

ROYAL COMMISSION INTO FAMILY VIOLENCE

SUBMISSION BY [REDACTED]

In this submission I will give you a very brief overview of who I am and my personal background. I shall then address each of the questions raised in the Issues Paper released 31 March 2015

BACKGROUND

I am a [REDACTED] year old mother [REDACTED]
[REDACTED]

I was ill- health retired from service as a police officer with Victoria Police.

I have been a member of Victoria Police since [REDACTED]
[REDACTED]

SITUATION

I have been diagnosed with and are being treated for Post Traumatic Stress Disorder and anxiety as a direct consequence of nearly [REDACTED] years of all forms of family violence by my [REDACTED] year old male ex partner (an ex police officer).

My [REDACTED] son [REDACTED], has a history of self harm and is also being treated for post traumatic stress disorder as a direct consequence of the abuse by my ex partner ([REDACTED]).

Police first intervened in our matter in [REDACTED]. I had these first applications withdrawn and then struck out at Court. I was aware action by police, and any subsequent Intervention Order, would just inflame my partner who is controlling and manipulative in the extreme. I was correct. Following this my ex partner used to openly boast that he could be as abusive as he liked, he would never be caught or prosecuted as he knew how to buck the system, and knew what to say to police and in Court. This included just telling police it was me abusing him, something he has continually done every time he is interviewed.

I finally managed to leave my ex partner early in [REDACTED] after two previous failed attempts.

Following the discovery of my new relationship in [REDACTED] my ex-partner became irate.

Police took out a FVSN [REDACTED] the local Magistrates Court then made a full intervention order two days later. This order is still current.

To date my ex partner has breached this order in excess of fifty times, in just about every way possible. I have been physically assaulted by him, threatened by him (to kill me or torment me to suicide, that he will burn the house down, destroy my career etc). He has relentlessly stalked me and my [REDACTED] children, posted various information about me on the internet, made numerous (and very serious) false reports to police and [REDACTED] about me ([REDACTED]). He has continually tried to have the IO varied or revoked, and continually lied to Magistrates about why he needs the IO varied. He has also continually tried to have an IO taken out against me.

Our matters have been in court for over [REDACTED] years now. Most Court appearances are followed by further stalking of me by him, despite my extreme vigilance and care to avoid him and always having company with me.

My ex partner commenced breaching the Intervention Order about four hours after it was first made [REDACTED]. The most recent breach was a week ago.

Police have charged my ex partner in excess of twenty two times to date.

In [REDACTED] he faced a Magistrate for the first time after continually adjourning the hearings for these charges (five times) for over one year. Police prosecutors never once opposed these adjournments.

By [REDACTED] my ex partner was on three counts of bail, with twenty two charges of Contravene Family Violence Intervention Order, including two charges of Persistent Contravention of Family Violence Intervention Order. He was continually committing further breaches in defiance of the Bail Act and the Family Violence Protection Act 2008.

In [REDACTED] a Magistrate found him guilty of the Persistent Contravention charges and handed him a \$ [REDACTED] fine WITH NO CONVICTION recorded.

My ex partner walked from court complaining to police about the fine.

I have contacted everyone from the Chief Commissioner of Police to the Chief Magistrate, the Ombudsman and our local MP. My partner has contacted the Minister for Police and the Family Violence Minister. While we have received verbal assurances of sympathy (and disbelief) at what has occurred, there is a resounding pattern. Every person who has been contacted has referred us across to another agency. Our 'file' has just been sent around in a big circle. Not one person or agency has at any point really looked into what is happening to me, my children and now my partner ([REDACTED]).

Everywhere the file has been, there has been a reason they are not the appropriate office to address what is occurring to us. We have these responses in writing, in emails. Despite our good working knowledge of the law and the reporting process, we are unable to have one single person actually look at our situation and take steps to assist us.

Last week I was told by a Sergeant in charge of the local Proactive Unit to make this submission. He told me he is frustrated at the number of briefs he has non authorised for IO breaches because he just cannot get enough evidence for a conviction. So while this happens (nothing I have reported for over twelve months now has been authorised) my ex partner grows in boldness at 'beating the system' and maintaining control over me.

I have come very close to suicide several times this past twelve months because of this situation I am now apparently trapped in. I have voluntarily admitted myself for an inpatient stay at a private hospital mental health ward for treatment of PTSD. I have a very supportive medical team (GP, psychologist, psychiatrist). My life is unrecognisable to where it was [REDACTED] years ago. This is a genuine nightmare I cannot break free from, despite knowing the framework we currently have to 'manage' this issue.

I have much to comment on with regard to this issue but in the interest of simplicity and clarity I have put my recommendations for what I feel the Commission needs to immediately recognise, address and implement in accordance with QUESTIONS 19-21 in the Issues Paper below, following my answers to the other 18 questions in the Issues Paper.

MY RESPONSES TO THE TWENTY ONE QUESTIONS RAISED ON THE ISSUES PAPER RELEASED 31 MARCH 2015

- 1. Yes, there needs to be a drastic reduction in the time frame in which family violence matters are dealt with by police and the Courts.**

Police and the Courts need to back their claims that tackling Family Violence is the number one law enforcement priority.

- 2. EDUCATION OF POLICE REGARDING THE COMPLEXITIES OF FAMILY VIOLENCE MUST CONTINUE. There is significant room for improvement here. Police attitude to the attendance of family violence incidents has been made more accountable in the last five years, but realistically general duties police have near impossible workload demands placed on them, which equates to some very poor policing being carried out. This is manifested in a multitude of ways, most critically being major errors filling out forms, negligent lack of investigation, lack of coordination with other agencies and inefficient use of resources available. In many instances police intervention only worsens a family violence incident.**

Another problem I have experience both as a victim and a police officer is that many police have no real understanding of family violence, are frustrated by continually attending these incidents and have very little psychological understanding of the factors at play. This leads to their responses quite often inflaming situations, alienating victims and ironically increasing the resolve for control (and often vengeance) by the perpetrator.

As most family violence takes place in private, with no independent witnesses, victims often feel they have little to prove their claims. This is compounded by the control

the perpetrator has and continues to exert. It takes a very astute police officer to recognise what is actually occurring when attending many family violence situations, taking cues from other indicators such as the behaviour of children and pets, body language and what is not being said rather than what is. I would estimate very few police would feel they could afford the time to undertake a thorough risk assessment and critical analysis of what is occurring. Sadly this is currently reserved for homicides only, where it is all too late. The work of general duties police is frequently looked down upon by detectives and members of so called specialist units, who only express interest in higher profile, more graphic incidents, usually involving bloodshed, weapons or death. This culture is systemic in Victoria Police. This leaves often inexperienced operatives repeatedly returning to the same families as incidents are not being thoroughly investigated when they should be – when they are first being reported. I have been told by senior detectives ([REDACTED]) on numerous occasions ‘we don’t do family violence’, ‘I don’t do intervention orders’ and most alarmingly ‘we are not interested in the prior history’. [REDACTED]

THERE NEEDS TO BE A VERY CLOSE EXAMINATION UNDERTAKEN BY THE ROYAL COMMISSION INTO POLICE COMMAND AND MIDDLE MANAGEMENT (INSPECTOR LEVEL AND ABOVE). Close attention needs to be given to the real value of police initiatives directed at addressing family violence, and if these initiatives, or moreover the people involved, are actually trying to genuinely address the family violence issue, or just using it as a platform for promotion on their KSC by ‘consolidating relationships with key stakeholders’. The latter is frequently happening and the lowering ranking members see it and cannot do much about it other than follow ever changing (and frequently conflicting) orders from above. Victoria Police is currently operating as a business. It appears to have lost its purpose as a vital community service.

Police below Inspector level, and in particular below Sergeant level, are the first responders, working at 'the coalface'. They are the people who attend family violence incidents (when police are actually involved) and who are ultimately responsible for all direct dealings with the parties involved. These operators ([REDACTED]) are seldom addressed by senior police, despite being the members with the most working knowledge of particular situations – and they remain a grossly under-utilized resource in terms of intelligence gathering.

For a police perspective into family violence, this is where the Royal Commission needs to turn (the first responders at general duties- Constable, Senior Constable and Sergeant level), not to Police Command.

Following much contact with Police Command in recent times, it is very apparent there is a strong culture amongst senior police of career progression (and protection) in preference to genuinely serving the people of Victoria and 'upholding the right'. Those promoted 'out of the way' are now very much 'in the way' of genuinely tackling this crisis.

FUNDING TO VITAL DOMESTIC SUPPORT SERVICES NEEDS TO BE SIGNIFICANTLY INCREASED BY THE GOVERNMENT. These services are often the only place a victim truly feels safe and understood. In truth these services (I use the example of Good Shepherd Youth and Family Service) are currently far more skilled and equipped to address the needs of victims than either the police or Courts are. The increase in public awareness also needs to continue – high profile victims being given media exposure, promotion of the White Ribbon campaign and widespread promotion of exactly what support services are available and where.

3. **The introduction of the FAMILY VIOLENCE PROTECTION ACT 2008 IS EXCELLENT IN THEORY** but in reality it's scope would not appear to be currently utilized or even understood by police members. Many police still cannot recognise any form of family violence other than physical

assault or property damage and they frequently fail to lay charges in accordance with the scope of the Act.

Additionally the current burden of proof required to prove an offence has been committed needs to be urgently reviewed as this appears to be very much in the favour of the perpetrator.

A MORE 'WHOLE SITUATION' MUST BE APPLIED TO EVERY CASE, rather than police and the Court just looking at each isolated incident as it occurs.

COURTS RARELY, IF EVER, APPLY MAXIMUM PENALTIES FOR CONTRAVENTION OF THIS ACT, so there is no deterrent at all for perpetrators. The Act itself would appear to be a bit of a toothless tiger. Perpetrators of family violence thrive on their control and manipulation of not only their victim/s but of everyone involved in their particular situation.

Contrary to Court experiences and 'penalties' curbing these perpetrators, their perceived power often just becomes elevated following Court experiences. At Court perpetrators currently rarely receive little more than a dent to their ego at best, and at worst successfully manipulate circumstances in their favour once again.

The Court experience is frequently a place the perpetrator can grand stand and further intimidate the victim. Unless this is blatantly obvious, nothing is done about this to support and protect the victim. Speaking personally, I completely dread Court days now, as this is just another place my ex partner can exercise his complete lack of morals and ethics, and demonstrate his control over me. Although perjury is an offence, I have yet to see anyone charged or prosecuted for it, it appears common practice for perpetrators to lie under oath and in statements. They know they can get away with it, certainly at Magistrates Court level.

I do not understand why this has not been addressed, and how this practice has been able to continue for so long without any real opposition, even from police, but particularly from Magistrates.

To address this issue, I feel there is a STRONG NEED FOR SPECIALIST FAMILY VIOLENCE CENTRES INCORPORATING SPECIALIST FAMILY VIOLENCE COURTS, that operate seven days a week. They need to be intelligently designed to be

sensitive to the needs of those dealing with family violence. These centres need to be staffed by TRAINED PROFESSIONAL COURT PERSONNEL WHO ARE CONTINUALLY EDUCATED AND EQUIP SPECIALIST SKILLS IN THE AREA OF FAMILY VIOLENCE.

Our current Magistrates Court are utterly failing on most levels with regard to family violence intervention. All Court staff must be accountable for their actions, continually educated, respectful, sensitive and professional. This would go a very long way to paving the way forward for traumatized victims, who are currently just further traumatized and confused by the attitudes of court staff and Magistrates, and by the entire Court process.

These Specialized Centres would also address the needs of the perpetrators, many of which I have no doubt can be assisted to address why they become involved in family violence and learn new behaviour patterns.

Specialist Centres would function best if they are multi-agency centres where not only court personnel are housed but also referral agencies, interpreters, cultural liasons, general medical practitioners, counsellors, psychologists, police, and other community support services. Yes this would be expensive, but I believe it would also prove very beneficial in easing the burden (and confusion) of victims by providing a sanctuary rather than another place to fear. This would also help destigmatize the issue of family violence, a major factor in why many victims currently remain silent.

- 4. I think we can look to other areas for inspiration here. I know there have been great moves forward in addressing our mental health crisis with police now operating with medical clinicians in many situations ([REDACTED]). This same approach needs to be applied to family violence. There needs to be more development and resourcing of units such as the Proactive Policing Unit ([REDACTED]) but there also needs to be much more information sharing amongst agencies involved than there currently is. For this to happen, there**

needs to be a complete overhaul of the current LEAP database, which is time consuming, not at all user friendly and completely unacceptable.

It is currently often the case where several police units and often other referral agencies can all be working with the same family and not communicate with each other, or even realize the involvement of each other. Again this is where we would benefit immensely from the creation of Specialist Family Violence Centres. By locating services together, information sharing and streamlining the referral and support process, efficiency and effectiveness of resources would be optimized. Then we will see real progress.

- 5. I can only comment on police programs currently in place ([REDACTED]) and I cover much of my observations in the previous question. I know from a victim's perspective it is very difficult to speak to police members or often even contact them at all, as the units are generally understaffed, and usually only operate Monday to Friday, nine to five. They would be far more effective with more staff and run twenty four seven year round. It comes down to resources. I do not have much faith in police statistics, which can be manipulated to project whatever Police Command wishes to project. Current statistics do not tell the family violence story in our community. There has been much progress but I agree with our outgoing Chief Commissioner Ken Lay that we are only seeing the tip of the iceberg.**
- 6. There is one common denominator, control. This is the prevailing factor and common denominator in every single family violence situation. This obviously manifests itself in a myriad of ways with circumstances unique to each case, which need examining on a case by case basis.**
- 7. Recognising that control, and enabling those who are being controlled to break free from being controlled. This requires respect to be shown to those involved, genuine interest in providing assistance, ongoing case specific specialist support in every single situation, and easy access to these support services (I refer back to the need**

for Specialist Family Violence Centres again). In the interim, our Magistrates Court must step up and take a more professional approach starting with the points of first contact, the registrars. If Intervention orders are made, any contravention of these must be enforced in every instance. I do not think it is acceptable that the victim of intervention order breaches is regarded officially as 'statute' as there are very real human victims who currently are not even required to give evidence in contravention matters. There needs to be a much wider use of victim impact statements by police, and regard for these by Magistrates. As I mentioned in question 2, funding needs to be increased to our vital family violence support/referral services.

8. I have already covered much of this in 2,3 and 4.
9. Yes, absolutely. I have been involved in [REDACTED] years of family violence at the hand of my ex partner. I have reported approximately fifty separate offences incorporating repeated contravention of the family violence intervention order, stalking and assault. Police have charged my ex partner in excess of twenty two times yet they have complied with the Victim's Charter on only two occasions. I have been left completely unadvised as to the progress of police investigations into these matters unless I have called police myself, this has spanned months. I have been contacted by outside referral agencies on only three occasions arising from a police referral. This lack of compliance with the Victims Charter is fairly standard practice by police, who update the LEAP database by advising referrals have been made (automated system now) yet contact is more frequently NOT made, or not acted upon, or insufficient case history provided to these agencies. Background history is rarely examined in any great detail by police. I have watched police members continually guess statistics when filling out the current LEAP L17 forms, frequently due to tiredness and fatigue or pressure to 'get back out on the road'. On numerous occasions in my own circumstances, police have under investigated, not investigated or left investigations several weeks or months before undertaking them, and

consequently have lost vital evidence such as CCTV footage of incidents occurring. This amounts to losing a charge at Court, and allowing the perpetrator to keep offending without consequence. Many victims do not bother going back to police following this sort of result. I have heard this time and time again from many victims, and felt this as a victim myself.

10. Improved police resourcing, a streamlined multi agency case specific approach, consequences for lack of police action and lack of adherence to the Victim's Charter, a completely new database to replace both LEAP and the existing outmoded database the Court operates on. The creation of Specialist Family Violence Centres. I could spend a week answering this question, these are just some of my suggestions.
11. Our health care system recognises the impact of family violence on victims (and perpetrators). Speaking personally, doctors and psychologists in general have a far more sensitive understanding of the needs and requirements of those involved in family violence, and do a huge amount to support them (myself included). Where we are enormously let down is in the area of police response, police attitude, police investigation, court staff attitude and professionalism and magistrates penalties. These on the whole are average to abysmal, with huge room for improvement. Until this happens, are family violence epidemic will continue.
12. No experience here
13. No experience here
14. Monumental failure. As I have covered in detail in questions 2 and 3, victims (and perpetrators) of family violence are continually and grossly failed by police and our Courts, commencing from response times when first called to an incident to findings at Court. I would suggest our support agencies and medical personnel are currently offering the best service to those involved in domestic violence.

15. **No experience here**
16. **No experience here**
17. **No. I think it is more obvious in lower socio-economic families as much of the violence is more overt, but it is just as prevalent amongst high income, highly professionally regarded people as well. Family violence is an issue that equally affects all ages, races, social classes and people from all sectors of our community. It affects people from all walks of life, across our entire society. As the common denominator is control, no one 'type' of person is more likely to be involved. I accept the overwhelming majority of victims are women and children, and this is due partly to sheer physics and also to social and cultural circumstances whereby women frequently find themselves primary caregivers and reliant on their (often male) partner for financial and social security. From my personal experience, repeat perpetrators seem to frequently demonstrate narcissistic tendencies in addition to controlling behaviour. This enables them to be exceedingly manipulative in addition to controlling, and these are the most difficult perpetrators to deal with, as they have no moral compass whatsoever.**
18. **There are an exhaustive list of barriers, probably the greatest one being sheer exhaustion from the circumstances they are trying to cope with. Others include shame, lack of trust in anyone to help them or even to confide in, fear (of numerous things - such as fear of staying in an abusive situation but also fear of coping if they do manage to leave - especially when children are involved, a feeling of isolation, fear of being repeatedly misunderstood and/or let down by authorities such as police and the Courts, cultural ignorance, perceived discrimination, language barriers. I believe the creation of the Specialized Centres I have mentioned would go a very long way to addressing and hopefully eventually breaking down most, if not all of these barriers.**

19. As above and in previous questions. Sorry, I am getting very tired as I am trying to complete this before the end of Friday the 29th May so it is submitted on time.

20. Yes. I would like to propose that ANY PERSON WHO COMMITS THE INDICTABLE OFFENCE OF PERSISTENT CONTRAVENTION OF A FAMILY VIOLENCE INTERVENTION ORDER MUST PRESENT TO A MAGISTRATE WITHIN A DEFINED AND REASONABLE PERIOD OF TIME eg. 14 DAYS, TO EXPLAIN THEIR ACTIONS, AND TO FACE A PENALTY FOR THESE ACTIONS.

I WOULD ALSO LIKE TO PROPOSE THAT ANY PERSON WHO FURTHER CONTRAVENES A FAMILY VIOLENCE INTERVENTION ORDER ONCE ALREADY PREVIOUSLY CHARGED WITH PERSISTENT CONTRAVENTION OF INTERVENTION ORDER BE INELIGIBLE TO SEEK BAIL, AND BE REMANDED AND PRESENTED TO A MAGISTRATE THE SAME OR FOLLOWING DAY TO EXPLAIN THEIR ACTIONS AND FACE A PENALTY FOR THESE ACTIONS

These measures would go some way toward demonstrating perpetrators will be made accountable for their actions and may also instil some sense of faith and feeling of protection in the victims. It would also demonstrate that the Family Violence Protection Act serves an enforceable purpose.

21. I think I have covered everything I can think of in brief. Short term – see 20. Long term – Specialist Centres, multi agency approach, greatly increased funding for support services, and a completely revised, respectful and fair dinkum approach, with some real leadership, demonstrated by Police and the Courts.

Thankyou.