


Submission to the Royal Commission into Family Violence 2015

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Introduction

My name is [REDACTED] and I am [REDACTED] years old. I live in [REDACTED] Victoria and am employed as a [REDACTED]

In [REDACTED] 2014 I experienced an incidence of family violence with my partner which was reported to police and resulted in a subsequent intervention order being made. [REDACTED]

Recent reforms and developments that have improved responses to family violence and where they need to be expanded or reformed and which of the reforms are most effective or could be improved

Prior to writing this submission I completed some research into some of the existing material on responses to family violence. This included The Police Code of Practice for the Investigation of Family Violence, Victoria's Action Plan to Address Violence Against Women and Children and The Australian Law Reform Commissions Report into Family Violence.

While I found the Police Code of Practice and the other various reports adequately address the response to family violence, the actual implementation of the protocols and suggested reforms has been lacking.

In my direct experience, the Police Code of Conduct relies too heavily on a checklist approach rather than addressing the needs of individual situations.

I found that the various police officers that attended to my case had varying interpretations of the Police Code of Conduct and some police officers provided me with incorrect information or were selective with the information they did provide me.

For example the uniformed officers who attended my house to inform me that my partner had been served with the IVO application were unable to tell me any information on the Court process that would follow. When I asked if I had to attend Court to get the IVO they told me that they didn't think so but weren't sure. This is incorrect as attendance at the IVO hearing is required or the matter will be adjourned.

[REDACTED]
Whilst I support the pro-arrest policy in the Police Code of Conduct, there needs to be a more timely response to Court proceedings for criminal matters relating to family violence. [REDACTED]

[REDACTED] A timely response from the Court to criminal proceedings involving family violence is required to prevent further incidents from occurring.

The Police Code of Practice calls for all parties involved in an incidence of family violence to be referred to specialist family violence support services. In my case, I received a phone call from [REDACTED] and declined the need for support. Despite my having advised the police that my partner had issues with the drug ice, which I believe was a major factor in his violent behavior, he was not referred to any support service.

Whilst I support the idea of parties involved in family violence incidents being referred to support services, **both** parties involved need to be referred to appropriate support services. It is then up to the individual to take advantage of those services or not. I also question whether a phone call from a support service from an unknown number is appropriate in circumstances of family violence where the affected person may not have access to a phone or may be fearful of answering an unknown number.

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Specialist family violence police officers should be available at all major police stations to better advise and manage each situation of family violence that is reported on an individual basis to meet the needs of all parties involved and the community in general. They should be able to provide access to local support services information and provide a phone and computer for use by the affected person to investigate and contact support services. There should also be better access to plainly written information in the form of brochures etc that is easily accessible in the entrance area / waiting area of all police stations and medical centers / GP's / Hospitals / Court etc so that people experiencing family violence can easily access information without having to formally speak with police or other officials.

Attendance at Court should be improved. When attending the [REDACTED] Magistrates Court to obtain an IVO the affected person currently has to walk through a large public waiting room, in which the respondent and his friends and family may be sitting. Once the affected persons name is ticked off the Court list they are told to sit around the corner in a separate waiting area. This area is tiny and does not adequately accommodate women and their support people. You may have to wait at the Court all day to have your case heard and if a person leaves this area of the waiting room to use the toilets, get a cup of coffee, etc. they must walk through the main waiting area. Female volunteer support workers are available to escort you if you require it, however there should be the presence of Protective Services Officers at all times.

Applicants are called in to see the duty lawyer prior to the case being heard. This relies too heavily on a checklist and the standard IVO application. Applicants are asked what terms they want on an IVO however the standard terms do not always address individual situations adequately and people do not always understand the options available to them and assume they must agree to the standard terms. For example I wanted a 6 month order instead of the standard 12 month order and I really had to push for this with the duty lawyer who seemed more interested in complying with procedure rather than addressing my individual needs.

When I decided to apply to amend the IVO so that my partner and I could have contact and try to resolve our issues the Court lost the paperwork and I had to reapply some weeks later.

I found no real problem in obtaining or amending the IVO and the actual court room setting was quick and easy. I feel this was partly due to the [REDACTED] Magistrates Court having a specialized family violence list and partly due to reforms that allow police to obtain an IVO on behalf of the affected family member. The provision of duty lawyers at the court to speak with all parties prior to the hearing means the terms of the order have been negotiated prior to entering the court room and witnesses do not have to testify unless the matter is defended or contested in some way.

I attended the Community Consultations held by the Royal Commission into Family Violence and found that the majority of women who attended had experienced long term family violence and were unaware of most of the recent reforms, including the Police Code of Conduct. I found that a lot of the issues they raised were covered in the reforms or the Code and a lack of accessible information meant that people were not aware of the options available to them, I also found that a lot of the women had sought help from the police or support services in the past and being unhappy with the experience had not sought recent police or support services due to their past negative experiences. They were particularly unaware of the reforms to the intervention order system that allow police to apply on behalf of an affected family member.

A public education program needs to be implemented to inform people currently experiencing family violence of their options but also to reengage with people who have experienced long term family violence and have had a previous negative experience to reassure them that there is help and support available and instill confidence in them that the new system to address family violence has been improved.

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Addressing the wider circumstances and conditions associated with family violence

I believe the recent epidemic use of the drug ice has a direct correlation to the increase of family violence. [REDACTED]

Early identification and intervention of issues like drug use and mental health should be addressed at the time of a family violence incident occurring and appropriate referrals to mental health and drug rehabilitation should be made as soon as possible so that these can be incorporated as conditions of IVO's or Community Corrections Orders and monitored accordingly.

Despite me telling the police that I believed my partners issues with violence stemmed from his drug use, no intervention or support was provided. I would like to see attendance at drug rehabilitation and anger management counseling be a condition of any prison term or order that may be imposed on him. I would also have liked this to have been incorporated into the IVO as well.

[REDACTED] I suggest that these programs be set up so that prisoners who are awaiting sentencing and may be released on a CCO have access to proper anger management and drug rehabilitation services that allow for them to begin the program whilst incarcerated and then complete the program once released. This could be done in partnership with the prisons and existing community / government programs or it could be that the released prisoner is required to continue to report to the prison to attend the scheduled program.

My partner experienced family violence as the child of an abusive father and I believe he perpetuates this as an adult.

The early intervention in situations of family violence that involve children is pivotal in ending the cycle of family violence. Children who have experienced family violence should be referred to appropriate specialist support and counseling services.

Incidences of family violence that involve children should be handled with minimum disruption to the lives of the children. Where possible the affected person and their children should remain in the family home. I am aware that the new Family Violence Act allows for this however after attending the Community Consultations held by the Royal Commission it was apparent that many women were unaware that they had this option available to them.

Ensuring the safety of people affected by family violence

My partner assaulted me in [REDACTED] 2014. He was using the drug ice at the time of the incident.

Immediately after the incident he went to live in [REDACTED].

The day after the assault I went to my local GP as I required my injuries to be assessed. I saw a female doctor who was caring and tactful throughout most of my examination. At the end of the examination she referred me to [REDACTED] Hospital to have an x-ray done on my shoulder and because, as she put it, she was a single woman living alone and did not want her name to come up in any Court proceedings as she was scared to become involved in a family violence matter for fear of any repercussions. She informed me that the hospital would be better equipped to deal with the situation and they could provide any necessary reports to police. No referrals were made to any support services.

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I attended [REDACTED] Hospital who were professional and tactful. They asked if I was going to make a police report and provided me with information for support services.

I made a report to [REDACTED] Police Station and an IVO application was made on my behalf. I did not want to pursue criminal charges and was advised by police they would be pursuing the IVO and he would face criminal charges of assault. I was informed by police that it would be my word against his in regard to any assault charges and that the charges would most likely not go anywhere and be dropped down the track. This was the only reason I agreed to make the statement to police as the police gave me the impression that the only way they could apply for an IVO on my behalf was if I made a statement and they charged my partner. I was discouraged from applying for an IVO myself through the Court and told that my application would be more successful if the police applied on my behalf.

The police attempted to serve the IVO however I don't believe they were trying very hard as my partner was living at the address provided to police and he was not avoiding them.

While the police were attempting to serve the IVO my partner and I decided to attempt to reconcile. I agreed that he could attend my house with his mother. On the agreed day he arrived without his mother, we had an argument and another assault occurred. My partner again returned to live in [REDACTED] and I reported the matter to [REDACTED] Police station.

The first assault was reported to Senior Constable [REDACTED] and when I attended the police station to report the second assault she was unavailable to take a report of the incident as she was on night shift. I therefor reported the second incident to First Constable [REDACTED]. As this was the second assault in a short period of time my case was referred to [REDACTED] of the specialist family violence unit. As my partner was now residing in [REDACTED], the service of the IVO documents was handed over to the [REDACTED] police.

Due to this I could never get an accurate or timely response from police as to how the matter was progressing. I was unable to get either Senior Constable [REDACTED] or First Constable [REDACTED] on the phone and my email requests for information were generally ignored. The [REDACTED] police contacted me and left a voicemail message to call back and when I did no one knew who had called me or why and when I explained it was to do with service of an IVO I was told someone would return my call and they did not.

[REDACTED] of the specialist family violence unit was reassuring and could generally provide me with an update but I felt that he first had to track down the information from other police officers and this often meant I had to wait for a call back. When I contacted him after my partner was served with the IVO was unaware that my partner had been served and had to call me back with more information.

When my partner was served with the IVO two uniformed officers came to my door to tell me my partner had been served but were unable to provide me with any information on the Court process moving forward. When I asked if I needed to attend the IVO hearing they were unsure but said they didn't think I was required to attend. This is inaccurate as attendance is required or the matter will be adjourned.

Specialist case management is needed to streamline the process and ensure all parties have immediate access to up to date information on the case. There should be a single point of contact and that person should also be able to provide legal advice on how an IVO application or criminal charges proceed in Court as well as support services information and referrals.

The police were informed of my partners drug and mental health issues and did not refer him to any support services. [REDACTED]

[REDACTED]

Had intervention been provided earlier to address his drug and mental health issues he may not have committed further crimes. Also, had he been remanded into custody after the first or second incident with me he would not have been able to commit further crime.

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

Early intervention and access to support services is essential in changing violent behavior. The underlying issues that lead to family violence such as drug abuse and mental health issues need to be addressed and dealt with at the same time as the civil IVO and criminal charges are pursued. More investigation needs to be done into the possibility of making it a condition of an IVO or CCO that attendance and completion of anger management, drug rehabilitation etc be completed.

There should also be access to these programs in jail for prisoners convicted of or facing a sentence for family violence to attend.

There needs to be more funding for support services and more availability of services to all parties involved in family violence. Information on these services should be provided by police to all parties involved in family violence matters at the time of the incident and appropriate referrals should be made as necessary.

General

In summary, I believe the following needs to be addressed to be able to fully understand and respond to the issue of family violence in the Victorian community:

- Early intervention in family violence matters by police and a timely response by the Courts to IVO applications and criminal proceedings
- Early intervention to address the underlying issues of family violence such as mental health, drug issues etc. and timely and appropriate referrals to support services for all parties involved
- Co-ordinated specialist police case management of family violence matters
- Family violence matters be heard only by specialist family violence courts that provide trained court staff and access to support service information and referrals
- Mandatory reporting of suspected family violence by medical practitioners and schools
- Better access to material providing information on what constitutes family violence and the available support services for all parties involved. Printed information should be easily accessible from Police Stations, Courts, Medical Centers / Hospitals, schools, pharmacies etc.
- A national advertising campaign to inform people of what constitutes family violence, the new police code of conduct for investigation into family violence and what powers the police and courts have to deal with these matters and information on support services available to all parties involved in these matters
- Encourage members of the public to report family violence matters they may have witnessed or suspect of having occurred.
- Provide family violence education in schools that encourages students to treat people with respect in all forms of relationships
- Increased funding and availability of support services and education programs aimed at reducing family violence in the community