

## Royal Commission into Family Violence - Submission

29/05/2015

I have been in two relationships where I have experienced Family Violence; one being very violent. My upbringing was white, educated, rural middle class; the classic 'normal' Australian background. This submission is based on my experiences and from my perspective.

I would like to acknowledge the professionalism and help that I received from the Domestic Violence Service; and some Police Officers.

I agree that Family Violence is a complex problem, which requires a multi-faceted approach to reduce and prevent its impacts on individuals and communities.

### Question One

#### ***Are there other goals the Royal Commission should consider?***

The Royal Commission goals are thorough and relevant to the needs of individuals and community affected by Family Violence. The issue is achieving these goals in reality.

### Question Two

#### ***The Royal Commission wants to hear about the extent to which recent reforms and developments have improved responses to family violence, and where they need to be expanded or altered.***

Recent reforms and developments mean that responses to Family Violence have improved; however, there still needs to be more action in reality.

### Police

Reforms mean that the complexities of Family Violence are slowly being understood and Police are now dealing with the problem on the frontline.

### *Theory to practise*

Although the *Family Violence Protection Act 2008* and the Victoria Police Code of Practice for the Investigation of Family Violence stipulate appropriate action, there are still frontline Police Officers who do not follow these requirements. I believe 'old school' thinking, personal opinions and long held beliefs are part of the reason. During my experience, of persistent Intervention Order breaches by the perpetrator, there were many times when I felt uncomfortable and that my safety was not a priority to Police. For example, the perpetrator was released approximately six hours after being arrested at my home with a machete. I wasn't informed that he had been released, nor what would happen next.

### Legal

#### *Consistent punishment of offenders*

Consistent action is also required in the judicial system. Many hearing outcomes are incommensurate to the crime; with offenders given lenient punishments. A strong message must be conveyed that Family Violence perpetrators will be held accountable for their actions.

#### *Onerous court processes*

I found gaining an Intervention Order is a difficult process to go through, with the perpetrator more than likely also to be in court. The victim must often take the stand and attest to why they require the Intervention Order in front of the perpetrator. This system is threatening and intimidating for the victim; and only serves to worsen the situation. The victim is often in danger from the perpetrator reacting violently.

*Better management of Intervention Order breaches*

Appropriate management of Intervention Order breaches is currently lacking. In my experience, it seemed the perpetrator treated the Intervention Order as only a piece of paper and made a sport of breaching it.

I reported many breaches, although only 13 statements were taken; some breaches Police advised that the matter was civil or not worth taking to court. Other times, my statements did not progress to court, even though there were clear breaches of the Intervention Order (e.g. stalking me in the supermarket). These were further insults to me as a victim and negative behaviour reinforcement to the perpetrator; leading to the situation escalating and continuing to occur over a long period.

Suggested solutions:*Theory to practise*

- High level importance to be placed on Police call outs and follow-ups for Family Violence.
- A consistent and appropriate procedural approach must be practiced by all members of the Police Force.
- Police processes to have victim statements and subsequent briefs progress to hearing must be streamlined to allow incidents to be heard in court. This would inform an incident register.

*Consistent punishment of offenders*

- A complete register of incidents would provide Police, Magistrates and others with a more complete understanding of the situation to accurately inform their actions and decision/s for appropriate outcomes.
- Judicial punishments to be appropriate to the level of crime and consistent across the board, so that perpetrators are effectively held accountable for their actions.

*Onerous court processes*

- Intervention Order processes need to be less onerous; to allow victims relief and protection without further exacerbation of the problem.
- Victims must be able to give evidence to the court remotely; to reduce anxiety for the victim and intimidation from the perpetrator.

*Better management of Intervention Order breaches*

- Punishment for Intervention Order breaches must be severe and consistent.
- The perpetrator must be made acutely aware of the seriousness of breaching the Intervention Order and cautioned accordingly.

**Question Three*****Which of the reforms to the family violence system introduced in the last ten years do you consider most effective? Why? How could they be improved?***

The *Family Violence Protection Act 2008* and the Victoria Police Code of Practice for the Investigation of Family Violence are effective in theory; however my experience proves that many Police are not implementing the provisions as required. This may be because they are either not properly aware, not effectively trained and/or allow their personal opinions to cloud their judgement.

Suggested solutions:

- Focussed training for Police to effectively administer and enforce legislation in a consistent and accurate manner.

- Development of Work Instructions based on the Act and Code of Practice to assist in training Police; and to maintain a consistent and accurate procedure in dealing with perpetrators and victims of Family Violence.
- Support for frontline Police Officers to enable a consistent approach to Family Violence.
- Strict monitoring and measurement of adherence to the Procedure.
- Accountability for Police who do not follow the requirements of the Procedure.
- Establishment of a dedicated fully trained specialist Family Violence Officer/s at each Police Station, or readily available access to such Officer, at all Police Stations. This incumbent must be fully, adequately and appropriately trained to deal with Family Violence; and not a figurehead role.

## **IMPROVING OUR RESPONSE TO FAMILY VIOLENCE**

### **Reducing/preventing family violence**

#### Question Four

*If you or your organisation have been involved in programs, campaigns or initiatives about family violence for the general community, tell us what these involved and how they have been evaluated.*

N/A

#### Question Five

*If you or your organisation have been involved in observing or assessing programs, campaigns or initiatives of this kind, we are interested in your conclusions about their effectiveness in reducing and preventing family violence.*

N/A

#### Question Six

*What circumstances, conditions, situations or events, within relationships, families, institutions and whole communities, are associated with the occurrence or persistence of family violence?*

- Sociopathic and psychopathic perpetrators
- Cultural, social and economic differences
- Male entitlement
- Gender inequality
- Alcohol and drug use
- Isolation and dependency
- Financial entrapment
- Financial pressure
- Fear and intimidation
- Psychological manipulation
- Systematic mental destabilisation
- Coercion and degradation
- Physical strength disparity
- Disparate understanding of gender role
- Disbelief and fear of failure
- Embarrassment and shame
- Institutional practices
- Historical beliefs and opinions
- Patriarchal society's attitudes

## Question Seven

### *What circumstances and conditions are associated with the reduced occurrence of family violence?*

- Awareness and understanding
- Social and system support
- Mass (and individual case by case) education and reform
- Accessible options for housing, finance and protection
- Victim referral to support and education services
- Rapid Police intervention in crisis situations
- Appropriate procedural Police intervention in crisis situations
- Police cautioning perpetrator of seriousness of breaching the Intervention Order
- Consistent and harsh penalties for perpetrators through the judicial system

## Ensuring the safety of people affected by family violence

### Question Eight

### *Tell us about any gaps or deficiencies in current responses to family violence, including legal responses. Tell us about what improvements you would make to overcome these gaps and deficiencies, or otherwise improve current responses.*

#### **Police:**

Response deficiency – In my situation, the perpetrator was under an Intervention Order and, therefore, not allowed within 200 metres of my home. However, on two separate occasions he broke into my home and damaged or stole my property. I was advised by Police that they would not take my statement as it was a civil matter. They told me they could not act to recover my property or charge the perpetrator, not only for breaching the Intervention Order but also, with theft and property damage.

#### **Suggested solutions:**

- Responses must be on a holistic basis, with criminal and civil issues recognised as both being Family Violence.
- All breaches must be recorded when reported, with Police supporting victims to do this.
- Adequate protection, not just legislative protection, of the victim's person, family and property is necessary.

#### **Legal:**

Perpetrator accountability – In my experience the Magistrate fined the perpetrator \$1500 for terrorising and stalking me and my family (my parents and children) for three nights over [REDACTED] 2013. The perpetrator had a machete and planned to break in, wake me up and 'talk to me'. It was only that my parents had come to visit that I believe I was not injured or killed. For his hearing, I had to wait in the same court room for six hours. During this period, he tried to intimidate me by threatening me with gestures, mouthing threats and insults, sitting directly in front of me or glaring at me. I informed the Police Officer on duty and was told "Good girl. Keep writing it down"; which I found condescending and disturbing. Nothing was done to stop the perpetrator intimidating and threatening me. The Magistrate's judgement enraged the perpetrator to the point that he then yelled abuse at me just outside the courthouse.

#### **Suggested solutions:**

- Judicial punishments to be appropriate to the level of crime and consistent across the board, so that perpetrators are effectively held accountable for their actions.
- Implementation of proactive methods of protecting victims and avoiding family violence in court settings.

### Question Nine

***Does insufficient integration and co-ordination between the various bodies who come into contact with people affected by family violence hinder the assessment of risk, or the effectiveness of (early intervention, crisis and ongoing) support provided, to people affected by family violence? If so, please provide examples.***

Domestic Violence Service workers have a clear understanding of the causes of family violence and psychology of offenders. Police understanding is limited and, in my case, seemingly unwanted.

Magistrates Court punishment is too lenient to be a deterrent.

#### Suggested solutions:

- Establishment of a dedicated fully trained specialist Family Violence Officer/s at each Police Station, or readily available access to such Officer, at all Police Stations.
- Training for Police to be able to understand, and therefore mitigate escalation of family violence.

### Question Ten

***What practical changes might improve integration and co-ordination? What barriers to integration and co-ordination exist?***

Barriers include lack of understanding and out-dated attitudes within the Police force. I struggled to engage with Police, as I found many unsympathetic and disinterested. I was also told by the local Domestic Violence Liaison Officer that I was antagonising the perpetrator; and that the Police had to protect and serve him too. My experience was the opposite of what I initially expected; and what it should have been, based on the provisions of the *Family Violence Protection Act 2008*. I was confused and in fear for my safety; and feel that the system let me down.

This experience leads me to think there is still a long way to go, in terms of how the system deals with family violence situations. Expanding or altering systems will not help if the systems are not currently being followed in practice.

#### Suggested solution:

- Police need to engage with victims, to support and assist them to go through the due process.

### **Supporting the ongoing safety and wellbeing of people affected by family violence**

#### Question Eleven

***What are some of the most promising and successful ways of supporting the ongoing safety and wellbeing of people affected by violence? Are there gaps or deficiencies in our approach to supporting ongoing safety and wellbeing? How could measures to reduce the impact of family violence be improved?***

#### Promising and successful:

I was referred to the Emma House Domestic Violence Service, and found they supported my wellbeing in many ways; they were helpful, educational and assisted me to cope with an unnerving situation.

#### Gaps or deficiencies:

Police approach, in my case, was unsettling and exacerbated the violence. I was not supported and, felt that I was often not believed.

Improvements:

The procedures of Victoria Police Code of Practice for the Investigation of Family Violence and relevant legislation must be followed in reality.

**Making people who have been violent accountable and helping them to change their behaviour**

## Question Twelve

*If you, your partner or a relative have participated in a behaviour change program, tell us about the program and whether you found it effective. What aspects of the program worked best? Do you have criticisms of the program and ideas about how it should be improved?*

N/A

## Question Thirteen

*If you, your partner or a relative have been violent and changed their behaviour, tell us about what motivated that change. Was a particular relationship, program, process or experience (or combination of these) a key part of the change? What did you learn about what caused the violent behaviour?*

N/A

## Question Fourteen

*To what extent do current processes encourage and support people to be accountable and change their behaviour? To what extent do they fail to do so? How do we ensure that behaviour change is lasting and sustainable?*

The current **legal system** largely fails to make offenders accountable, with hearing outcomes most often too lenient.

**Behaviour change** is often an unobtainable utopian ideal. There are too many variable factors to base hope and mitigation on the perpetrator changing their behaviour. In my experience, the perpetrator thought he was behaving appropriately and the rest of society was "too stupid". Consequence for antisocial actions only caused an inflammatory reaction from him.

There appears to be a deficit in the **understanding of sociopathy and psychopathy** at a policy level; people with these psychologies cannot be changed. Sociopaths are highly likely to be recidivist offenders; and research indicates that behaviour modification programs to rehabilitate these individuals are unsuccessful; instead providing skills for the sociopath to better manipulate others. My experience leads me to believe this to be true.

Suggested solutions:

- The system needs to be aware that some people are incapable of behaviour change; there is a danger of engaging unsuitable people in behaviour change programs.
- More understanding of sociopathy/psychopathy is needed, especially for frontline Police.
- Psychological testing of perpetrators to identify sociopathic and psychopathic personalities; and appropriate Family Violence mitigation measures; and to indicate the likelihood of reoffending and the potential severity of the situation.
- Development of systems to deal with violent sociopaths and psychopaths in mainstream society (where they will continue to behave antisocially, moving onto their next victim/s). Sociopaths and psychopaths have a massive negative impact on the social and economic wellbeing of individuals and the community as a whole.

## Question Fifteen

*If you or your organisation have offered a behaviour change program, tell us about the program, including any evaluation of its effectiveness which has been conducted.*

N/A

## Question Sixteen

*If you or your organisation have been involved in observing or assessing approaches to behaviour change, tell us about any Australian or international research which may assist the Royal Commission. In particular, what does research indicate about the relative effectiveness of early intervention in producing positive outcomes?*

**Family violence and particular groups and communities**

## Question Seventeen

*Are there specific cultural, social, economic, geographical or other factors in particular groups and communities in Victoria which tend to make family violence more likely to occur, or to exacerbate its effects? If so, what are they?*

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## Question Eighteen

*What barriers prevent people in particular groups and communities in Victoria from engaging with or benefiting from family violence services? How can the family violence system be improved to reflect the diversity of people's experiences?*

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## Question Nineteen

*How can responses to family violence in these groups and communities be improved? What approaches have been shown to be most effective?*

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**General questions**

## Question Twenty

*Are there any other suggestions you would like to make to improve policies programs and services which currently seek to carry out the goals set out above?*

Listed within themes above.

## Question Twenty-one

*The Royal Commission will be considering both short term and longer term responses to family violence. Tell us about the changes which you think could produce the greatest impact in the short and longer term.*

Listed within themes above.