley Domestic Violence Service (GVDVS) is a Community Solutions funded project led by NSW Health. It originally involved DoCS, Green Valley LAC, the Department of Housing¹⁰⁷ and local non-government agencies. The purpose of the service is to provide integrated case management to families experiencing domestic violence and child protection issues.

After attending a domestic violence incident, police obtain the consent of the victim to refer their details to the GVDVS. This is done by obtaining the victim's signature on a "yellow card". The cards are then referred to a specialist team of domestic violence, drug and alcohol and child protection workers located within NSW Health who attempt to contact the victim within 48 to 72 hours.

As part of the case management approach, a Service Agreement with Department of Housing enables an assessment to be carried out by the domestic violence worker to constitute an application for housing assistance. This streamlines the support process for victims. It was initially envisaged that a DoCS casework specialist would pick up non-consenting victims (via mandatory reports from police) and visit them to encourage contact with the GVDVS. However for various reasons this did not eventuate, and DoCS withdrew from the partnership in mid 2004.¹⁰⁸

The GVDVS has been independently evaluated.¹⁰⁹ The evaluation found that the implementation of the service has been extremely successful. The GVDVS is the recipient of an Australian Crime and Violence Prevention Award. It is funded until June 2007.

8.1.3 Child protection

Domestic violence places children at risk. A strong focus on child protection is critical to an effective interagency response to domestic violence. The needs of children and the risks posed to them can be overlooked if there are not systems in place that allocate specific responsibility and methods for addressing these risks. DoCS' initiatives to address domestic violence include the Domestic Violence Line,¹¹⁰ participation in the NSW Strategy to Reduce Violence Against Women, and piloting new ways of working jointly with NSW Police on domestic violence cases where children are involved. The Domestic Assault Response Team (DART) is an example of a model that specifically focuses on child protection in the context of domestic violence.

Case study 6

Domestic Assault Response Team

The Domestic Assault Response Team (DART) is a joint project initiated by DoCS' Wyong office and Tuggerah Lakes LAC. It is funded by Community Solutions. The DART aims to provide more coordinated responses to families experiencing domestic violence. Its key feature is the co-location of police and DoCS caseworkers. The DoCS component of the DART comprises a casework manager, six caseworkers including specialist caseworkers (drug and alcohol; mental health and child health) and a part time clerical worker. The police component consists of a team leader (the LAC's DVLO), two police officers focused on early intervention and two arrest team officers.¹¹¹ Tuggerah Lakes LAC receives no direct funding, with its component of the DART staffed from existing resources (they have use of a vehicle funded by DoCS). The DART works general office hours between Monday — Friday.

The DART model has two main elements: early intervention and intensive case management. The DART is alerted when police apply for an ADVO on behalf of a victim of domestic violence. It completes an extensive background check on the involved parties. Associated charges, prior history and conditions sought in the ADVO are ascertained. If children are involved, the DART also conducts a history check of previous child protection interventions and outcomes. It also determines if there are any current Family Law Court Orders in place, or if any are being sought (this precaution is taken in case the defence objects to a condition of an ADVO on the basis of a Family Law Court Order).

Where there are children involved, a DART caseworker and police officer visit the family home to explain the ADVO and court process and answer any questions the PINOP may have. At this visit, any child protection issues are discussed and referrals to services arranged. Where there are no children involved, the DVLO contacts the victim and/or conducts a home visit. The DART identifies the support needs of the PINOP and her/his family and provides appropriate referrals and information. Where possible, the DART also seeks to

speaking with the defendant about the same issues. At this time, his/her obligation to cease behaving violently is reinforced. The ADVO matter then proceeds to court.¹¹²

Intensive case management targets high-risk families with chronic histories of domestic violence. These cases are identified through joint meetings between DoCS and police, and the team focuses on the victim and any children as well as the offender. DART purchases support services for the family using brokerage funds and supports them through legal procedures and court hearings.

The other elements of DART are the arrest team that targets domestic violence offenders with outstanding arrest warrants, and ADVO compliance operations. Compliance operations involve police targeting offenders who have previously had an ADVO made against them. Police check to see if they are abiding by the conditions of the ADVO. If not, the person is charged with breaching the ADVO. During compliance operations, DoCS workers are “on call” to assess any reported child-at-risk incidents that may necessitate the removal of a child.

8.1.4 Areas of success

According to DoCS, evaluation of DART has indicated the value of the model by achieving: an increase in the number of victims pursuing ADVOs and not withdrawing them; a reduction in the reporting of high-risk families and improved court efficiency making it easier for victims and their children to appear before the court, resulting in better use of resources.¹¹³ DART is the winner of an Australian Crime and Violence Prevention Award. It has been subject to an evaluation as part of a broader (yet to be made public) evaluation of a range of integrated case management projects. DART does not have a secure funding basis, with current funding due to expire in 2007.

8.1.5 A focus on the perpetrator

It is critical that an interagency response to domestic violence includes a focus on the perpetrator that holds them to account for their behaviour. Prosser notes:

in practice, contact is more likely to occur only with the mother. The invisibility of perpetrators can easily occur and requires vigilance. In order to avoid the criticism of child protection services focusing only on the mother, efforts must be made to engage with the father whenever possible.¹¹⁴

The Mt Druitt Family Violence Response and Support Strategy and the Domestic Violence Intervention Court Model (DVICM) are models that were designed to incorporate a focus on perpetrators of domestic violence through the inclusion of perpetrator programs. However, along with specific interventions for perpetrators, such as requiring them to undertake treatment programs, police and DoCS have an important role to play in holding offenders of domestic violence to account for their actions. In their interactions with families, they should emphasise the unacceptability of the perpetrator’s actions and the direct and indirect consequences of them.

Some commands send letters to domestic violence offenders that include statements warning that they are being proactively monitored by police. In others, police and/or child protection workers carry out home visits during which offenders are spoken to and their responsibilities reinforced. One commander described to us how offenders sometimes “open up” to police about their use of violence during these home visits. This can help identify factors that are aggravating the violence that offenders are perpetrating, such as alcohol or other drug dependence, and enables appropriate referrals to be made.

In many Aboriginal communities, local men’s groups are also wrestling with domestic violence and reinforcing the need for men to be strong role models for their children, particularly young boys. A number of men’s groups that we have met with during our audits of police work in Aboriginal communities have told us that police, including DVLOs, regularly attend men’s group meetings to talk about some of the consequences of committing domestic violence offences.

8.2 Methods of facilitating effective interagency responses

Effective interagency responses depend on effective cooperation between agencies at the local level. In practice, local cooperation between agencies in responding to domestic violence is still largely ad-hoc and dependent on the goodwill of individuals. There is no one model that incorporates comprehensive cooperation. For example, the most ambitious model funded by the NSW Government in terms of its planned scope is the Mt Druitt Family Violence Response and Support Strategy. However, it does not formally incorporate the Local Court. Neither does DART, another interagency model. As well, there is still very limited formalised cooperation between government and non-government agencies in most parts of the state.

Some of the challenges involved in achieving effective interagency cooperation include:

- different, sometimes competing ideologies/priorities of agencies
- a reluctance to change internal processes to facilitate integration
- different understandings/definitions of domestic violence, and
- challenges sharing information.¹¹⁵

Rather than be seen as obstacles, these challenges should be approached as opportunities for agencies to become better informed about the policies and practices of different organisations, and to devise cooperative solutions. In this regard, the *NSW Interagency Guidelines for Child Protection Intervention 2006* includes a helpful model for resolving interagency differences.¹¹⁶ These are complex issues. However, it is clear that in particular areas these challenges have been met effectively, resulting in constructive interagency practice. We are keen to see these examples of good practice operating throughout the state, so that effective interagency work is built into an effective policing response to domestic violence.

Our feedback from Commanders and frontline police is that there needs to be a systematic and multi-level approach to interagency cooperation at the local level in responding to domestic violence. Through our research we saw a number of examples of solid interagency practice that involved one or more of the following elements:

- strong senior leadership
- liaison with local agencies and service providers
- case management of high-risk matters, and
- co-location.

8.2.1 Local leadership

What is clear from our research is that good interagency practice does not happen in a vacuum. In all cases, leadership at the local level drives it. Furthermore, in this critical area of interagency cooperation, the local leaders of the various agencies and service providers need to pull together. In this regard, it is worth noting that while DoCS has lead responsibility for child protection, the *NSW Interagency Guidelines on Child Protection Intervention 2006* make it clear that DoCS alone cannot provide effective intervention:

*No single agency, service, program or professional discipline has the knowledge, skill or mandate for the entire spectrum of interventions to protect children from harm. The efficacy of the NSW child and family service system relies on the response of individual agencies and professionals working in collaboration with others in the service system, regardless of differences in size, individual philosophies, structures or funding sources.*¹¹⁷

Ensuring that general duties officers are aware of what strategies are in place to facilitate interagency cooperation and how they are expected to contribute to them is an important component of providing leadership. A major source of frustration for police is feeling that they are solely responsible for responding to domestic violence. Usually, they do not know what, if any, interagency efforts are being made to intervene in the situations of families at-risk. This acts as a de-motivator and contributes to disillusionment.

To combat this, and to ensure that strategies are as effective as possible, frontline police need to know how methods like case-tracking are relevant. For example, general duties officers need to know that one of the reasons good record-keeping is necessary is so that information can be reliably gleaned about high-risk families, and those families can be discussed and monitored at case-tracking meetings. In turn, appropriate feedback from meetings, including good outcomes/results, should be disseminated to frontline police where it will assist them to respond more effectively.

8.2.2 Integrated Case Management Model at Dubbo

One example that we have observed of strong commitment at the local level to solid interagency practice is the Integrated Case Management Model at Dubbo (ICMM). While the focus of the ICMM in Dubbo is not domestic violence, it is a major component given that it represents a significant percentage of crime, and there exists a strong link between domestic violence and youth offending.

In early 2005, leaders from the West Dubbo community held a crisis meeting involving 200 residents, elders, police and government representatives to look at ways of dealing with the spiralling level of crime on the Gordon Estate. A range of decisions were made as a result of this meeting but one of the most significant outcomes was that agencies agreed to conduct integrated case management of “at-risk” families identified collectively by NSW Police, DoCS, Department of Housing, NSW Health and the Department of Juvenile Justice. Initially, representatives agreed to meet every week for three months to develop individual case plans.

In the early stages of the ICMM, police tended to provide the lead. More recently it has been led by DoCS with strong support from police. What has been interesting to note is that the various agencies coming together has not always been a smooth relationship. Strong leadership by various agencies has resulted in a great deal of debate and ongoing discussion about the best way forward. We believe that this debate and “early conflict” has helped to refine the focus and practices of this work. The ICMM would appear to have many of the elements of solid interagency engagement focused on vulnerable members of the community.

We have visited Dubbo on several occasions to meet with the local Aboriginal community and agencies involved in the ICMM, most recently in July 2006. Since its commencement, the model has been refined and has now settled on a three-tiered process for mapping cases that includes:

- lead agency referral and reporting
- set periods of review, and
- single and multi-agency tasking.

A major “spin-off” from the ICMM is improved communication between agencies. One member told us:

we now all call and email each other between meetings, whereas we rarely did that before. A lot of our frontline workers now have a better understanding of each other's roles and limitations. It has improved all areas of communication between local agencies and not just in relation to the ICMM families.

One of the main reasons why the Dubbo model has continued is the leadership and ongoing commitment by the Commander. This was acknowledged by a number of the group's members.

8.2.2.1 Successes and challenges

The Dubbo ICMM has wrestled with various issues, including referral mechanisms and associated privacy issues. When asked about the key elements needed to make integrated case management work, the group's members identified the following:

- agencies need to be honest and open about what they know about families they work with
- case plans need to travel with a family when they move to another location
- decision-makers who can commit resources need to be in the room
- agencies and service providers need to be properly resourced so they can actually handle the cases being referred
- legislative change needs to be enacted to empower agencies to exchange information without having to go through too many hurdles
- there is a need to define successes and capture failures, and
- there is a need to capture overall improvements for a whole family rather than focus on a particular individual.

One of the most interesting issues the group is grappling with concerns what constitutes “success”. Success can mean getting a parent into a treatment program for substance abuse, reducing the level of offending by a young person, or getting the young person to regularly attend school. As one member remarked: “It is often the little successes that we are really pleased with. Success shouldn't just be measured on completely turning a person's life around”. The case below highlights one of the model's most successful interventions:

A young person from a family where domestic violence and alcohol abuse were problems was referred to the ICMM. He was involved in a range of anti-social and destructive behaviours. He was placed in his grandmother's care and his mother was provided substance abuse counselling. Acute mental health care was provided to the young person and he was introduced to basic education, which was developed through his case plan. Over a period of time he was re-introduced to school. All of his court matters were concluded. The young person went on to win a medal from an international youth leadership program. The Commander commented that he was “as proud of him as I would be of one of my own children”. The commander also noted that while this particular intervention was expensive, the cost pales in comparison to what it would cost the state to deal with the young person's behaviour in the long-term, given the path he was headed down.

8.2.3 Liaison with local agencies and service providers

Along with the more formal, structured process of case-tracking, regular interagency liaison of other kinds is important. Most local government areas have a domestic violence committee attended by agencies and services that come into contact with families experiencing domestic violence. Often, women's refuges also have their own committee. Commanders need to familiarise themselves with the arrangements that exist in their local area, and ensure that police actively participate in them.

Representation on committees and at meetings needs to be sufficiently senior to demonstrate the command's commitment to addressing domestic violence. Regularly sending unaccompanied junior officers sends a message that domestic violence is not a high priority for local police, as does inconsistent attendance, which also demonstrates a lack of commitment. Another way that police can demonstrate goodwill is to offer to host meetings on an occasional basis. While it will not always be possible for more senior police to attend meetings, or for police to attend on every scheduled occasion, Commanders need to make every effort to attempt to ensure this.

In consultation with other participating agencies, police can consider inviting relevant non-government service providers to attend local government interagency meetings on a semi-regular basis. Excluding them from this forum can lead to a perception that government agencies (including NSW Police) have a "closed shop" approach and are doing little, if anything, to address domestic violence.

It is also appropriate for commands to instigate the development of local protocols between police and particular services, eg. women's refuge, domestic violence court assistance scheme, local migrant and Aboriginal services. Protocols are useful for documenting agreed processes. For example, a protocol between local police and a women's refuge might document:

- the refuge's intake procedures
- the appropriate way for police officers to refer clients
- procedures for resolving complaints, and
- local policies on police assisting clients to collect their belongings from home, attending the refuge to take statements, procedures where a client has an outstanding warrant, etc.

Another way that commands can contribute to building good relationships in the broader community is to invite local services and agencies to staff meetings or training sessions on an occasional basis. Such events provide an opportunity for information sharing and two-way feedback. At one LAC, police used to invite the local MERIT¹¹⁸ drug and alcohol counsellors to police musters to encourage referrals. Some of the most cynical officers became the biggest referrers once they started to see results. Prioritising attendance and participation at local community events such as forums, White Ribbon Day, Stop DV Day, open-days etc. also assists in the development and maintenance of positive relationships.

8.2.4 Case management

Where children are involved, and DoCS has allocated the matter for further assessment, the *NSW Interagency Guidelines for Child Protection Intervention 2006* require that DoCS leads the case-management process. If a child or young person is in need of care and protection, DoCS will convene a case meeting with key interagency partners.¹¹⁹ In addition to this process, there are a number of models that involve various agencies case-managing or tracking high-risk domestic violence matters. In addition to the more intensive case management approach underpinning the ICM and DART models, the DVICM includes "case-tracking" as a feature. We recognise that these various models may have significant resource implications. In addition, it is critical that they are evaluated to ensure they provide the best, most efficient outcomes. We are of the view that if the evaluation of these models proves their effectiveness, case managing and/or tracking domestic violence matters should form part of good local practice in areas where domestic violence is a high-risk. In their response to our provisional report, DoCS has also acknowledged that there are benefits to a systematic case-tracking approach. DoCS emphasise the need for clear policies to identify appropriate matters for consideration, which could also assist DoCS own screening processes.

8.2.4.1 Case-tracking meetings

Case-tracking meetings involve representatives from key local agencies meeting on a regular basis in order to exchange information about families "at-risk" and to ensure appropriate interventions take place. It already occurs with the involvement of various government agencies at Campbelltown and Wagga Wagga as part of the DVICM; at Redfern as part of the Redfern-Waterloo Family Violence Taskforce; and at Dubbo and Glebe as part of the Premier's Department/community-initiated Integrated Case Management Model approach. We understand that a similar model will also be rolled out in Bourke. Commanders at our forums expressed a strong view that case-tracking needs to be expanded throughout the state to areas where domestic violence is a high-risk.

Effective case-tracking that is supported by clear policies and procedures promotes better information sharing, early identification and monitoring of high-risk offenders and victims, prevention of duplication and fewer gaps in service provision. It is dependent on strong leadership, the commitment of all parties, a shared focus on safety, a structured approach and willingness to exchange information.

Case study 6

Domestic Violence Intervention Court Model (DVICM)

The Domestic Violence Intervention Court Model (DVICM) arose out of a recommendation from the NSW Alcohol Summit in 2003. It involves a trial of specialist domestic violence courts at Campbelltown and Wagga Wagga. The NSW Government funds the model through existing and additional resources. It is aimed at providing a coordinated, integrated response to domestic violence. As part of the strategy, a victims' advocate is employed at both locations. The position is auspiced by a local community service and its function is to identify the needs of victims and provide effective case-management.

When police attend a domestic violence incident resulting in charges for a domestic violence offence, they request the victim's permission to refer their comprehensive details to the victims' advocate (in Campbelltown and Macquarie Fields the DVLO makes the referrals to the victims' advocate, while in Wagga Wagga general duties officers do so directly). The victims' advocate then undertakes a risk assessment and contacts the victim directly in order to provide information, support and/or case management. A major feature of the DVICM is case-tracking. At the end of each week, local representatives from DoCS, the Department of Corrective Services and NSW Police meet along with the victims' advocate to "cross-check" cases and to ensure that appropriate actions have been taken.

8.2.4.2 Barriers to case-tracking

One of the most significant barriers to effective case-tracking is the existence of issues associated with information privacy. These issues generate a great deal of confusion and uncertainty on the part of both government and non-government agencies. Many individual workers lack adequate knowledge of the issues involved and confidence in their own capacities and limitations in regard to information sharing. Workers need to have a clear understanding of the sorts of information they can exchange. Furthermore, consideration needs to be given to whether the current legal framework adequately allows for information to be exchanged, particularly when there is a need for agencies other than NSW Police to exchange information in relation to addressing domestic violence.¹²⁰

Individuals can consent to information about them being exchanged. Section 248 of the *Children and Young Persons (Care and Protection) Act 1998* also allows for information between DoCS and other agencies to be exchanged in relation to the "safety, welfare and wellbeing" of children. As well, law enforcement exemptions to privacy legislation enable disclosure or the sharing of information between police and other agencies if the disclosure is made for a law enforcement function.

The *Children and Young Persons (Care and Protection) Act 1998* is under review. That review will explore, among other issues, clarifying information exchange between agencies and associated privacy concerns.

8.2.5 Co-location

As noted earlier, police strongly support the co-location of police and child protection workers in areas with high levels of domestic violence and child protection reports. When appropriately implemented, co-location can facilitate:

- the natural development of trusting interagency relationships
- more efficient communication and information sharing
- increased understanding of each agency's mandate, procedures, knowledge and skills
- integrated, streamlined service provision
- greater focus by police and improved investigation and customer service, and
- "on-the-spot" negotiation of services — workers always know who to talk to and have access to that person.¹²¹

Alongside the benefits of co-location there are also potential risks, for example the "blurring" of agencies' respective mandates and responsibilities, and discouraging some members of the community from accessing the services of one co-located agency due to fear or distrust of the other. Co-location can also potentially result in the creation of a mini "organisation within an organisation" if not appropriately implemented. During our forums, a commander provided a good example of the limitations of co-location if systems to support its aims are not implemented, citing the co-location of Joint Investigative Response Teams (JIRTs) with local area commands in some areas:

There needs to be a regular case review between JIRT workers and DVLOs to align cases — there are gaps in communication at present even with co-location, because JIRT staff are not managed by the LAC but by the State Crime Command.

Having regard to these issues, NSW Police should consider, in consultation with DoCS, the benefits of expanding the co-location of police and child protection workers, particularly in relation to areas with high concomitant rates

of reported domestic violence and child-at-risk reports. As we have noted, this arrangement is already operating at Bankstown LAC, through the Canterbury-Bankstown Interagency Domestic Violence Response Team, and at Tuggerah Lakes LAC, as part of the DART model. We acknowledge that these models require significant resourcing (for example DART employs eight DoCS staff and the LAC contributes five police officers).

Once again, there is a need to evaluate the effectiveness of these models. When this evaluation has taken place, NSW Police and DoCS will be in a better position to explore the appropriateness of co-location in other areas.

8.3 Progress

The various models described in this section illustrate that there is a desire and willingness at both a corporate and local level to develop interagency responses to domestic violence. Many have been or are in the process of being evaluated. Evaluations are important because they highlight both strengths and weaknesses, and contribute to a growing evidence base. While there is a need for still more evaluation, projects that have already demonstrated their value should be “institutionalised” by forming part of local practice and being given secure funding.

In response to our *Report of Reviewable Deaths in 2004*, DoCS advised that it had commissioned a broad evaluation of integrated case management projects, and that the evaluation and further steps in evaluating service delivery models were under consideration. In our *Report of Reviewable Deaths in 2005* we have recommended that DoCS advise us of the progress of the evaluation, and how it intends to apply the evaluation’s outcomes.

The NSW Government’s Human Services Chief Executive Officers Forum¹²² has agreed that integrated case management through interagency cooperation is “the way of the future” and has confirmed key collaboration principles.¹²³ The NSW Police Corporate Spokesperson for Domestic Violence has recently indicated that the Premier is in the process of nominating Chief Executive Officers from lead agencies to report directly to Cabinet on a range of multi-jurisdictional issues, including domestic violence. This is a positive step. The Corporate Spokesperson has also indicated that NSW Police is presently engaged in “futures modelling” to explore the feasibility of strategies such as co-location. Again, this is a valuable initiative.

In our *Annual Report of Reviewable Deaths 2004* we recommended that the Child Protection Senior Officers’ Group¹²⁴ should ensure the revised *NSW Interagency Guidelines on Child Protection Intervention 2006* were released with an evaluation framework focusing on assessment of agency take-up and overall effectiveness of the guidelines. DoCS advised us that the Human Services Chief Executive Officers Forum will undertake a review of evaluation frameworks for interagency practice, with proposals to be submitted by February 2007 for consideration of the “best approaches for ensuring the ongoing effectiveness of the guidelines”. DoCS said the evaluation is expected to commence in June 2007 and that assessment of agency take-up and overall effectiveness of the guidelines would be incorporated in the development of an evaluation framework.¹²⁵

Recommendations

24. The Commissioner of Police provide a copy of this report to the Human Services Chief Executive Officers Forum, and that the forum consider the benefits of implementing specific domestic violence interagency models and/or practices in NSW, particularly in locations identified as high risk, such as:
 - integrated case management and/or case-tracking
 - wider implementation of the DVPASS mechanism, and
 - co-location of police officers, child protection workers and domestic violence victim support workers.

Endnotes

- ⁹⁸ Comment by Regional Violence Prevention Specialist.
- ⁹⁹ As noted by the Victorian Law Reform Commission, Judith Pierce, at the 2005 Australian Institute of Judicial Administration's Workshop on Family Violence (Summary of Proceedings, Melbourne, April 2005. p. 4).
- ¹⁰⁰ On 24 November 2006 the Premier announced that \$2.1 million each year will be provided to the DVICM at Wagga Wagga and Campbelltown.
- ¹⁰¹ Adapted from a summary provided by Stewart, J., "Specialist Domestic/Family Violence Courts within the Australian Context", Issues Paper 10, Australian Domestic and Family Violence Clearinghouse, 2005. pp.12-13.
- ¹⁰² Cited in Horin, A., "Acute women's refuge shortage exposed", *Sydney Morning Herald*, 24 November 2005.
- ¹⁰³ Lormer, L., *Evaluation of the Domestic Violence Proactive Support Service 2003-2004*, Canterbury City Council, 2004. p. 20. The success of Green Valley DVPASS has also been recognised with a NSW Violence Against Women Prevention Award.
- ¹⁰⁴ The domestic violence worker is a former police officer.
- ¹⁰⁵ On 24 November 2006, the Premier announced a \$28 million, four-year package, of which \$20 million is aimed at improving support for victims of domestic violence by funding non-government organisations to provide increased counselling, accommodation and support services. The package also funds case management including early intervention and support through the legal process.
- ¹⁰⁶ Central Coast Research and Evaluation, *Evaluation of the Central Coast Domestic Violence Intervention Response Team Project*, Central Coast Domestic Violence Court Assistance Scheme, February 2006. p. 20.
- ¹⁰⁷ Staying Home Leaving Violence is another model that involves the Department of Housing. Its aim is to support women to remain safely in their home by obtaining a court order that excludes the perpetrator of domestic violence from residing there.
- ¹⁰⁸ In October 2006 the GVDVS Team Leader advised that DoCS is in the process of recruiting an early intervention worker to work with the GVDVS.
- ¹⁰⁹ Irwin, J. and Laing, L., *Evaluation of Green Valley Domestic Violence Service*, Liverpool Health Service, 2004.
- ¹¹⁰ The Domestic Violence Line is a 24-hour service for people affected by domestic violence. Trained female staff provide counselling, information and referrals — including to emergency and longer-term accommodation.
- ¹¹¹ The arrest team was not part of the initial DART model. It was conceptualised by the Tuggerah Lakes DVLO who approached the then commander to support its inclusion. Its operation commenced in June 2004. It has been suggested to us that the DART structure could be further improved by the inclusion of a "victim advocate" position (similar to the support workers employed by DVIRT in Brisbane Water). Family Safety Teams currently being piloted in New Zealand employ this structure.
- ¹¹² Further details about the changes the DART has introduced to the court process by agreement with the Magistrate at Wyong Local Court are included in the section "Domestic violence and the court system".
- ¹¹³ DoCS response to provisional report, 24 November 2006.
- ¹¹⁴ Prosser, S., *It starts with a conversation: A Report on Contemporary Theory and Emerging Good Practice Response to Domestic Violence and Children: A report for the Domestic Assault Response Team (DART)*, April 2006. p. 28.
- ¹¹⁵ See Stefanic, H., "Interagency Collaboration: Fact or Fiction?" Paper presented at *Refocusing Women's Experiences of Violence conference*, Bankstown, September 2005.
- ¹¹⁶ NSW Department of Community Services, *NSW Interagency Guidelines for Child Protection Intervention 2006*. pp.16-18.
- ¹¹⁷ NSW Department of Community Services, *NSW Interagency Guidelines for Child Protection Intervention 2006*. p.9.
- ¹¹⁸ MERIT, the Magistrates Early Referral Into Treatment program, is a NSW Local Court scheme to divert adult defendants into drug treatment.
- ¹¹⁹ "Key interagency partners" are defined as those who are, or will be, involved in legal proceedings to protect a child or young person and/or will provide services that are critical to achieving the outcomes of the case plan. DoCS has advised that it supports NSW Police involvement in case meetings when domestic violence is an issue where DoCS considers NSW Police to be a "key interagency partner".
- ¹²⁰ In our *Report of Reviewable Deaths in 2004*, we recommended that section 248 of the Act should be amended to allow agencies other than DoCS to share relevant information about care and protection concerns. DoCS told us that this matter would need to be considered within the current review of the Act. It should be noted that the *Children and Young Persons (Care and Protection) Miscellaneous Amendments Bill 2006*, which has been passed but not proclaimed, includes amendments to section 248 to enable exchange of information in relation to an unborn child and their family.
- ¹²¹ McKinney, C., Spark, J. and Dixon, J., "Successes and challenges in the development of an integrated 'One Stop Shop' for women escaping family and domestic violence in Perth, Western Australia", Paper presented at the conference Home Truths, Melbourne, September 2004. p. 6.
- ¹²² A forum of the Chief Executive Officers from each NSW Government agency that is part of the Human Services Network (HSN). The HSN was established to assist welfare and community service agencies to share information and improve the delivery of services to clients.
- ¹²³ See NSW Department of Community Services, *NSW Interagency Guidelines for Child Protection Intervention 2006*. p. 11.
- ¹²⁴ A group of senior officers from NSW Government agencies with responsibility for child protection issues.
- ¹²⁵ DoCS has advised that a briefing information package for the *NSW Interagency Guidelines for Child Protection Intervention 2006* is currently being delivered across the sector. The package refers to the evaluation.

Chapter 9. Family and domestic violence in Aboriginal communities

The incidence of family and domestic violence in Aboriginal communities has been, and continues to be, the subject of intense community scrutiny. The available statistics are damning. Although violence affects whole communities, women and children “are the most likely to be the victims of repeated, multiple forms of violence and abuse”.¹²⁶ Compared to other women, Aboriginal women are:

- six times more likely to experience domestic violence related assault
- almost four times more likely to be murdered
- more than six times likely to be a victim of grievous bodily harm, and
- two and a half times more likely to be sexually assaulted.¹²⁷

Recent research also indicates that Aboriginal children in all age groups are over three times more likely to be the subject of child abuse or neglect than non-Aboriginal children.¹²⁸ Aboriginal children also continue to be over-represented in child deaths in NSW. While they comprise about 3.5% of the state’s children, they made up 19% of “reviewable child deaths” in 2004. Of the 20 Aboriginal children whose deaths were reviewable in 2004, 18 were known to DoCS.¹²⁹

The prevalence of family and domestic violence in Aboriginal communities presents local police with an enormous challenge. This challenge is intensified as a result of the well-documented history of negative interaction between police and Aboriginal people.

Our 2005 report, *Working with local Aboriginal communities*, emphasised the importance of police developing strong relationships with local communities in order to identify positive ways of addressing issues relating to the policing of domestic and family violence. Like other issues that confront Aboriginal communities, police cannot respond to domestic and family violence with maximum effectiveness in the absence of such relationships. *Working with local Aboriginal communities* includes a number of examples of commands that are taking positive steps towards creating and maintaining productive relationships with their Aboriginal communities. However, police continue to face great challenges in attempting to effectively respond to domestic and family violence. There are several reasons for this. Some of these are common to the community at large, while others are particularly relevant to Aboriginal communities.

As documented in *Working with local Aboriginal communities* and elsewhere,¹³⁰ a major source of frustration and anger in some Aboriginal communities is the perception that police are indifferent to acts of violence committed against Aboriginal people, particularly women, and particularly where the violence is “black on black”.¹³¹ Lengthy delays attending to incidents, or failure to attend altogether, contribute to this perception, as do responses that are inappropriate. Additionally, and in common with other victims of domestic violence, Aboriginal women often perceive a lack of action on the part of police in response to ADVO breaches.¹³²

Many Aboriginal victims of domestic and family violence are reluctant even to approach police for assistance in the first place. They may experience contact with police as further victimising, fear that the offender will be sent to gaol, or simply not trust police. Fear of children being removed from the family’s care can act as another, significant disincentive to reporting. Moreover, like other victims of domestic violence, those who are Aboriginal may be willing to call police, but only to obtain specific assistance, such as having the offender removed from the home until he “sobers up”. Aboriginal women, like other women, can be subject to enormous pressure from their families and communities not to report violence to police or “cooperate” with police eg. by obtaining an ADVO or attending court to give evidence. For Aboriginal communities, the ever-present fear of deaths in custody in particular mitigates against engaging with the criminal justice system.

However, as an Aboriginal legal worker noted during one of our consultations, Aboriginal people are not a homogenous group and it is dangerous to generalise about how they do or do not want domestic and family violence to be policed.

9.1 Local strategies

As we noted in *Working with local Aboriginal communities*, police need to develop local strategies for responding to local issues in consultation with the community.¹³³ The available research into “what works” in domestic and family violence intervention in Aboriginal communities supports models of intervention that focus on partnerships between agencies and community groups.¹³⁴

Many Aboriginal people are reluctant to access mainstream services “because of [their] culturally inappropriate style and structure, as well as the inability of staff to understand their values and needs”.¹³⁵ Therefore, police need to make the effort to reach out to communities in a proactive way.

Working with local Aboriginal communities documents many examples of police good practice. There are a variety of things that local commands can do, such as:

- prioritising consistent and senior representation at relevant meetings
- identifying opportunities to liaise informally with communities (eg. sports days, NAIDOC week events)
- utilising ACLOs strategically
- emphasising the importance of ACLOs and DVLOs working in partnership, and facilitating structures to enable this
- working with local services to produce information packages for victims tailored to their needs
- regularly engaging elders and women’s groups to develop cultural awareness and an understanding of the needs of their communities, and
- encouraging reporting by disseminating to local communities accurate information about how police will respond.

9.2 The need for cultural awareness training

Our consultations have confirmed the importance of providing police with cultural awareness training about domestic and family violence in Aboriginal communities. Some such training is already provided as part of the Investigation of Domestic Violence workshop offered to serving officers (see the section “Domestic violence training for police”). The existing DVSOPS also contain some basic guidelines for police officers when dealing with Aboriginal victims of domestic violence. However, cultural awareness training about domestic and family violence in Aboriginal communities needs to be comprehensively delivered. It is also vital that key Aboriginal community representatives, specifically women, endorse the content of the training.

9.3 The need for more female ACLOs

Within this larger context, the biggest obstacle that police face in relation to domestic and family violence in Aboriginal communities is encouraging victims to come forward. Police we have consulted through our audits consistently acknowledge that violence in Aboriginal communities is significantly under-reported. Even the best DVLOs with excellent community connections will struggle to get Aboriginal women to confide in them about family violence and sexual assault. Some progress has been made in communities like Wagga Wagga where there is a female ACLO who works closely with the DVLO and community to support victims.

Effective ACLOs provide a “bridge” between police and local Aboriginal communities. They encourage Aboriginal people to discuss their concerns with police and help both groups come together to work on solutions. In Wagga Wagga, for example, the ACLO was instrumental in lobbying for the DVICM. Good ACLOs also encourage and assist Aboriginal people to access available services, and educate police about the local community to enhance cultural awareness. Our research indicates that many victims of domestic and family violence feel more comfortable approaching an ACLO for information and assistance than a non-Aboriginal DVLO or other police officer.

There is a strong demand in Aboriginal communities for more female ACLOs. There are currently 12 female ACLOs, representing an improvement on the seven we noted in *Working with local Aboriginal communities*. However, the number is still inadequate, with the impact felt most strongly by victims of domestic violence. This is not to criticise the positive contribution of several male ACLOs in relation to domestic violence. Rather, it is to acknowledge that many Aboriginal women may not feel comfortable discussing their experience of violence with a male ACLO. Given this, it is far from ideal that female victims are not given the choice to be supported by another woman.

The Police Commissioner has previously sought funding to create an additional 12 female ACLO positions. We strongly support this proposal.

9.4 The need for ACLOs and DVLOs to work together

ACLOs and DVLOs need to work in close partnership in Aboriginal communities to maximise the efficiency and effectiveness of their efforts to respond to domestic and family violence. The best ways to do this will obviously differ from command to command, depending on the specific needs of their locations. Some examples we have observed are:

- attending key meetings in a joint capacity
- conducting home visits to high-risk families and ADVO compliance checks, and
- enlisting the ACLO to provide appropriate referrals and/or court support for Aboriginal victims.

9.5 The need for Aboriginal family violence workers

The Manning/Great Lakes Police and Women's Refuge Partnership Against Domestic Violence Project demonstrates the value of having civilian Aboriginal family violence workers in Aboriginal communities. The project was initiated and developed by the current DVLO at Manning Great Lakes LAC in partnership with the Manning District Emergency Accommodation Refuge out of recognition of the need for more intensive support of domestic violence victims in the local area, particularly Aboriginal victims reluctant to call police and/or attend court.

The project employs two Aboriginal (in addition to two non-Aboriginal) support workers to provide victims of domestic violence with case management and referrals. The workers have access to an unmarked vehicle. Since 2003:

- the project has provided intensive support to 1078 victims of domestic violence (18% of whom are Aboriginal)
- there has been a significant increase in the number of women proceeding with ADVO applications (90% of clients supported by the project obtain a final ADVO compared with 36% of those who do not access the project)
- there has been a marked increase in the number of Aboriginal women applying for and successfully obtaining ADVOS
- there has been a decrease in repeat offences of domestic violence against individuals who have been supported by the project compared with individuals who have not accessed the project, and
- the project has had a demonstrably positive impact on the attitude of police towards the policing of domestic violence, and has improved the relationship between police and the Aboriginal community.

The project has been independently evaluated¹³⁶ and is the recipient of an Australian Crime and Violence Prevention Award, a NSW Violence Against Women Crime Prevention Award and two Manning Valley Australians for Reconciliation, Community Indigenous Awards. It has received funding on an ad hoc basis since its inception. The current funding runs out in June 2007.

All the Commanders we have consulted in locations with significant Aboriginal populations recognise the need for Aboriginal family violence workers to work side-by-side with police and the courts to encourage victims to come forward and receive support. The Manning/Great Lakes Project has shown that this can and does make a real difference. Its funding basis should be secure.

Additionally, consideration should be given to rolling out similar projects in commands with significant Aboriginal populations, regardless of their current reported level of domestic violence, given the evidence of under-reporting by Aboriginal women. NSW Police needs to be given appropriate funding to permanently establish Aboriginal family violence worker positions in these commands. In addition to DVLOs, these positions could work closely with ACLOs and YLOs to support young people coming into contact with police (because of committing crime or being involved in anti-social behaviour) who are also directly or indirectly experiencing the effects of family violence. This connection was commented upon over and over again by police throughout our consultations. Early intervention with these young people is critical to reduce the risk of an escalating pattern of offending occurring.

9.6 Aboriginal Family Violence Policy Officer

NSW Police's Aboriginal Coordination Team has recently received approval to establish a Family Violence Policy Officer. We understand that at this stage, it is unclear how the position will be funded. This is a positive step as the position will enhance the capacity of NSW Police to strategically monitor police work with local communities and to develop initiatives to address domestic and family violence.

Recommendations

25. The Minister for Police consider:

- ensuring ongoing funding for the Manning/Great Lakes Police and Women's Refuge Partnership Against Domestic Violence
- providing funding for Aboriginal family violence workers in local area commands with significant Aboriginal populations (having regard to the 29 local area commands identified in the Aboriginal Strategic Direction plan), and
- providing funding for an additional number of female designated Aboriginal Community Liaison Officer positions to be attached to local area commands with significant Aboriginal populations.

26. NSW Police ensure that Aboriginal cultural awareness content is included in all domestic violence training and that appropriate Aboriginal community representatives, specifically women, endorse such content.

Endnotes

- ¹²⁶ Blagg, H., *Crisis Intervention in Aboriginal Family Violence: Summary Report*, Partnerships Against Domestic Violence, 2000. p.12.
- ¹²⁷ Cited in Office for Women, NSW Premier's Department, *Women, Violence and Safety: Fact Sheet 4*, 2006.
- ¹²⁸ Australian Institute of Criminology, *Crime Facts Info*, No. 128, August 2006.
- ¹²⁹ NSW Ombudsman, *Report of Reviewable Deaths in 2004*.
- ¹³⁰ Memmott, P., Stacy, R., Chambers, C., and Keys, C., *Violence in Indigenous Communities*. National Crime Prevention, Attorney General's Department, 2001.
- ¹³¹ "Black on black" violence refers to violence perpetrated by an Aboriginal person against another Aboriginal person.
- ¹³² See Moore, E., *Not Just Court: Family violence in rural Australia: Aboriginal women speak out*, Centre for Rural Social Research, Charles Sturt University, 2002.
- ¹³³ See also Memmott, P., Chambers, C., Go-Sam, C. and Thomson, L., "Good Practice in Indigenous Family Violence Prevention — Designing and Evaluating Successful Programs", Issues Paper 11, Australian Domestic and Family Violence Clearinghouse, June 2006; Blagg, H., Ray, D., Murphy, R. and Macarthy, E., *Crisis Intervention in Aboriginal Family Violence: Strategies and Models for Western Australia*, Partnerships Against Domestic Violence, 2000.
- ¹³⁴ See, for example, Memmott, P., Chambers, C., Go-Sam, C. and Thomson, L., "Good Practice in Indigenous Family Violence Prevention — Designing and Evaluating Successful Programs", Issues Paper 11, Australian Domestic and Family Violence Clearinghouse, June 2006; Blagg, H., Ray, D., Murphy, R. and Macarthy, E., *Crisis Intervention in Aboriginal Family Violence: Strategies and Models for Western Australia*, Partnerships Against Domestic Violence, 2000.
- ¹³⁵ Memmott, P., Chambers, C., Go-Sam, C. and Thomson, L., "Good Practice in Indigenous Family Violence Prevention — Designing and Evaluating Successful Programs", Issues Paper 11, Australian Domestic and Family Violence Clearinghouse, June 2006. p. 21.
- ¹³⁶ Dr Hilary Byrne-Armstrong of the University of Western Sydney authored the evaluation.

Chapter 10. Domestic violence training for police

Training is an important strategy for promoting consistent service provision and thereby increasing community confidence in NSW Police. The quality and quantity of domestic violence training received by police officers was repeatedly raised during our consultations. A range of attitudes was expressed. When directly asked about training, most general duties police officers either claimed that they did not require training, or said they already had too many training requirements to meet. However, some officers did say they would welcome training in specific areas, such as how DoCS prioritises child at-risk mandatory reports and using electronic equipment to enhance evidence collection.

On the other hand, many DVLOs reported an urgent need for general duties officers to receive more training. All other groups with whom we consulted, including women's refuge staff, women's domestic violence court assistance schemes and Regional Violence Prevention Specialists, echoed this view. Our 1999 report made several recommendations about the need for improved training of police officers in responding to domestic violence, including:

- that the NSW Police Service evaluate the quantity and quality of current training conducted at a local level and develop benchmarks which indicate the appropriate level of training and its effectiveness for general duties officers
- that the Police Service clarify and prescribe what essential level of training is required for accreditation as a DVLO or back-up DVLO, and
- that other agencies be routinely used in the training of general duties officers in the policing of domestic violence at a local level.

We also noted that the Police Service needed to monitor each command's capacity for and commitment to deliver regular, high quality training.

10.1 Current training arrangements

10.1.1 New recruits

Domestic violence is covered during weeks two and three of the subject Police, Crime and Society, which is provided to student police when they are completing their second session of 14 weeks training at the Police College, Goulburn. This session takes place directly prior to students' attestation as Probationary Constables. Legislation and police powers pertaining to domestic violence are revisited in the final two weeks of the subject. Overall, the allocated training time for domestic violence comprises two 80-minute lectures and two 80-minute tutorials (five hours and 20 minutes in total). The focus of the training is on the responsibilities of police when responding to domestic violence incidents. The training also includes material on "the social context" of domestic violence.

10.1.2 Serving officers

There is currently no corporately specified requirement for serving police officers to undertake training in relation to domestic violence. LACs, via their Education and Development Officers (EDOs), are responsible for identifying their own local training needs and for devising ways to address them. This may include providing officers with one-on-one instruction, nominating them to attend a Police Academic Board accredited workshop (see below), informal instruction delivered at musters, or holding LAC-wide training sessions. At various times, individual LACs may require their officers to undertake training about domestic violence.

Officers may individually elect to complete an on-line module on domestic violence as part of the Mandatory Police Continuing Education Scheme (MPCES). The Crown Employees (Police Officers — 2003) Award requires all officers to participate in the MPCES. Under the scheme, officers are required to accrue a certain number of "points" each year by undertaking education units. Some units are compulsory while others, such as domestic violence, are elective.¹³⁷

Officers may also apply to undertake face-to-face training in the form of a one-day workshop on the Investigation of Domestic Violence. Supervisors may additionally apply to complete a one-day workshop on the Supervision of Domestic Violence. The NSW Police Academic Board accredits both courses. In 2005, 30 Investigation of Domestic Violence workshops were held with a total of 496 participants — 16 of the workshops were delivered locally by DVLOs accredited to provide training. The Principal Tutor, Domestic Violence Training (a Sergeant in Crime Management Programs) delivered the remainder. In 2005 the Principal Tutor also conducted six Supervision of Domestic Violence workshops.¹³⁸ A total of 106 people participated in these workshops. Most training is not available to police officers in their local area; instead, they are required to travel to Police College facilities in Goulburn or Westmead.

There are also 13 Six Minute Intensive Training (SMIT) units relating to domestic violence available on the NSW Police intranet. The SMITs provide guidance to police about a range of issues such as what constitutes a domestic violence relationship, actions that should be taken in relation to breaches of ADVOs and requirements regarding firearms at the scene of a domestic violence incident.

10.1.3 DVLOs

As we have already noted, not all DVLOs have received domestic violence training. Training is not mandatory in order to perform the role. DVLOs may apply to complete the Investigation of Domestic Violence and Supervision of Domestic Violence workshops listed above. Additionally, they may apply to undertake the Domestic Violence Liaison Officers Course, a five-day residential course with follow-up workplace assessments to be undertaken over three months.

10.2 Training content

Several DVLOs also reported that they would like to see improvements in training content. For example, some said they would benefit from education in basic counselling skills to assist them in their interactions with victims. A number said that general duties officers need more training that incorporates “real life” scenarios and teaches strategies for effectively responding to them. DVLOs also identified training in the use of NSW Police’s Enterprise Data Warehouse (EDW) as of importance and value to their role.

We have identified some deficiencies in the content of domestic violence training available to police officers. For example, the manual for the Investigation of Domestic Violence workshop:

- uses statistics from the period January to March 2000 to provide an overview of domestic violence in NSW — these statistics are now considerably out of date
- does not include guidance on the use of electronic equipment (other than still photography) to enhance evidence collection, or on tendering documentation produced by the use of such equipment before the court
- does not include information about the types of behaviour that ADVOs are designed to address or the potential consequences for the victim of not applying for an ADVO.

There is also scope for improvement in relation to other aspects including identifying primary aggressors, stalking and intimidation, child protection and family law, cultural awareness, apprehended violence orders, family law and the effectiveness of particular interventions.

10.2.1 Identifying primary aggressors

As we noted in the section “How police currently respond to domestic violence”, there is evidence to suggest that police officers struggle in some instances to identify the primary aggressor in a domestic violence situation, especially in cases that involve same-sex parties or where the victim does not conform to the common stereotype about how victims of domestic violence behave. Failure to correctly identify the primary aggressor can result in a lack of action, or inappropriate action, on the part of police.

10.2.2 Stalking and intimidation

It appears that some police struggle to identify stalking and intimidation related offences, particularly when there is no evidence of physical violence or overt threat. There is a need for more consistent policing in this regard. We note that the *Crimes Amendment (Apprehended Violence) Act 2006* introduces new provisions relating to stalking and intimidation, and police will require additional training in their interpretation.

10.2.3 Child protection and family law

As we have already noted, police officers can struggle with domestic violence involving child protection issues, eg. clearly understanding the circumstances that place a child “at risk” and when it is appropriate to apply for an ADVO on behalf of a child; having a basic working knowledge of how ADVOs and Family Law contact orders intersect. Child protection training was provided service-wide to police officers in 1997-98 to coincide with the release of the *NSW Interagency Guidelines for Child Protection Intervention 2006* and again in 2001-02 after the proclamation of the *Children and Young Persons (Care and Protection) Act 2000*. NSW Police has advised that child protection training is now incorporated into training for new police recruits.

However, there is no ongoing requirement for serving police officers to undertake training in relation to child protection issues for serving police officers, apart from those who work in Joint Investigative Response Teams (JIRTs). The Investigation of Domestic Violence Workshop does not address in any detail child protection issues associated with

domestic violence. There is information about child protection and domestic violence issues on the police intranet but officers must be sufficiently motivated, and have sufficient time, to review it. Furthermore, it is not organised in a way that provides a quick, user-friendly reference point for all the relevant things police need to know about child protection and domestic violence.

10.2.4 Needs of victims from marginalised sectors of the community

Feedback from our community consultations indicates a strong view that police lack understanding of issues for Aboriginal victims of domestic violence as well as migrant and refugee victims, gay and lesbian victims, and victims with an intellectual, physical or mental disability (eg. barriers to reporting and communication and strategies for alleviating them). Like other members of the community, some police officers may be influenced by misleading and inaccurate cultural stereotypes, such as that Asian women are passive and subservient, that violence is an inherent part of Aboriginal culture, or that domestic violence can't happen in same-sex relationships. These are matters that can be directly canvassed in education. Among other things, training should explain and reinforce NSW Police's policy on the use of accredited interpreters given the significant concerns expressed by service providers about the failure of police to uphold it.

10.2.5 Apprehended violence orders

Earlier in this report we have outlined in detail our evidence and findings about the AVO process. This research supports the recommendation of the NSW Law Reform Committee that police officers receive more "hands on training and education" to address "attitudinal misconceptions" about AVOs and covering: the objects and provisions of Part 15A (the part of the *Crimes Act* dealing with domestic violence offences), the types of behaviour AVOs are designed to address, their effectiveness, and the potential consequences of failing to apply for an AVOs. There is also a need for greater reinforcement of the message that AVOs are only effective if breaches are promptly and effectively policed.

10.2.6 The effectiveness of particular interventions

It is important that police officers understand not only what action they are required to take, but also why they are required to take it. In relation to domestic violence, there may be benefit in providing police officers with more information during training about the effectiveness of particular interventions. There is now a vast body of research documenting the efficacy of particular police interventions to address domestic and family violence that can be drawn upon.

10.3 The need for training to be practically informed

Training must provide police officers with a practical working knowledge of their powers and responsibilities in relation to domestic violence. It should:

- Address common "real life" scenarios that are likely to confront officers.¹³⁹ Examples include dealing with ambivalent or hostile victims/witnesses, evidentiary issues, tactics used by offenders to justify violence, identifying primary aggressor, distinguishing self-defence, how to suspend judgmental attitudes.
- Address the potential dangers involved in attempting to "mediate" or problem-solve at domestic violence incidents.
- Equip officers with a range of strategies to use in responding to these scenarios, thereby increasing confidence and skill.
- Reinforce the benefits for officers of following correct policy and procedure.
- Provide opportunities to demonstrate acquired knowledge and skills in the workplace.

10.4 The need for compulsory training

We note that Deputy State Coroner Milovanovich has recommended that "the adequacy and frequency of training of all police officers in regard to domestic violence matters" be considered along with "introducing mandatory training in domestic violence issues on a regular basis for officers after completing basic training".¹⁴⁰ As we have already noted, the majority of police officers we consulted said they did not require domestic violence training or that they were too busy to undertake it. Some police officers also hold negative views about domestic violence and their role in responding to it. For these reasons, it is unlikely that large numbers of officers will "self select" for training.

In addition to completing the training provided at the Police College, all police officers should be required to undertake further domestic violence training within 12 months of their attestation. Additionally, police officers providing or supporting frontline policing services in commands identified by NSW Police as high-risk in relation to domestic

violence should be required to complete domestic violence training as part of the Mandatory Continuing Police Education requirements on an annual basis. It is vital that officers' knowledge remains fresh and current. Legislation and procedures change from time to time, and it is important that police officers keep abreast of these.

10.5 The need for training to be delivered locally

Our consultations indicated that Commanders, DVLOs and frontline police all believe that local training is preferable. As outlined in the section "Domestic Violence Liaison Officers", there are good reasons for training, particularly compulsory training, to be delivered locally. Requiring large numbers of officers to travel to a central location to receive training is cost and time-intensive. It is particularly impractical for officers who work in remote commands.

Delivering training locally can save money as well as time. It enables officers to spend less time away from their command and means that greater numbers can be trained at the same time. Local training can also be tailored to accommodate the specific needs of commands. However it is critical that locally delivered training is appropriately accredited and its provision corporately monitored. At present, this is one of the shortcomings of domestic violence training delivered at local area commands by EDOs and/or DVLOs.

10.6 Using other agencies to provide training

In our 1999 report we noted the commitment of the Police Service to involve appropriate external agencies in the training of general duties officers in the policing of domestic violence. We recommended that this involvement should occur routinely and include training delivery as well as curriculum input. On the basis of our recent research, we are concerned that the involvement of external agencies in delivering training is not occurring with adequate regularity or consistency at the LAC level. Many community partner agencies, such as women's refuges, domestic violence court assistance schemes and Regional Violence Prevention Specialists, reported to us that they would like to be involved in providing training to police, and that they have on occasions made offers to do so that have not been taken up.

Involving appropriate partner agencies in training is important and of value for several reasons. It:

- enables NSW Police to draw on additional knowledge and expertise, adding value to that already contained within the organisation and making it unnecessary to "reinvent the wheel"
- demonstrates a recognition of and respect for the knowledge and expertise of other organisations, fostering the development and maintenance of positive working relationships
- can assist to break down communication barriers as well as myths associated with certain roles, and reinforces that domestic violence is a whole-of-community responsibility.

Similarly, agencies and services that come into contact with victims of domestic violence may also benefit from reciprocal training about police powers and procedures.

10.7 Monitoring the quality and provision of training

Monitoring the quality and provision of training is critical to ensuring consistency and accountability. On the basis of the information provided to us by NSW Police, it is not clear how the provision of domestic violence training to police officers is monitored. We are also uncertain as to how the content and delivery of training is quality-controlled. Overall, we have identified a need for NSW Police to develop a more comprehensive domestic violence training strategy and a system for effectively monitoring its implementation.

10.8 The need for a comprehensive training strategy

In view of the above, NSW Police should review its training needs and existing course curricula in relation to the policing of domestic and family violence, with a view to developing and implementing a comprehensive training strategy. The review should canvas areas of need, content, delivery, and monitoring of quality and provision. In developing the strategy, NSW Police should:

- consult with relevant external agencies
- consider outsourcing the development of some specialist training components (eg. victim issues, child protection, culturally and linguistically diverse communities, family violence in Aboriginal communities),¹⁴¹ and
- identify how the implementation of the strategy will be coordinated and monitored.

At a minimum, the training strategy should:

- clearly identify and document the objectives and outcomes of all training

- promote, as far as possible, the localised delivery of training, and
- incorporate structures to adequately monitor the provision and quality of training.

The review should consider the different needs of officers on different duties and in different locations, and focus on equipping new officers with basic skills, and those with significant or regular domestic violence related duties receiving regular and compulsory refreshers.

Recommendations

27. NSW Police develop a comprehensive domestic violence training strategy with regard to the issues identified in the section “Domestic violence training for police”, in particular:
 - the need for training to be practically informed
 - the need for training to be delivered locally
 - using other agencies to provide training, and
 - monitoring the quality and provision of training.
28. NSW Police review, in developing the strategy, the adequacy and appropriateness of training content, in particular content addressing:
 - the correct identification of primary aggressors
 - stalking and intimidation offences
 - child protection and family law issues (including the appropriateness of making ADVO applications on behalf of children)
 - issues relating to victims from marginalised sectors of the community and their needs
 - apprehended violence orders, and
 - the effectiveness of particular police interventions, and
 - ensure appropriate community representatives endorse content relating to victims from marginalised sectors of the community and their needs.
29. NSW Police require all police officers to complete the Investigation of Domestic Violence workshop within the first year following their attestation.
30. NSW Police require all police officers serving in LACs identified by NSW Police as high-risk in relation to domestic violence to complete domestic violence training on a regular (preferably annual) basis.

Endnotes

- ¹³⁷ In 2005-2006, the compulsory MCPES units form a training package on the Law Enforcement (Powers and Responsibilities) Act (LEPRA). In addition to these units, officers must undertake one of the following electives: Victim Support; Safe Driving; Investigating Adult Sexual Assaults; Victims of Adult Sexual Assaults; Brief Preparation; Incident and Emergency Management; Domestic Violence; Criminal Infringement Notices. Officers are required to be guided in their selection by their EDO, who, in turn, will be guided by their commander in regard to which elective is most relevant to their command.
- ¹³⁸ Numbers provided by NSW Police.
- ¹³⁹ The NSW Law Reform Committee, in its report on AVOs, noted that “while regular education and training [for police officers about domestic violence] would be beneficial, it is important that such education and training be targeted at specific issues, with case studies on how police ought, and ought not, to react in given situations”.
- ¹⁴⁰ Inquest into the deaths of Peter William Poulson, Sebastian Kongsom, Marilyn Kongsom and Phithak Kongsom, Westmead Coroner’s Court, 15 July 2005.
- ¹⁴¹ Appropriate sources of training might include the Education Centre Against Violence (NSW Health), Immigrant Women’s Speakout Association, Migrant Resource Centres, AIDS Council of NSW (ACON), etc.

Chapter 11. Frontline policing strategies for responding to domestic violence

Over recent years, many different strategies have been implemented by individual LACs in an attempt to better respond to domestic violence. By and large, they have been developed and implemented on a local rather than a corporate basis. Many have been reliant on the commitment and goodwill of individuals rather than systemic guidance and support. Most have not received specific funding.

At various times NSW Police has attempted to identify and disseminate information about good work and innovative approaches taking place in individual LACs, but due to a lack of resources and competing priorities, this has generally not occurred in a systematic fashion. However, this has improved in the last year with the appointment of the current Corporate Spokesperson for Domestic Violence in addition to Regional Sponsors and regional DVLO representatives whose role is to drive strategies and support the work of DVLOs at a regional level.

Different commands have different needs. As several Commanders pointed out to us, “one size does not fit all”. However, core good practices need to be identified, documented and implemented across the state. Commanders, Crime Managers/Coordinators and DVLOs need a framework that supports their efforts to respond effectively to domestic violence and that is linked with the system that NSW Police uses to evaluate the performance of local area commands.

In this section we outline the elements of good practice that should be included in such a framework.

11.1 Leadership and planning

*If Commanders/Duty Officers/Supervisors don't back up and enforce good practice, then nothing really changes...*¹⁴²

Strong leadership by an LAC's management team is critical to the effective policing of domestic violence, particularly in a force where one-third of police officers have less than five years experience.¹⁴³ Ultimately, Commanders are responsible for communicating their expectations about how domestic violence will be dealt with in their commands, and for implementing clear lines of accountability to ensure these expectations are met. Senior officers, including Crime Managers, Crime Coordinators and Duty Officers, must have a solid understanding of their responsibilities to this end.

Leadership and commitment can be demonstrated in many ways. Some examples we have observed are:

- a commander who meets every morning with his DVLO to review the handling of domestic violence incidents in the previous 24 hours
- senior officers regularly attending community meetings and events
- Commanders who communicate to their commands their endorsement and appreciation of the good work done by DVLOs
- Commanders who have appointed Inspectors or Sergeants to drive their command's response to domestic violence
- a command in which “good work” awards are regularly presented at musters to recognise general duties officers who respond appropriately and effectively to domestic violence incidents
- regular rotation of Probationary Constables to accompany DVLOs to expose them to the work of the DVLO and to increase their confidence in responding to domestic violence incidents
- ensuring that positive as well as negative feedback from the community is passed on to police officers
- prioritising domestic violence training
- willingness to explore creative ways of using resources to achieve a more efficient and effective response to domestic violence, and
- conducting customer satisfaction audits with domestic violence victims.

Clearly defined action plans are also needed to facilitate effective policing of domestic violence.¹⁴⁴ These should be documented and communicated through the LAC structure. As well as promoting consistency and accountability, this helps to reduce the risk of initiatives “collapsing” when individuals critical to their development move on.

11.2 Making the most of resources

While acknowledging that Commanders (as do other public service managers) face externally imposed restrictions when it comes to resources, there is much they can do to ensure the most efficient and effective deployment of what they have. LACs need to consider how best to organise their resources so as to maximise the efficiency and effectiveness of their response to domestic violence. We have observed that in areas where particular interagency models are operating, Commanders appear to have been encouraged and empowered to do this. Some examples we have observed are:

- the creation from within existing resources of domestic violence investigation and/or arrest teams
- tasking the arrest team with the service of all ADVOs
- tasking general duties teams with ADVO compliance checks
- the use of volunteers in policing (VIPs) to assist with administrative duties, eg. contacting victims about court dates, distributing victim information kits, assisting with the organisation of police involvement in relevant community events (eg. White Ribbon day)
- ensuring the availability of at least one trained, “back-up” DVLO
- designating a general duties officer in each sector of their LAC with DVLO-like responsibilities to improve victim support and quality control
- tasking a senior officer with the responsibility of overseeing domestic violence matters
- training and requiring supervisors to verify domestic violence COPS events in order to free up the DVLO for more proactive duties
- obtaining sponsorship from a local car dealer to obtain an extra car for the use of CMU officers, and
- obtaining sponsorship from a local photographic business to obtain cameras for kitting out general duties vehicles.

11.3 Getting operational value from DVLOs

The DVLO role is a critical one and Commanders need to actively consider how to obtain maximum value from it.

11.3.1 Strategic tasking

A DVLO’s duties should be determined in a way that reflects a LAC’s strategic priorities and objectives in relation to responding to domestic violence, for example, addressing a high rate of repeat victimisation and offending; increasing reporting by the local Aboriginal and/or migrant community; improving the rate of legal action. DVLOs should be actively consulted in the development and implementation of these priorities and objectives. As one DVLO commented:

Being very experienced DVLOs it is frustrating when management do not include us in the decision making process regarding DV matters in the LAC or show an understanding of what our role is really about.

11.3.2 Rostering

As far as possible, rostering should reflect the actual workload generated by domestic violence in the command. It should also take account of maximising opportunities for contact with victims and offenders. For example, some DVLOs have told us that being rostered one evening a week assists them to make contact with victims who may be at work during the day. Consideration should also be given to local domestic violence crime trends when making rostering decisions. For example, in one command we know of, the DVLO is rostered on Friday evenings due to the high incidence of alcohol-related assaults at that time in the local area. In rural and regional commands, Commanders should ensure that each sector has an appropriately trained officer that can act as a point of contact for domestic violence matters.

11.3.3 Fostering relationships

Developing and maintaining strong relationships with community partners must be promoted as a key priority for DVLOs. These partners will vary from area to area, so effort needs to be directed at identifying them and then at cultivating positive and effective relationships. In practice, this includes prioritising consistent attendance at relevant meetings and community events. One simple way of demonstrating goodwill and commitment is to offer to host some meetings at the police station. Another is for DVLOs to circulate their rosters to key community partners to enable them to plan their contact with the DVLO around their availability. This measure can assist in preventing delays and frustration. Of equal importance is a focus on internal relationships, especially those between liaison positions. DVLOs should have positive and strategic working relationships with, for instance, ACLOs, ECLOs and YLOs, in those

commands that have these positions. In this regard, Commanders should ensure that Crime Managers are regularly convening meetings of CMU members to share information, strategise and task ACLOs and ECLOs.

11.3.4 Improving feedback

Commands should look at how they can draw on their DVLOs to enhance the collection of intelligence and feedback. Regular briefings provided directly to the commander should be considered. Briefings might include quantitative data but should also focus on qualitative information about, for instance, high-risk offenders and victims; level of satisfaction with police response by victims and their advocates; recurring errors or omissions made by general duties officers; upcoming opportunities for community liaison and participation; and issues encountered at the local court.

11.3.5 Reinforcing the value of the DVLO role and supporting DVLOs

It is essential that senior officers, including Commanders, directly communicate to frontline officers on a regular basis their own acknowledgment and support for the role and the officer who fills it. This should include sending a strong message that senior police endorse the actions of the DVLOs where appropriate:

The bosses will personally thank us for a good job and show that we are valued but I think this would work better if it was expressed in front of other staff members to show that we are valued and to give other staff an appreciation of our work.

Care should also be taken to directly support DVLOs. DVLOs who feel supported by their managers acknowledge and appreciate this:

[The Crime Manager supports me] very well. [He is] quite approachable. [He] has offered assistance with work...and appears generally interested in my role.

My Crime Manager is very approachable and will assist me whenever I have a problem/issue. My concerns are always heard and where possible the situation is rectified.

There are many practical ways to support DVLOs, such as:

- ensuring regular opportunities to discuss issues or concerns
- acknowledging workload and publicly acknowledging good work and how it has benefited the command and community
- valuing their views and suggestions
- accompanying them to key community meetings and events
- consulting them in the development of new strategies or initiatives, and
- ensuring they receive regular welfare checks.

11.4 Ensuring continuity

It is essential that LACs have a system in place to ensure matters are appropriately handled despite shift changes and absence due to rest days, illness or other reasons. Arrangements may differ between commands, but should be aimed at minimising as far as possible the risk that domestic violence matters may fail to be investigated in a timely manner or “fall through the cracks” altogether. The creation of “cases” for domestic violence matters resulting in action is one way of ensuring that matters can be progressed in the absence of the original investigating officer or DVLO. Some LACs require all incomplete domestic violence matters to be brought to the attention of team supervisors at the conclusion of shifts.

Police must be made aware that all officers have a responsibility to respond appropriately to reports of domestic violence or requests for information/assistance in relation to domestic violence. While it may be appropriate for general duties officers to seek the advice of the DVLO in complex matters, they should not automatically direct victims to the DVLO in the first instance, particularly when the DVLO is not on duty.

11.5 First-response policing

...the protection of domestic violence survivors is dependent upon police officers complying with police service policies that acknowledge the seriousness of domestic abuse and the special needs of protected persons.¹⁴⁶

11.5.1 Reinforcing expectations

All officers need to be aware of their responsibility to properly investigate domestic violence incidents and to enforce the law. Proactive commands use particular strategies to regularly reinforce this message, including:

- action flowcharts/posters displayed in muster room
- investigation checklist/notebook prompts for car crews
- deficiencies addressed at daily musters, and
- intrusive field supervision (supervisor attends incidents).

11.5.2 Evidence collection

Police officers need to be equipped with various methods of evidence collection and supported in the appropriate use of these methods. Investigation kits are important for improving the collection of evidence. They can speed up the investigative process, and allow police to tender more comprehensive briefs of evidence at the earliest opportunity. There is evidence to suggest that if a properly trained officer who has access to appropriate resources to support the use of such technology uses a digital camera at the scene of a domestic violence crime, there is a greater chance of achieving a successful prosecution, including increased guilty pleas at an early stage in the process.¹⁴⁷ However the use of photographic equipment must be seen as only one aspect of enhanced evidence gathering.

The routine ERISP-recording of victim statements is standard police practice in at least one command that has a very high level of recorded domestic violence. It is strongly supported by staff from local support agencies as well as police officers themselves. The benefits of routine ERISP-recording include:

- enabling the victim to explain what has happened in her own words
- the documenting of a clear and accurate record of the assault that conveys the victim's demeanour, any injuries and/or apparent distress
- better quality investigations, giving officers the opportunity to ask questions and explore lines of inquiry
- a better service to victims by formalising the investigating process and demonstrating police recognition of the seriousness of the offence, and
- support for the prosecution process, as victims are said to be less likely to withdraw or change their version of events once they know the electronic record of the incident will be made available to the court, and perpetrators were more likely to admit the offence.

Other methods of evidence collection that should form part of basic police repertoire include:

- photographing and/or video-taping of victims and/or the scene at incidents, including follow-up a few days after the incident as any injuries sustained (eg. bruising) may be more visible at that time
- audio-taping victim "voice grabs" at the scene of incidents
- obtaining recordings of any '000' emergency calls
- obtaining expert medical statements
- approaching DoCS about their employees giving evidence in ADVO applications for children
- taping answering machine/voicemail messages on ERISP
- downloading SIM cards, and
- photographing SMS messages.

11.5.3 Victim safety

Of importance to victims of domestic violence, as for other victims of crime, is their perception and experience of procedural fairness in the criminal justice system. Holder and Mayo refer to four key elements: notification, participation, information and respectful acknowledgement.¹⁴⁸

On the basis of a study about barriers to seeking police assistance in relation to domestic violence, the following "victims' wish list" for police action was identified:¹⁴⁹

- quick and consistent response
- listen and take statement
- avoid questioning in front of children
- use translators, not offender or child, where necessary
- send strong message to offender that domestic violence is wrong and that he is being monitored

- tell victim that domestic violence is wrong, is likely to escalate, and will not go away if ignored
- provide victim with information about rights and resources
- provide follow-up
- correctly identify primary aggressor
- arrest when possible, and
- enforce protection orders.

This list reflects well the feedback we obtained during our community consultations.

11.5.4 Preparation for court

It is essential that there are systems in place to ensure that contact between police and the courts is efficient and effective. Key elements in this regard include:

- not accepting applications by victims to withdraw from proceedings, including retraction statements
- the timely preparation and submission of quality briefs
- ensuring awareness of police officers about time limits pertaining to applications for ADVO extensions, serving of briefs, laying charges, etc.
- ensuring police attend court when required
- ensuring victims/witnesses are aware of their requirement to attend court
- facilitating the attendance of victims/witnesses at court
- ensuring police seek to tender evidence by affidavit where appropriate
- implementing methods to promote the early identification and fast tracking of domestic violence matters (eg. stamping/stickering court files)
- facilitating the attendance of the DVLO and/or other appropriate officers at court, and
- facilitating adequate communication between police, local prosecutors and magistrates to ensure common understanding around issues relating to court processes, briefs of evidence, use of warrants/subpoenas, etc. in relation to domestic violence.

11.6 Proactive strategies

A reliance on reactive policing alone limits the capacity of police to respond as effectively as possible to domestic violence. Proactive strategies are needed to focus a LAC's strategic efforts. These strategies may vary from command to command but all should prioritise victim safety.

11.6.1 Investigation and arrest teams

To date, the most significant police initiative aimed at responding more effectively to domestic violence has been the establishment in some commands of domestic violence investigation and/or arrest teams. We are aware of teams operating in Mt Druit, Campbelltown, Macquarie Fields, Richmond, Tuggerah Lakes and St Marys LACs. In each LAC, the team has been created out of existing resources.

An "investigation team" comprises a small number of officers to whom other general duties officers can refer more complex domestic violence matters and/or follow-up actions that need to be completed after an incident has been attended. The aim of the team is to generate a more consistent, efficient handling of domestic violence matters, particularly to ensure that incidents do not "fall through the cracks" due to things such as workload and staffing constraints. Ideally, the officers in an investigation team will develop expertise that can be shared with others, leading to a greater dissemination of knowledge and skill throughout the command.

An "arrest team" may operate singularly or as part of an investigation team. An arrest team generally comprises two officers whose sole duty is to locate, arrest and charge domestic violence offenders with outstanding warrants. In many commands, offenders have already fled the scene by the time police arrive at a domestic violence incident. Having an arrest team frees general duties officers from having to follow-up in these matters, therefore increasing their availability for first response policing. Outstanding offenders can be located and dealt with more quickly, leading to enhanced protection for victims.¹⁵⁰ As one police officer in a command that has an arrest team told us:

[It helps] because if you're finishing tomorrow night and you've got six days off you think, "Oh God, this bloke's got to be locked up", because he could kill her or anything in that time. Now at least you can photocopy your notebook rather than type out a statement and leave it with the AVO and a note [saying] 'Please, this needs to be done urgently'.

11.6.1.1 Additional benefits

The Campbelltown LAC, where domestic violence is core business for police, identified the following benefits of reorganising resources to establish an investigation and arrest team:

- provides support and authority to the DVLO
- frees the DVLO to provide support to victims rather than being “stuck behind a computer”
- enables immediate follow-up of cases when police are on rest days, and
- raises the profile of domestic violence in the command.

Anecdotally, another significant benefit of arrest teams is that officers find the work attractive because it is “results driven”. A commander that rotates officers through his LAC’s arrest team on a three-monthly basis reported during a forum:

Some of my best general duties operators are requesting to go on the team. All they focus on is locking up offenders and that’s what they want to do — lock up crooks and protect the community. The best part of it is that they are bringing the skills back to general duties.

Another commander explained how having an arrest team has raised the profile and status of domestic violence policing in his command:

When I initially set up my arrest team I deliberately chose three stand-out officers that the others admired. Now I have volunteers to replace them. This sort of interest in working in the DV field is not common. But what officers are finding is that a lot of the DV offenders are also responsible for committing other sorts of crimes. The team has elevated the profile of DV in the command. It has also impacted on police officers’ attitudes.

Victims’ services in areas with high volumes of domestic violence agree there is a desperate need for well-resourced investigation and arrest teams:

Police need better resources to protect victims of domestic violence and to deal with perpetrators. If the high rates for domestic violence were similar for some other crimes, there would be an uproar.

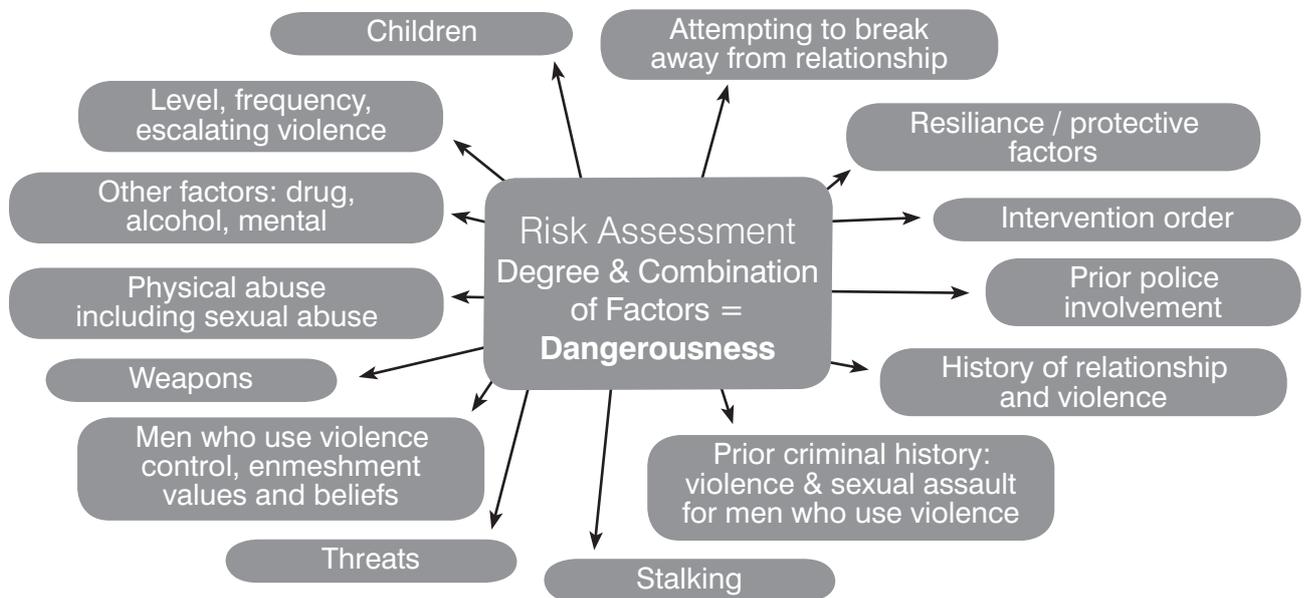
11.6.1.2 Adapting the functions of an investigation/arrest team

There was general acceptance by Commanders who participated in our forums that the functions of investigation/arrest teams are essential to policing domestic violence in high volume areas. While they emphasised that, for geographical and resource reasons, a team structure is not practical for every command, all agreed that the principles that underpin such teams can be adapted to suit the needs of different LACs. For example, some LACs require CMUs to identify outstanding or wanted offenders and task general duties or Target Action Group (TAG) teams with locating and arresting them on a daily basis. In addition, some LACs make team leaders responsible for ensuring that all events are updated prior to shifts ending so that the incoming general duties team can pick up where the outgoing team left off.

11.6.2 Risk assessment model

Risk assessment in the context of domestic violence is the process by which specific information is gathered and analysed in a standardised way in order to predict future risk of violence, and to determine the mode of intervention that will best enhance victim safety. Relevant information includes the history of the offender and victim (both in the current and previous relationships), type of violence used and severity of injuries sustained, incident pattern, availability of firearms etc. Figure 1 sets out the sorts of factors that need to be considered when assessing risk in relation to domestic violence situations.

Figure 1. Factors that need to be explored when assessing risk in domestic violence situations



Source: Statewide Steering Committee to Reduce Family Violence, *Reforming the Family Violence System in Victoria*, Office of Women’s Policy, 2005. p.29.

Risk assessment can help commands maximise their efforts to ensure victim safety and target their resources efficiently. Some commands already incorporate a risk assessment approach. For example, in one command, where the DVLO notices a pattern developing for a particular victim as a result of quality reviewing COPS events, she sends a letter to that victim noting the pattern and providing her contact number and details of support services.

NSW Police has already recognised the need for a shared risk assessment model with DoCS to assist in alerting either agency about children and young people at risk of harm, particularly in situations of domestic violence. However, NSW Police does not currently have a risk assessment model for use by police in determining their response to individual domestic violence incidents. Risk assessment models are being used in other jurisdictions in Australia and overseas and are increasingly regarded as forming a core part of policing strategies to combat domestic violence. One of the main benefits of a risk assessment model is that it provides young and often less experienced officers with a tool to assist in decision making in response to an area that is often fraught with a range of complexities. A risk assessment model:

- ensures that a wide range of variables are considered as risk factors
- improves the transparency and consistency of decision making
- provides a way to document decision making processes, and
- enhances individual and service-wide accountability.¹⁵²

NSW Police should develop a victim-safety focused risk assessment model and require its use when officers respond to domestic violence incidents.

11.6.3 Targeting high-risk offenders and victims

Risk assessment enables commands to regularly profile and monitor high-risk offenders and victims (HROs and HRVs). Some commands already use a Suspect Target Management Plan (STMP) to do this. Targeting high-risk offenders and victims enables police to do more than simply react to domestic violence on an incident-by-incident basis. It sends a message that police take domestic violence seriously and will take proactive steps to apprehend offenders. It mitigates against the danger of repeat violence becoming “normalised” in the eyes of police leading to the possible failure to discern a pattern of escalating risk. It can also provide an opportunity to offer more tailored support and assistance to victims. Some strategies adopted by LACs are:

- flagging HROs as persons of interest (POIs) for daily targeting by car crews
- creating “warnings” on COPS for probation/parole offenders, and
- notifying repeat offenders to the custody manager to ensure appropriate use of bail conditions.

11.6.4 Compliance checks

Compliance checks involve police officers targeting high-risk ADVO defendants to ensure they are complying with the conditions of the orders against them. They can be carried out as part of a targeted operation, on a rolling basis, or through a combination of both methods. The objective of compliance checks is two-fold: to detect breaches as they are happening, rather than waiting for victims to report them, and to send a message to defendants that their behaviour is being monitored.

11.6.5 Home visits

Home visits involve the DVLO or another appropriately experienced officer visiting the homes of offenders and victims of domestic violence. Police officers usually come into contact with offenders and victims of domestic violence only at the point of crisis. Home visits can be carried out at a later time and can enable police to have a conversation with the victim about their issues and needs, perhaps identifying aggravating factors, such as alcohol use or housing stress. Depending on the level of risk identified, home visits may also provide an opportunity for police to speak with the offender in order to reinforce the unacceptability of his/her use of violence, the conditions of any orders granted and other matters such as referral to counselling or other programs.

11.6.6 Supporting victims

In addition to ensuring that police officers follow the requirements set out in the DVSOPS, there are other things LACs can do to enhance their provision of victim support:

- ensure victims are routinely provided with a COPS event number when they report an incident
- ensure victims are kept informed, in writing and by phone, about the progress of their matters (charges, ADVOs, court dates and outcomes, bail decisions etc.)
- arrange follow-up by phone to check victims are satisfied with action taken
- prioritise attendance by DVLO at court
- consider having ACLOs, ECLOs, VIPs or other appropriate staff trained to provide court support to maximise coverage
- ensure victims are made aware, preferably in writing, of all options, eg. tailored ADVOs, exclusion orders, and services, eg. court safe room, transport to court, victims compensation
- automatically make application for ADVO renewal where ADVO is due to expire and previous breaches have occurred
- where possible, assist victims to collect their belongings from their home
- consider offering case conferences to:
 - repeat victims
 - victims in matters where there is insufficient evidence to bring charges
 - victims who seek to withdraw from proceedings¹⁵³ and
- conduct home visits to discuss safety planning with high-risk victims.

The value of simple initiatives should not be underestimated, eg. making the effort to refer people to local and/or culturally specific services; displaying posters and pamphlets in the station; providing victims with an information kit; and being sensitive to cultural and literacy issues when offering information and support to victims.

Particular care should be taken to offer appropriate support to victims when they attend the police station. At a minimum, commands should ensure:

- the Charter of Victims Rights is prominently displayed in the waiting area
- a prompt and appropriate response to victims
- victims are spoken to in a private room, and
- information kits, including details about service providers, are available at the front counter.

11.6.6.1 Referrals to support agencies

LACs that do not already have an arrangement for referring victims of domestic violence to local support agencies should consider implementing one. To be effective, referral arrangements depend on a number of things:

- a shared commitment to the project by both the LAC and the support agency and strong communication between them
- an agreed upon and documented policy and protocols for the project
- training for police officers in obtaining and providing referrals

- the LAC clearly communicating to officers their role and responsibilities in regard to the project
- the support agency having a sound management framework and adequate resources to facilitate providing a quality service to victims
- the LAC having an effective mechanism in place for coordinating the provision of referrals to the support agency in an appropriate and timely manner, and
- having a system in place to effectively monitor the implementation of the project and measure outcomes.

11.7 Monitoring how police officers respond to domestic violence incidents

Monitoring the outcomes of police interventions is an important element of any LAC's strategy to maximise the effectiveness of its response to domestic violence. The responsibility for monitoring a command's response to domestic violence should not rest with the DVLO alone, although the DVLO may carry out tasks contributing to this monitoring. LACs need to have measures in place to ensure that incidents are being properly dealt with from day-to-day. In addition to Tasking and Deployment meetings, some commands have listed domestic violence as a standard agenda item for daily management meetings, with station summaries and feedback from the DVLO informing discussion.

Every domestic violence response by officers should be properly assessed. At a minimum, supervisors should be verifying domestic violence COPS events as a basic part of their responsibilities. For this purpose they should be trained in both the investigation and supervision of domestic violence. Among other things, supervisors have a responsibility to ensure:

- events are created when required (by cross-checking CIDS messages)
- events are consistent with the information created in CIDS messages, and
- events are appropriately classified, particularly events classified as "verbal argument" or "no offence".

DVLOs can still be utilised to conduct quality reviews/audits of events and to provide advice in complex cases. However, supervisors must be held clearly accountable for ensuring that domestic violence is appropriately policed. LACs should also consider strategies such as auditing the level of satisfaction of domestic violence victims and their advocates with police action.

In the section "Achieving a comprehensive response to domestic violence", we make a number of recommendations aimed at promoting effective policing of domestic violence across the state, and facilitating the systematic tracking of local performance. In this regard we discuss in further detail the benefits of a framework for providing Commanders with corporately endorsed strategies, particularly in high-risk commands, as well as indicators and benchmarks against which an LAC's performance will be measured.

Recommendations

31. NSW Police fund all LACs to obtain domestic violence investigation kits (digital/video cameras and voice recorders) to facilitate improved evidence collection in relation to domestic violence offences.
32. NSW Police develop standard operating procedures, supported by mandatory training, to accompany the implementation of domestic violence investigation kits.
33. NSW Police monitor compliance with its corporate direction concerning the verification of domestic violence COPS events by supervisors.
34. NSW Police develop a risk assessment model to guide the decision-making of police in responding to individual domestic violence incidents, and require LACs to utilise it.

Endnotes

¹⁴² Comment by Regional Violence Prevention Specialist.

¹⁴³ NSW Police, *Annual Report 2004-2005*.

¹⁴⁴ Urbis Keys Young, *Research into good practice models to facilitate access to the civil and criminal justice system by people experiencing domestic and family violence*, Partnerships Against Domestic Violence, Office for the Status of Women, Department of the Prime Minister and Cabinet, 2001.

¹⁴⁵ Comment by DVLO.

¹⁴⁶ Katzen, H., "It's a Family Matter, not a Police Matter: The Enforcement of Protection Orders", *Australian Family Law Journal*, Vol.14, 2000, pp.1-23. p.22.

¹⁴⁷ See Garcia, C., "Digital photographic evidence and the adjudication of domestic violence cases", *Journal of Criminal Justice*, Vol.31, November 2003, pp.578-587.

¹⁴⁸ Holder, R. and Mayo, N., "What Do Women Want? Prosecuting Violence in the ACT", *Current Issues in Criminal Justice* Vol.15 No.1, July 2003, pp.5-25.

¹⁴⁹ Wolf, M., Ly, U., Hobart, M. and Kernic, M., "Barriers to Seeking Police Help for Intimate Partner Violence", *Journal of Family Violence*, Vol.18 No.2, April 2003, pp.121-129. p.126.

¹⁵⁰ As an example of the workload undertaken by an arrest team, between June 2004 and June 2005 the Tuggerah Lakes arrest team arrested 102 offenders resulting in 166 charges. This equates to approximately eight arrests per month.

¹⁵¹ Jenny Harland, coordinator of the Maitland Women's Domestic Violence Court Assistance Scheme, quoted in "Stop family violence: Calls for a new specialised police response team", *Maitland Mercury*, 31 July 2006, p.7.

¹⁵² Adapted from Morley, C., "Conducting risk assessments" in Maidment, J. and Egan, R., *Practice Skills in Social Work and Welfare*, Allen and Unwin, 2004. pp.127-145. Quoted in *Reforming the Family Violence System in Victoria* (Office of Women's Policy, 2005) p.28.

¹⁵³ Case conferences form part of Victoria Police's strategy for responding to domestic violence.

Chapter 12. Achieving a comprehensive response to domestic violence

12.1 Monitoring police response to domestic violence at a corporate level

Monitoring the level of demand and quality of service delivered is a key requirement for achieving an effective police response to domestic violence. The capacity to monitor is dependent on the identification of meaningful performance outcomes and indicators against which LACs can be measured (including which good practices should be adopted), how they will be monitored and by whom. The answers to these questions should be driven by corporate expectations as well as local priorities and objectives, and recognise the importance of qualitative and quantitative measurements.

12.1.1 Identifying high risk LACs

One of the reasons monitoring is important is to enable NSW Police to systematically identify commands at high risk in relation to domestic violence to ensure that these commands receive particular support and scrutiny. We are aware that the Commissioner's Inspectorate has recently initiated the provision of detailed statistics to DVLOs and Regional Domestic Violence Sponsors on a monthly basis to assist with monitoring. As well as assisting LACs to identify trends and track their performance across a range of indicators, this data will assist NSW Police to identify high risk LACs.

A quarterly report on trends will be provided to the Corporate Spokesperson for Domestic Violence based on the statistics provided by the Commissioner's Inspectorate, including:

- volume of domestic violence
- number of domestic violence assaults as a proportion of all assaults
- breakdown of additional domestic violence incident categories (eg. malicious damage)
- number of ADVOs applied for and breaches reported¹⁵⁴
- proportion of the following against overall volume:
 - incidents recorded as "DV no offence"
 - legal actions in response to criminal allegations (eg. breach ADVO, assault, intimidation, malicious damage), and
- number of incidents involving recidivist offenders and victims over defined periods.

While we support this positive initiative, it is important that NSW Police takes into account other indicators, such as failed prosecutions, when seeking to identify high-risk commands, including qualitative indicators that cannot be statistically captured. For example, the strategies in place to target high-risk offenders and victims, the availability of community services and resources for victims and perpetrators and how critical incidents and complaints are handled.

We have made several recommendations in this report about measures that need to be in place in high-risk commands.

12.1.2 Monitoring the performance of LACs

We understand that the main means by which NSW Police centrally monitors its response to domestic violence is via the Operations and Crime Review (OCR) process, which is overseen by the Commissioner and his executive team. The OCR process holds Commanders and managers accountable for local and organisational objectives. It assesses commands' performance with respect to:

- reducing crime and violence
- improving public safety
- implementation of management practices
- compliance with stated policy, and
- effective financial management.

However, on the basis of information provided to us in response to our investigation notice, we are unable to determine the actual performance benchmarks and indicators used in the OCR process.

In addition to the OCR process, we understand from our discussions with staff at the Commissioner's Inspectorate that audit teams from the Organisational Review and Support unit, in conjunction with the Domestic Violence Senior Programs Officer and Project Officer, visit LACs if they have identified concerns about particular risk indicators in

relation to domestic violence. We understand that these visits involve a review of statistical information as well as local strategies and the identification of treatment options to remedy any deficiencies in the command's response to domestic violence. While this is a positive approach, it appears to function on an ad hoc basis and we are unsure how NSW Police systematically tracks the performance of LACs in relation to domestic violence.

12.2 A good practice framework

There is currently no comprehensive, user-friendly framework that Commanders and other police can refer to when planning their LAC's response to policing domestic violence and against which their performance can be measured.

We note the inclusion on the NSW Police intranet of a domestic violence "knowledge map" that brings together a range of information about legislation, operational procedures, good practice strategies being used in certain LACs and other resources relating to domestic violence. While the concept of the "knowledge map" has merit and much of the information it contains is useful, in its present form it does not provide such a framework.

In order to promote the most effective policing of domestic violence across the state, and to facilitate the systematic tracking of local performance, NSW Police needs to develop a good practice framework. The framework should provide advice to Commanders on the different strategies and practices to improve their LAC's strategic and operational response to domestic violence. These strategies and practices should be evidence based, and should evolve and be refined as new initiatives are tested and others are evaluated.

We strongly encourage the implementation of the framework within each LAC be supported by specialists within the Commissioner's Inspectorate. This support, along with monitoring, should be ongoing so that every LAC is regularly reviewing its arrangements to ensure the most appropriate strategies are in place. Clearly, for commands with the greatest risks in domestic violence, be it because of volume, comparative incidence or other reasons, these reviews should be more regular.

As part of assessing a command's performance it is important that NSW Police use qualitative as well as quantitative measures. Commanders should be asked to explain their actions to implement the good practice framework, and the outcomes of those actions. This is an essential part of ensuring every command actively considers the various options to address domestic violence, acts to implement the most appropriate ones, and assesses their effectiveness.

A key advantage of a good practice framework is that it will support Commanders in identifying the needs of their command in relation to domestic violence and then meeting them.

A "one size fits all" approach should not be imposed on all LACs. Commanders need to be provided with a range of corporately endorsed "treatment options" that they can apply depending on the level of risk that domestic violence poses to their command. In particular, the good practice framework should identify the preferred options for implementation in those LACs identified as being at highest risk in relation to domestic violence.

Based on the response provided by NSW Police to our provisional report, it is questionable whether the current staffing resources within the Family and Domestic Violence Unit, Commissioner's Inspectorate, are sufficient to enable NSW Police to support and monitor the implementation of the good practice framework, as well as carry out the extensive range of other activities within their responsibility.

12.3 Supporting tools for frontline police

A good practice framework needs to be supported by tools for operational police, supervisors and police prosecutors. The two primary tools we have identified in this regard are a domestic violence risk assessment model and standard operating procedures.

12.3.1 Risk assessment model

We have already outlined the benefits of a risk assessment model in the section "Frontline policing strategies for responding to domestic violence" and recommended that NSW Police should develop such a model.

12.3.2 Domestic Violence Standard Operating Procedures

Standard Operating Procedures (SOPS) provide operational and procedural guidance to police officers. We note that NSW Police is in the process of revising the existing *Domestic Violence SOPS* (DVSOPS). SOPS are a vital tool for operational police. They should function as a "one stop shop" for police officers and police prosecutors, documenting in step-by-step form how they are expected to respond to domestic violence at each critical stage.

12.4 Code of Practice

Until very recently, there was no public document that outlined NSW Police's strategic response to domestic violence and how that response is implemented at both the corporate and local level. On 23 November 2006, NSW Police launched a comprehensive webpage on its internet site outlining what the public can expect when they contact police for assistance, as well as detailed material on the dynamics of domestic violence, support services and links to other agencies. The webpage launch is a positive initiative. It provides a detailed and easy to use reference for people seeking information about domestic violence and how NSW Police responds to it.

We believe there would also be considerable benefit in NSW Police developing a publicly available code of practice that consolidates relevant legislation and police policy and procedure, including the roles, responsibilities and processes that will be undertaken by police and police prosecutors in response to domestic violence, and the court process for victims. A code will provide victims and their advocates with a document that clearly delineates the responsibilities of police officers and prosecutors in relation to domestic violence. It will help ensure a consistent, equitable and accountable response by police and reinforce what is expected of them. For police, a code of practice can also act as a useful prompt when consulting with their local communities to develop an integrated response to domestic violence.

Victoria Police released a *Code of Practice for the Investigation of Family Violence in 2004*. The code covers:

- police role in breaking the cycle of family violence
- what police do when family violence is reported to them
- referral mechanisms and available support for victims
- criminal options
- civil options, and
- monitoring the police response and investigation.

The code has been well received by police, the domestic violence service sector and the wider community in Victoria. Our consultations indicated strong support for the development of a similar code in NSW. Given this, we recommend that NSW Police consider adapting the Victorian Code. The code could be further enhanced by the inclusion of a section that outlines how NSW Police corporately monitors its response to domestic violence at a local level.

12.5 Domestic homicide review process

By way of conclusion, we note that the Attorney General is presently considering whether there is merit in establishing a state-wide domestic homicide review process. Data from the Australian Institute of Criminology indicates that between 1989 and 1999, just over 20% of all homicides in Australia involved intimate partners. 65% occurred between current spouses or de-facto partners, while 22% occurred between separated or divorced spouses or de-facto partners.¹⁵⁵ Over 75% involved a male offender and a female victim. In almost half of all spousal homicides, there is a clear history of preceding violence.¹⁵⁶

In 2006 to date, 12 women and two children have been murdered in domestic circumstances in NSW. These deaths have been the subject of significant media scrutiny and have also generated calls from various sectors of the community for improved policing of domestic violence as well as for the implementation of a domestic homicide review process.

We support the establishment of such a process because we believe it has the potential to improve the collective understanding and knowledge of agencies, including NSW Police, about how domestic homicides come to occur and what strategies and practices may reduce the risk of their occurrence. A domestic homicide review process would in this way support the efforts of NSW Police to continually improve its overall response to domestic violence.

Recommendations

35. NSW Police develop a "good practice" framework for policing domestic violence. This framework should include effective:
 - investigation and prosecution of domestic violence incidents
 - protective responses for victims (ADVOs; acting on breach allegations)
 - referral mechanisms to enhance victim support, including implementing a DVPASS mechanism and having up to date domestic violence information kits

- interagency cooperation and liaison
 - child protection response where required
 - strategies for targeting high risk offenders and victims
 - ongoing education and training for officers
 - use of the DVLO role, and
 - systems for ensuring compliance.
36. NSW Police require Commanders to implement the framework, including assessing the appropriate strategies for local implementation, eg. the benefits of implementing domestic violence investigation and arrest team in high risk commands.
 37. NSW Police require LACs to consult local service providers and relevant agencies in implementing the good practice framework.
 38. NSW Police include, as a performance indicator, the overall effectiveness of how an LAC has implemented the good practice framework.
 39. NSW Police provide full advice as to the performance indicators for LACs in respect of domestic violence. This advice should include:
 - current indicators
 - the system for monitoring these indicators
 - how outcomes are measured and reported to Commanders, and
 - the range of actions available where a command's performance is identified as requiring improvement.
 40. NSW Police provide advice about the methodology it uses to identify LACs at high risk in relation to domestic violence, and the list of LACs currently identified as high risk, together with the reasons for this.
 41. NSW Police provide advice about the revision of the existing *Domestic Violence Standard Operating Procedures* in light of the issues raised in this report.
 42. NSW Police develop, with particular reference to the *Victorian Code of Practice for the Investigation of Family Violence*, a comprehensive, publicly available Code of Practice outlining NSW Police's strategic response to domestic violence and how that response is implemented at both the corporate and local level.
 43. The Commissioner of Police:
 - a. conduct a review of the adequacy of staffing levels within the Family and Domestic Violence Unit of the Commissioner's Inspectorate.
 - b. provide additional resources if the review identifies deficiencies in staffing levels.
 44. The Commissioner of Police develop an implementation framework to address the recommendations contained in this report and provide this to the Ombudsman by February 2007.

Endnotes

¹⁵⁴ This data will not be available until March 2007.

¹⁵⁵ Mouzos, J., *Homicidal Encounters: A Study of Homicide in Australia 1989-1999*, Australian Institute of Criminology, 2000.

¹⁵⁶ Morgan, J., *Who Kills Whom and Why: Looking Beyond Legal Categories*, Victorian Law Reform Commission, 2002.

Appendices

Appendix 1: NSW Police response to recommendations in Ombudsman's preliminary report

No	Recommendation	NSWP	Response
1	The Commissioner of Police evaluate the operational impact of the legislative amendment to enable police to apply for Telephone Interim Orders (TIOs) on a 24-hour basis. Any evaluation should particularly consider whether there has been an improvement in relation to the waiting time for police when seeking to apply for a TIO.	Supported	NSW Police will monitor the impact of 24 hour availability of TIOs on police in conjunction with Local Courts.
2 a.	The Minister for Police provide a copy of this report to the Attorney General with a view to giving strong consideration to implementing the NSW Police proposal to amend Part 15A of the <i>Crimes Act</i> to require police officers to apply for all interim Apprehended Domestic Violence Orders (ADVOs) by telephone.	N/A	
2 b.	If legislated, the Commissioner of Police evaluate its operational impact of the amendment. Any evaluation should particularly consider whether there has been an improvement in relation to the efficient service of ADVOs.	Supported	If adopted, NSW Police will monitor the impact of an application process whereby all interim ADVOs are initiated by the TIO process (telephone/fax).
3	NSW Police amend the <i>Domestic Violence Standard Operating Procedures</i> to include a requirement that police should not accept an application by any party to a domestic violence matter, or their representative, for the withdrawal of police action in relation to domestic violence matters, including ADVOs.	Supported	The new DV SOPs will include this requirement which is also supported by 562ZR of the <i>Crimes Amendment (Apprehended Violence) Bill 2006</i> . The Bill stipulates that the reluctance of the person to make an application, does not, on its own, constitute a good reason for a police officer not to make an application (for an AVO).
4	NSW Police provide a progress report on the implementation status of the following initiatives: <ul style="list-style-type: none"> — AVO electronic data transfer to non-GLC courts — “Create AVO” COPS application — enhancement to COPS screens containing information about AVOs, and — any other administrative improvements as part of the NSW Police/CourtLink Information Exchange Project or other initiatives 	.	A progress report on these matters is provided at Tab C.

No	Recommendation	NSWP	Response
5	NSW Police require the Domestic Violence Liaison Officer (DVLO) to be a fulltime equivalent position in local area commands (LACs) identified by NSW Police as high-risk in relation to domestic violence.	Supported in Principle	Staffing decisions remain the responsibility of individual Local Area Commanders, however this recommendation is strongly supported by the Corporate Spokesperson for Family and Domestic Violence.
6	NSW Police require regional and remote LACs, where main sectors do not have the services of a dedicated DVLO, to appoint and support officers to replicate, as far as possible, the core duties of DVLOs.	Supported in Principle	
7	NSW Police require all LACs to have an officer or officers trained as a "back up" DVLO.	Supported in Principle	
8	NSW Police give strong consideration to attaching Leading Senior Constable status to the DVLO position in LACs identified by NSW Police as high-risk in relation to domestic violence.	Under consideration	NSW Police will give consideration to attaching Leading Senior Constable or Sergeant status to the DVLO role, particularly in Commands considered as high-risk in relation to domestic violence to attract and motivate suitable officers to fulfil this critical role.
9	NSW Police provide specific funding for designated DVLO positions in all high risk LACs, including Level 3 LACs.	Under consideration	
10	NSW Police ensure the Annual DVLO State Forum continues to be held and resourced appropriately.	Supported	
11	NSW Police require regional DVLO meetings to be held on a bi-annual basis.	Supported	
12	NSW Police immediately prioritise the training of all current DVLOs in the Investigation and Supervision of Domestic Violence workshops and the Domestic Violence Liaison Officers Course.	Supported	Continuing Education Directorate are currently in consultation with the F&DV Unit to identify the need to schedule an additional Domestic Violence Liaison Officer Course.
13	NSW Police require training in the Investigation and Supervision of Domestic Violence workshops and the Domestic Violence Liaison Officers Course to be mandatory for all DVLOs.	Supported	
14	NSW Police develop a corporate induction package for distribution to all DVLOs on commencing the role.	Supported	
15	NSW Police immediately prioritise the training of at least four DVLOs in each region to accredit them to deliver local training to general duties officers and, if necessary, that training be outsourced to facilitate this objective.	Supported	Local training can be delivered by DVLOs on a needs basis identifying local issues specific to the LAC. Education Services currently has 43 Facilitators accredited to deliver the Investigation of DV Workshop. All Regions have in excess of the recommended 4 trainers. Region DV Sponsors will monitor the availability and accessibility of Region-based training through these facilitators.

No	Recommendation	NSWP	Response
16	<p>The Minister for Police provide a copy of this report to the Attorney General for the information of the Chief Magistrate of the Local Court, with a view to the Commissioner for Police and the Chief Magistrate, in consultation with victim and defendant representatives, developing a “good practice” protocol, consistent with the DVSOPS, between NSW Police and the Local Court. This may include adopting practices such as:</p> <ul style="list-style-type: none"> — holding separate list days for APVO and ADVO matters at courts where there is a high volume of both — ensuring that appropriate and specific protection is considered for children through the use of ADVOs — providing “safe rooms” for victims and supporting their use — implementing tools such as the “blue form” to enhance the quality of information available to the court and to promote its provision at the earliest opportunity, and — minimising, where possible, the occasions on which victims of domestic violence are required to attend court. 	Supported	NSW Police will continue to engage in consultation with the AGD, Chief Magistrate and Local Courts to improve processes and will support any discussions initiated by the Police Minister.
17a	The Minister for Police refer to the Attorney General for consideration: the benefits of designating a “spousal” victim of domestic violence a “vulnerable person” for the purpose of court proceedings to allow for alternative arrangements for the giving of evidence	N/A	Not for NSWP
17b	The Minister for Police refer to the Attorney General for consideration: whether existing legislative arrangements sufficiently allow for the admission of, and reliance on, electronic evidence, and	N/A	Not for NSWP
17c	The Minister for Police refer to the Attorney General for consideration: the adequacy of coverage provided by the Women’s Domestic Violence Court Assistance Program	N/A	Not for NSWP

No	Recommendation	NSWP	Response
18	NSW Police monitor the performance of police prosecutors in relation to domestic violence matters, including adoption of good practices.	Supported in Principle	<p>The Commissioner’s Inspectorate has submitted a proposal for the creation of additional positions including a new position of “Family and Domestic Violence Prosecutions Coordinator” at the rank of Senior Sergeant. The proposed position overview will include the following criteria which are pertinent to this recommendation and recommendations 20, 21 and 22:</p> <ul style="list-style-type: none"> • Develop and maintain systems and processes for ensuring that high quality legal services are provided with respect to domestic violence matters, including the development and trial of best practice in the prosecution and management of domestic violence court work. • Provide legal advice on domestic violence related issues as required and assist with the monitoring of briefs and failed prosecutions. • Monitor the performance of police prosecutors in relation to domestic violence matters. • Provide training to police prosecutors with respect to the conduct of domestic violence prosecutions. • Develop, encourage and support arrangements for police prosecutors to confer regularly with relevant stakeholders such as Crime Managers, Domestic Violence Liaison Officers and court assistance scheme coordinators.
19	NSW Police ensure the revised <i>Domestic Violence Standard Operating Procedures</i> address good practice by police prosecutors in relation to domestic violence matters.	Supported in Principle	See the response to recommendation 18. The Family and Domestic Violence Prosecutions Coordinator would be responsible for developing “best practice” for police prosecutors. The exact location of “best practice” procedures, whether in the general Standard Operating Procedures or specific procedures issued to prosecutors only, would need to be considered once the procedures are formulated. However, it is acknowledged they need to be readily accessible.
20	NSW Police encourage and support arrangements for police prosecutors to confer regularly with Crime Managers, DVLOs and court assistance scheme coordinators for the purpose of enhancing good practice in relation to the preparation and handling of domestic violence matters at court.	Supported in Principle	See the comments in relation to recommendation 18. This will form one of the specific roles of the proposed new position.

No	Recommendation	NSWP	Response
21	Police prosecutors be required to complete a mandatory domestic violence training component as part of their annual continuing education commitment.	Under consideration	Decisions on the nature and frequency of specific domestic violence training for police prosecutors will be held in abeyance until the proposed Coordinator is in place and has assessed the issue. As an historical note, several hours of this year's annual metropolitan prosecutors' conference were devoted to domestic violence issues.
22	<p>NSW Police consider the issues outlined in this section and in our <i>Annual Report of Reviewable Deaths 2004</i>, when revising the Domestic Violence and Child Protection Standard Operating Procedures, and in particular:</p> <ul style="list-style-type: none"> — outlining the processes available for obtaining information from DoCS — outlining in detail when a report about a child or children must be made to DoCS — emphasising the importance of considering and obtaining ADVOs for children, and — providing good practice advice on making reports to DoCS. 		<p>The revised Family & DV SOPs and Child Protection SOPs will address these issues and ensure clarity is provided to police officers about when children must be reported to DOCS, the importance of considering AVOs for children and good practice advice on making reports to DOCS.</p> <p>The process of information exchange between police and DOCS is being clarified currently and any new MOUs will be reflected in the SOPS. An article highlighting these issues will be published in the Policing Issues & Practices Journal in early 2007.</p>
23	<p>NSW Police provide a progress report in relation to the development of:</p> <ul style="list-style-type: none"> — an electronic notification to DoCS of children at-risk — an MoU with DoCS on the exchange of information — a shared risk assessment model with DoCS, and — the "AVO Compliance with Legislation" project. 	Supported	The electronic notifications to DoCS re children at risk and the MoU with DoCS on the exchange of information are still ongoing projects, and there is no further progress to note beyond the advice previously provided. With respect to the development of a shared risk assessment model that will assist in alerting either agency about children and young people at risk of harm, several meetings and dialogues have occurred at senior levels on these issues, however there is not at this stage, any concrete 'project' which is progressing this. The update on the AVO Compliance with Legislation project (ACL) is included in the progress report at Tab C.
24	<p>The Commissioner of Police provide a copy of this report to the Human Services Chief Executive Officers Forum, and that the Forum consider the benefits of implementing specific domestic violence interagency models and/or practices in NSW, particularly in locations identified as high-risk, such as</p> <ul style="list-style-type: none"> — integrated case management and/or casetracking — wider implementation of the DVPASS mechanism, and 	Supported	Assistant Commissioner Mahoney will provide a copy of the report to the HSCEOs Forum on behalf of the Commissioner.

No	Recommendation	NSWP	Response
	<ul style="list-style-type: none"> — co-location of police officers, child protection workers and domestic violence victim support workers. 		
25	<p>The Commissioner for Police consider the issues raised in the section “Family and domestic violence in Aboriginal communities” and approach the Minister for Police with a view to:</p> <ul style="list-style-type: none"> — securing ongoing funding for the Manning/Great Lakes Police and Women’s Refuge Partnership Against Domestic Violence — establishing funding for Aboriginal family violence workers in local area commands with significant Aboriginal populations (having regard to the 29 local area commands identified in the <i>Aboriginal Strategic Direction</i> plan), and — obtaining funding for an additional number of female designated Aboriginal Community Liaison Officer positions to be attached to local area commands with significant Aboriginal populations. 	Supported in principle	<p>NSW Police supports establishing Aboriginal family violence officers (AFVO) in key LACs, however funding for these positions will be subject to the approval of a business case. Ongoing funding for domestic violence programs regardless how effective they are is a continuing challenge facing government agencies and nongovernment organisations.</p> <p>The proposed positions would ensure better outcomes for victims, their families, other support agencies and Police. Employing AFVOs would lead to better reporting from victims, confidence in the criminal justice system through victims feeling supported through the process and have an Aboriginal <i>specialist</i> who would work closely with the DVLO and Aboriginal communities. Such a role would also raise confidence in NSW Police to address community concerns in this important area. A long term outcome would lead to a better understanding of the criminal justice system and more positive interactions between Police and Aboriginal communities.</p> <p>In October 2006, the Aboriginal Coordination Team (ACT) re-submitted a proposal to employ 12 additional female ACLOs. Research had previously been undertaken by the ACT with regard to the location of additional ACLOs. The original proposal was developed as the employment of additional female ACLOs was identified as an election commitment of the NSW Labor Government. The ACT is currently developing a tender for an independent consultant to undertake a review of the ACLO program. No doubt the review process will discuss location of ACLOs, gender balance, numbers and ACLO roles and responsibilities. Training of ACLOs needs to ensure that they have an awareness of domestic violence, sexual assault and child sexual assault matters.</p>

No	Recommendation	NSWP	Response
26	<p>NSW Police ensure that Aboriginal cultural awareness content is included in all domestic violence training and that appropriate Aboriginal community representatives, specifically women, endorse such content.</p>	Under consideration	<p>NSW Police will give consideration to updating domestic violence related courses with content on Aboriginal cultural awareness</p> <p>Cultural awareness training is currently included in the subject PPP242 — <i>“Problem oriented policing and vulnerable people”</i>. Subject PPP125 — <i>“Police, Crime and Society 2”</i> also addresses domestic violence issues and police response.</p> <p>A link could be made between both subjects to include Aboriginal cultural awareness content in domestic violence issues.</p> <p>The DVLO Course provides two 1.5 hour lectures specific to domestic violence in the Aboriginal communities. The first is delivered by Education Services cultural awareness lecturer and focuses on the extent of DV in Aboriginal Communities. The second is delivered by Wirringa Baiya Women’s Legal Centre and focuses on the cultural issues and experiences relating to Aboriginal women.</p> <p>The 1 day Investigation of DV W/S does not specifically highlight cultural issues specific to Aboriginal people but does discuss statistics and vulnerable people as a whole.</p> <p>Time may not permit further discussion in the 1 day workshop.</p> <p>Specific Aboriginal Cultural Awareness Training is currently provided via the 1 day Aboriginal Cultural Awareness Workshop.</p>
27	<p>NSW Police develop a comprehensive domestic violence training strategy with regard to the issues identified in the section “Police training in responding to domestic violence”, in particular:</p> <ul style="list-style-type: none"> — the need for training to be practically informed — the need for training to be delivered locally — using other agencies to provide training, and — monitoring the quality and provision of training. 	Supported	<p>The F&DV Unit will develop a comprehensive domestic violence training strategy for NSW Police in consultation with Education Services, Region DV Sponsors, DVLOs and general duties Police. This strategy will be informed by the specific issues raised in Recommendations 27 & 28. In addition, the strategy will encompass levels of training, frequency and ongoing and emerging policing practice issues in this area.</p> <p>In the interim Education Services are currently focusing on increasing the number of accredited trainers state-wide, including the targeting of certain LACs where DV is statistically high.</p>

No	Recommendation	NSWP	Response
28	<p>NSW Police review, in developing the strategy, the adequacy and appropriateness of training content, in particular content addressing:</p> <ul style="list-style-type: none"> — the correct identification of primary aggressors — stalking and intimidation offences — child protection and family law issues (including the appropriateness of making ADVO applications on behalf of children) — issues relating to victims from marginalised sectors of the community and their needs — apprehended violence orders, and — the effectiveness of particular police interventions and ensure appropriate community representatives endorse content relating to victims from marginalised sectors of the community and their needs. 	Supported	Annual reviews of subject content and material are undertaken in all subjects of the CEP as to currency and best practice. Every 3 years a full external review is completed on each subject.
29	NSW Police require all police officers to complete the Investigation of Domestic Violence workshop within the first year following their attestation.	Under consideration	This recommendation requires further consideration by Education Services to determine impact on trainers, whether there is a need to further develop officers shortly after leaving the Police College, and the impact the training will have on participants.
30	NSW Police require all police officers serving in LACs identified by NSW Police as high-risk in relation to domestic violence to complete domestic violence training on a regular (preferably annual) basis.	Under consideration	Further discussion is required on the need for, and type of initial and on-going training.
31	NSW Police specifically fund all LACs to obtain domestic violence investigation kits (digital/video cameras and voice recorders) to facilitate improved evidence collection in relation to domestic violence offences.	Supported in Principle	The need for kits in every LAC is supported however details of how this can be implemented will require further consideration. For example, the number of kits made available to each LAC should be determined by the need/volume/risk issues for the LAC.
32	NSW Police develop standard operating procedures, supported by mandatory training, to accompany the implementation of domestic violence investigation kits.	Supported	
33	NSW Police monitor compliance with its corporate direction concerning the verification of domestic violence COPS events by supervisors.	Supported	

No	Recommendation	NSWP	Response
34	NSW Police develop a risk assessment model to guide the decision-making of police in responding to individual domestic violence incidents, and require LACs to utilise it.	Supported	
35	<p>NSW Police develop a good practice framework for policing domestic violence. This framework should include effective:</p> <ul style="list-style-type: none"> — investigation and prosecution of domestic violence incidents — protective responses for victims (ADVOs; acting on breach allegations) — referral mechanisms to enhance victim support, including implementing a DVPASS mechanism and having up to date domestic violence information kits — interagency cooperation and liaison — child protection response where required — strategies for targeting high risk offenders and victims — ongoing education and training for officers — use of the DVLO role, and — systems for ensuring compliance. 	Supported with variation	<p>The revised Standard Operating Procedures will encompass a good practice framework addressing all the points raised in this recommendation.</p> <p>In addition, the NSW Police Intranet Knowledge Map content will be updated and maintained to address ongoing issues and new information in the area of interagency cooperation, ongoing training and education, and any other area of policing practice.</p>
36	NSW Police require local area commanders to implement the framework, including assessing the appropriate strategies for local implementation, eg. the benefits of implementing domestic violence investigation and arrest team in high risk commands.	Supported	
37	NSW Police require LACs to consult local service providers and relevant agencies in implementing the good practice framework.	Supported	
38	NSW Police include, as a performance indicator, the overall effectiveness of how an LAC has implemented the good practice framework.	Supported with variation	Elements covered in recommendation 36 will inform the performance indicators developed.
39	<p>NSW Police provide full advice as to the performance indicators for LACs in respect of domestic violence. This advice should include:</p> <ul style="list-style-type: none"> — current indicators — the system for monitoring these indicators — how outcomes are measured and reported to commanders, and 	Supported	Some information on the performance of LACs with respect to DV was provided in response to the Ombudsman's investigation notice. The exact form of performance information the Ombudsman's office requires may need to be the subject of further discussions between NSW Police and Ombudsman's office staff. Following these discussions, this advice will be provided in due course.

No	Recommendation	NSWP	Response
	— the range of actions available where a command's performance is identified as requiring improvement.		
40	NSW Police provide advice about the methodology it uses to identify LACs at high risk in relation to domestic violence, and the list of LACs currently identified as high risk, together with the reasons for this.	Supported	See response to recommendation 39.
41	NSW Police provide advice about the revision of the existing <i>Domestic Violence Standard Operating Procedures</i> in light of the issues raised in this report.	Supported	See response to recommendation 39.
42	NSW Police develop, with particular reference to the <i>Victorian Code of Practice for the Investigation of Family Violence</i> , a comprehensive, publicly available Code of Practice outlining NSW Police's strategic response to domestic violence and how that response is implemented at both the corporate and local level.		Supported with variation

Endnotes

The NSW Police response has been renumbered to reflect the fact the we have withdrawn provisional recommendation number 4. Recommendations 18b, 43 and 44 were not provisional recommendations and therefore NSW police was not required to respond.

Appendix 2: Survey of Crime Coordinators

The NSW Ombudsman is distributing the following survey to all Crime Coordinators. The purpose of the survey is to assist the Ombudsman's investigation into the effectiveness of the policing of domestic violence in NSW.

If the Crime Coordinator is unavailable, Commanders should delegate another appropriate officer to provide a response.

If you need extra space to provide your responses, please use the page at the end of the survey. Please also attach any relevant documentation or information that may assist the Ombudsman to better understand the work of the Crime Coordinator in your command.

Comments may be published but only in anonymised form.

Local Area Command:

Name of respondent:

Position of respondent (if not Crime Coordinator):

1. *How long have you been the Crime Coordinator in your LAC?*
2. *Is there another officer who usually acts in your position when you are on leave? If yes, what is that officer's position?*
3. *What percentage of overall crime in your LAC involves domestic violence?*
4. *How often does your CMU meet?*
5. *Does your CMU specifically monitor domestic violence trends in your LAC? If yes, please provide details.*
6. *Does your CMU have a system in place for monitoring high-risk offenders/victims of domestic violence? Please provide details.*
7. *Does your CMU have a strategy in place for targeting high-risk offenders/victims of domestic violence? Please provide details.*

-
8. *Does your CMU specifically monitor the quality of the police response to domestic violence in your LAC? If yes, please provide details.*

 9. *Through this monitoring, what concerns about police practice have you identified, and how have you responded to these?*

 10. *Does the Domestic Violence Pro-active Support Service operate in your LAC?*

 11. *What other police-initiated domestic violence strategies are being implemented in your LAC?*

 12. *How many DVLO/s are in your LAC?*

 13. *How regularly do you liaise with the DVLO/s in your LAC?*

 14. *Please provide any other comments here*

Thank you for completing the survey.

Appendix 3: Survey of Domestic Violence Liaison Officers

The NSW Ombudsman is distributing the following survey to all Domestic Violence Liaison Officers. The purpose of the survey is to assist the Ombudsman's investigation into the effectiveness of the policing of domestic violence in NSW.

If there is no DVLO or the DVLO is unavailable, Commanders should delegate another officer to provide a response.

If you need extra space to provide your responses, please use the page at the end of the survey. Please also attach any relevant documentation or information that may assist the Ombudsman to better understand the work of the DVLO in your command.

Comments may be published but only in anonymised form.

Local Area Command:

Name of respondent:

Position of respondent (if not Crime Coordinator):

About you

1. *How long have you been a police officer?*
2. *What is your rank?*
3. *How long have you been a DVLO?*
4. *What % of time do you spend on DVLO duties?*
5. *What % of your time do you spend on duties other than DVLO work? For example, General Duties, HVP.*
6. *Is there another officer who usually acts in your position when you are on leave? If yes, what is that officer's position? Are they trained as a DVLO?*
7. *Does your CMU have a strategy in place for targeting high-risk offenders/victims of domestic violence? Please provide details.*

-
8. *Are you currently scheduled for training (DVLO or otherwise)? If yes, please provide details.*
 9. *Have you undertaken or are you undertaking any relevant external course?*
 10. *Have you attended a Domestic Violence Liaison Officer Forum? If so, when?*
 11. *Did you actively seek to become a DVLO? If yes, what motivated you to do so? If no, please outline the circumstances that led to your appointment to the position.*
 12. *What is your usual roster?*
 13. *In your view, does your roster enable you to effectively perform your duties? If no, how might this be addressed?*

About your duties

14. *Over the course of an ordinary working week, what % of your time would you spend on administrative tasks (eg. checking CIDS/COPS entries, returning affidavits, filing ADVOs)?*
15. *Over the course of an ordinary working week, what % of your time would you spend on non-administrative tasks (eg. providing victim follow-up, liaising with the community, providing in-service training)?*
16. *How does your Crime Manager support you in your role as DVLO?*
17. *How frequently do you liaise with your Crime Coordinator and/or Crime Manager?*
18. *How often does your Crime Management Unit meet?*
19. *Do you attend these meetings? If not, what prevents you from attending?*
20. *Do you have regular liaison meetings with your local:
— YLO?*

—ACLO?

—ECLO?

—CPO?

Please specify how regularly you meet.

21. *Do you receive adequate information, resources and support to perform your role effectively? If no, what additional information, resources and/or support would you find helpful?*

22. *Do you have established relationships with:*

—*your local domestic violence court assistance scheme?*

—*your local domestic violence committee/s?*

—*local Indigenous and/or ethnic communities?*

—*other relevant agencies or groups in your area?*

Please specify what arrangements are in place (eg. meetings, committees, informal liaison) to support these relationships.

23. *Please provide details of any community initiatives you have undertaken or participated in during the past 12 months in your role as a DVLO (eg. attendance at forums or other community events; speaking engagements; training)*

24. *What type of briefings do you provide to the Crime Manager and/or Commander about the status of domestic violence crime in your area and reduction strategies? How regularly do you provide these briefings?*

25. *How would you describe your relationship with DoCS? Why?*

26. *Do you have an understanding of how DoCS prioritises cases? Please provide details.*

27. *How would you describe the quality of feedback you receive from DoCS on mandatory reports? Why?*

28. *Do you or have you provided domestic violence training to other police officers in 2005? If yes, please explain the nature of the training and to whom you provided it.*

-
29. *Through carrying out training or other duties, have you identified particular issues or areas of concern in relation to the policing of domestic violence in your command? Please describe these and any solutions you have suggested or implemented.*
 30. *What is the most successful policy strategy in your command for responding to domestic violence? Why? Please provide any relevant information.*
 31. *What do you see as the key challenges facing you in your work as a DVLO?*
 32. *Is there anything you find particularly difficult or frustrating about being a DVLO? If yes, please provide details.*
 33. *What aspect/s of your work do you find most satisfying?*
 34. *What aspect/s of your work do you find least satisfying?*
 35. *Do you feel your role and work is valued and supported? If not, what would make you feel differently?*
 36. *If there were three things that would assist you to perform your role more effectively, what would they be?*

About your LAC

37. *How many DVLOs does your LAC have? What is their rank? What is their status (acting, full-time or part-time DVLO duties)? Are they trained or untrained?*
38. *Apart from yourself, who else initiates domestic violence crime reduction strategies in your command?*
39. *Does the Domestic Violence Pro-active Support Service ('yellow card') operate in your LAC?*
40. *What other police-initiated domestic violence strategies are being implemented in your LAC?*

41. *In your LAC within the past three months, how many:*

— domestic violence incidents were reported?

— mandatory notifications were made to DoCS?

— interim and final ADVOs were applied for ?

— interim and final ADVOs were served?

— interim and final ADVOs specifically to protect children were applied for?

— interim and final ADVOs specifically to protect children were served?

— breaches of ADVOs were reported?

— domestic violence related charges were prosecuted?

— domestic violence related convictions were achieved?

— times have you attended court?

42. *Does your LAC have a system in place for identifying and monitoring high risk offenders/victims of domestic violence? Please provide details.*

Thank you for completing the survey.

Appendix 4: Survey of Women’s Domestic Violence Court Assistance Scheme Coordinators

The NSW Ombudsman is distributing the following survey to all Domestic Violence Court Assistance Scheme Coordinators in NSW. The purpose of the survey is to assist the Ombudsman’s investigation into the effectiveness of the policing of domestic violence in NSW.

Ombudsman staff only will view comments you provide in response to this survey.

Comments may be published in our report, however we will not include any information that may identify you without your permission. Please specify if you wish to remain anonymous.

Name of respondent

Court location

- 1. For how long have you occupied the role of coordinator at your present location?*
- 2. Have you previously worked as a coordinator at another location?*
- 3. How many people are employed to staff the scheme at your location? Please specify status (full-time, part-time, volunteer)*
- 4. Approximately how many women per month access the scheme at your present location?*
- 5. How would you describe your working relationship with local area police? Please provide details.*
- 6. Do you have an established relationship with the Domestic Violence Liaison Officer/s in your area?*
- 7. How would you describe the quality of the service provided by the DVLO/s in your area? Please give details*
- 8. In relation to domestic violence, what do your local area police do well?*

-
9. *In relation to domestic violence, what could your local area police do better?*

 10. *How would you describe your working relationship with the police prosecutor/s at your court?
Please give details*

 11. *What does the police prosecutor/s do well?*

 12. *What could the police prosecutor/s do better?*

 13. *What is the most satisfying aspect of your work?*

 14. *What is the most frustrating aspect of your work?*

 15. *If you have any other information you feel would assist the Ombudsman, please include it here.*

Thank you for completing the survey.

Appendix 5: Survey of Regional Violence Prevention Specialists

The NSW Ombudsman is distributing the following survey to all Regional Violence Prevention Specialists. The purpose of the survey is to assist the Ombudsman's investigation into the effectiveness of the policing of domestic violence in NSW.

Comments may be published in our report, however, we will not include any information that may reveal your identity without your permission. Please specify if you wish to remain anonymous.

Region:

Name of respondent:

1. *For how long have you been a RVPS?*

2. *How would you describe your role and responsibilities?*

3. *What are the major demographic characteristics of your region?*

4. *How would you describe your relationship with local police in your region? Please specify/attribute relevant comments to Local Area Commands.*

5. *Do you have an established relationship with the Domestic Violence Liaison Officer/s in your region? Please specify the Local Area Command in which the DVLO/s is based.*

6. *Are there any formal mechanisms in place that enable you to liaise with NSW Police on domestic violence issues in your region? If yes:*
 - *who was responsible for initiating these mechanisms?*

 - *who is responsible for maintaining them?*

7. *From your work, what do you identify as the major challenges associated with the policing of domestic violence in your region?*

-
8. *How well do you believe NSW Police meets these challenges?*
 9. *In relation to domestic violence, what does NSW Police do well in your area?*
 10. *In relation to domestic violence, what could NSW Police do better in your area?*
 11. *Please describe any local domestic violence initiatives in which you have worked in partnership with NSW Police.*
 12. *What do you see as the key challenges you face as a RVPS?*

Thank you for completing the survey.

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Acknowledgements

This report was researched and written by Julianna Demetrius and Rebecca Curran. The following officers of the NSW Ombudsman provided assistance: Simon Cohen, Steve Kinmond, Brendan Delahunty and Kate Johnston.

We acknowledge the many individuals and organisations we consulted for their valuable contributions. We are particularly grateful for the assistance provided by Assistant Commissioner Reg Mahoney, Sergeant Greg Urch, Shobha Sharma and Nathan Vincent of NSW Police and all of the Commanders and senior police that participated in our forums.

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NSW Government Publication
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