



QUEENSLAND POLICE SERVICE SUBMISSION TO THE WOMEN'S SAFETY AND JUSTICE TASKFORCE

Discussion Paper 1: Options for legislating against coercive control and the creation of a standalone domestic violence offence

The Queensland Police Service (QPS) welcomes the invitation to provide a submission to the Women's Safety and Justice Taskforce (the Taskforce) with respect to Discussion Paper 1: *Options for legislating against coercive control and the creation of a standalone domestic violence offence*.

Examining options to legislate against coercive control and whether there is a need for an offence of 'commit domestic violence' is a complex task. The Taskforce's discussion paper raises a broad range of considerations and issues with respect to domestic and family violence (DFV), which this submission responds to holistically. The QPS also takes this opportunity to clarify some issues raised in the discussion paper.

The important work being undertaken by the Taskforce is acknowledged, and the QPS is actively and collaboratively assisting the Taskforce through the membership of Deputy Commissioner Tracy Linford and the direct support provided by the Domestic, Family Violence and Vulnerable Persons Command to the Taskforce Secretariat. Most importantly, the QPS acknowledges the many victims and survivors of DFV. The distressing and frequently traumatic accounts of DFV victims disclosed to QPS members are crucially important when considering any whole of system reform and remain at the forefront of the QPS when making this submission.

1. ROLE AND FUNCTIONS OF THE QPS

The QPS is the primary law enforcement agency for Queensland, upholding the law and assisting the community, particularly in times of emergency, crisis and disaster. It fulfils this role throughout the state, 24 hours a day, seven days a week, at times when most other agencies are unable to provide a response, in accordance with the organisational vision, purpose, values and strategic objectives, as set out in the *QPS Strategic Plan 2021-2025*.¹

Our Vision: Queensland – the safest State.

Our Purpose: Together, we prevent, disrupt, respond and investigate.

Our Values:

- **Integrity:** Is in everything we do. We are honest, trustworthy and hold each other to a high standard.
- **Professionalism:** Times are challenging but if we are professional in everything we do, our communities will continue to support us.
- **Community:** We support each other and lend a hand to ensure we can respond to community needs as well as the needs of our policing community.
- **Fairness and Respect:** We treat each other and our communities as we would like to be treated ourselves – with fairness, dignity and respect.

Our Strategic Objectives:

- Build a connected, engaged and job-ready workforce, with the health, wellbeing and safety of our people a priority;
- Together with our community build a safer Queensland;
- Create a safer community and provide better services through connected and engaged relationships;
- Embrace new ideas and innovation to strengthen our capability to prevent, disrupt, respond and investigate crime and deliver safe and secure communities.

The *Police Service Administration Act 1990* (Qld) outlines the functions of the QPS, which include:

- Preserving peace and good order in all areas of Queensland;
- Protecting and supporting the Queensland community;
- Preventing and detecting crime;
- Upholding the law;
- Administering the law fairly and efficiently; and
- Bringing offenders to justice.

The QPS comprises 15,956 full-time equivalent employees (staff and police officers)² located throughout Queensland.

¹ Queensland Police Service, *QPS Strategic Plan 2021-2025* <<https://www.police.qld.gov.au/qps-corporate-documents/reports-and-publications>>

² As at 30 June 2020.

As at 1 July 2021, there will be nine (9) police regions (with the commencement of the North Coast and Far Northern Regions on 1 July 2021) which will be divided into 15 police districts. As at 30 June 2020, the QPS operated 339 police stations and 83 police neighbourhood beats and shopfronts in Queensland.

2. PREVENTING, DISRUPTING, RESPONDING TO AND INVESTIGATING DFV

The QPS commitment to ongoing, best practice, service wide DFV policing reform is reflected through the ongoing implementation of the Queensland Government's *Domestic and Family Violence Prevention Strategy 2016-2026*, the *QPS Strategic Plan 2020-2024*, the *QPS Operational Plan 2020-21* and the *QPS Domestic and Family Violence Prevention Strategy 2020-2024*.

Policing in terms of the prevention, disruption, investigation of, and response to DFV is complex. QPS members play an important role within the DFV response but are nonetheless only one part of a broader integrated service system. Holistic, whole-of-government and community solutions are required to provide long-term, systemic and sustainable reforms and effective outcomes.

The situation confronting police arriving at a DFV incident is often emotionally charged and at a point of crisis for the parties involved. Most incidents reported to police exhibit factors indicating risk to a victim, with broad and dynamic contributing issues also present. A nuanced, victim-centric and culturally sensitive approach is required and often the QPS is the only government agency immediately available to respond to a request for assistance. This absence of non-QPS administered crisis support is amplified in rural and remote areas of the State, where limited government and DFV support services operate, particularly outside recognised business hours.

Since the 2015 *Not Now, Not Ever Report*, recognition of, and assistance sought to respond to DFV has continued to increase. Across the community, different forms of domestic abuse are being recognised. The breadth of academic research and insights from practitioners within the DFV sector, have also rapidly evolved with new evidence-based learnings constantly emerging.

Demands on police service delivery are growing and changing. This is caused by changes in criminogenic behaviours, increases in the complexity of social issues and increasing community expectations about responses to DFV, among other factors. This trajectory of exponential growth in DFV demand is likely to continue given a significant proportion (estimated up to 80%³) of DFV still remains un-reported to police; and the repositioning of DFV within the social values system from normalisation to criminalisation, from passive acceptance to intolerance, continues.

Frontline officers are confronted not only with the demands of dealing with the complexities and high volume of DFV incidents, but also the immense emotional toll. Police may personally experience and/or repetitively witness a range of potentially traumatic events and violence as part of their day-to-day work. Work-related stress not only negatively impacts productivity, but it also detrimentally affects the physical and emotional health of officers.

As at 30 June 2020, there were 79,285 current orders made under the *Domestic and Family Violence Protection Act 2012* (Qld) (DFVPA) against 69,221 unique respondents. In the current financial year to 30 June 2021, the QPS investigated 119,876 DFV related occurrences⁴ and made 21,139 police applications for a protection order. Table 1 below details the demand on police.

Table 1: DFV demand statistics from QPS data

Item	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21 ¹
DV occurrences	87,950	90,349	90,742	97,500	107,518	119,876
DVO applications - Police	21,914	22,256	21,140	21,565	19,683	21,139
DVO applications - Private	8,303	7,898	7,923	8,540	8,255	6,798

¹ Year to date 2020/2021. This data is preliminary and subject to change as the data settles for end of financial year reporting.

³ Australian Bureau of Statistics (ABS) 2017. *Personal Safety, Australia, 2016*. ABS cat. no. 4906.0. Canberra: ABS. <<http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906>>.

⁴ An occurrence is a record created within QPRIME in response to a policing incident (e.g. a response to a report of DFV is recorded as a type of "occurrence").

In 2019-20, there were 28 DFV related homicides recorded within Queensland. This was the highest number of DFV homicides since 2014-15, where 36 DFV-related deaths were reported. The impact of these deaths tragically reverberates throughout the community and is felt by frontline officers and the QPS more broadly. Of significant concern, in 69.81% of intimate partner DFV related homicides which occurred between 2014/15-2019/20, there had been no prior police DFV contact with the parties. However, when police examine the history of that intimate partner relationship as part of a homicide investigation, there is almost always contact by the victim and/or accused with other government agencies or DFV support services. The siloing of prior DFV related information within other government departments and in some parts of the sector, remains an inhibitor to the development of a whole of system approach to the prevention of DFV homicide and serious DFV harm within our communities.

Table 2: QPS data on DFV related homicides

Homicides				
Period	Intimate Partner	Family	Collateral*	Total
2019/2020	10	15	3	28
2018/2019	10	12	2	24
2017/2018	13	9	0	22
2016/2017	8	14	5	27
2015/2016	14	9	3	26
2014/2015	13	20	3	36

30.19%

Prior DFV Police contact

69.81%

No prior Police DFV contact

* Collateral homicides include a person who may have been killed intervening in a domestic dispute or a new partner who is killed by their current partner's former abusive spouse.

Analysis by the QPS, the Queensland Treasury Corporation (QTC) and the independent QPS Strategic Review identified that in 2018/19 approximately 18% of all police time spent responding to calls for service were DFV related. More recent internal data analysis of current QPS demand, estimates this has now increased to approximately 40% of all police time is expended responding to and investigating DFV. Furthermore, in the five years to June 2020:

- domestic violence related occurrences increased by 20.8%
- breaches of domestic violence orders increased by 52.6%.

The administrative processes and requirements underpinning the DFV policing response consume considerable time and divert finite police resources from victim support, prevention, investigation and disruption. For example, the QTC identified that in 2019 the QPS actioned over 44,000 DFV-specific document service tasks, with each of those tasks estimated to have taken at least 90 minutes.

In response to the challenges and opportunities identified in the QPS Strategic Review, the QPS launched the Service Delivery Redesign Project (SDRP) to enhance the way frontline officers serve and protect their communities. The QPS has implemented a series of DFV Process Improvement Initiatives to better support police in their response to DFV by streamlining administrative processes within its control and advocating for legislative change for those processes outside of the QPS' control.

The QPS notes that page 29 of the Taskforce's discussion paper refers to recent research by the Queensland Government Statisticians Office detailing an increase in calls for service between 2012-13 and 2017-18. The QPS notes this data provides only a partial snapshot of QPS DFV related demand and is based only on calls for service made to the Brisbane, Beenleigh and Maroochydore Police Communication Centres. The QPS operates 13 police communication centres across Queensland.

The QPS has embedded specialist DFV Coordinators in the Brisbane Police Communications Centre to provide near to 24 hour a day, seven day a week state-wide DFV specialist support for frontline officers and QPS staff. These DFV Coordinators provide members across the state with timely consistent support, guidance and advice on DFV matters in support of local DFV Coordinators (see below for further detail).

2.1 LEGISLATIVE FRAMEWORK FOR POLICE

In policing DFV, the QPS primarily operates under the legislative framework of powers, duties and responsibilities contained in the *Police Powers and Responsibilities Act 2000* (Qld) (PPRA) and the DFVPA. The QPS is also subject to the obligations provided by the *Human Rights Act 2019* (Qld).

The DFVPA and the *Criminal Code Act 1899* (Qld) (the Criminal Code) contain the substantive offences for which perpetrators of DFV may be prosecuted. The Criminal Code defines a 'domestic violence offence' as an offence where the act done, or omission made, which constitutes the offence is also domestic violence or associated domestic violence under the DFVPA, or a contravention of section 177(2) of the DFVPA.

Section 12A of the *Penalties and Sentences Act 1992* (Qld) permits an offence to be categorised as a 'domestic violence offence' so an offence is recorded and identifiable as a 'domestic violence offence' on an individual's criminal history.

The DFVPA provides a dual civil and criminal legal framework to respond to DFV.

The civil framework in the DFVPA is governed by the principle of identifying the person in most need of protection. In circumstances where there are allegations or indications both persons in a relevant relationship are committing acts of domestic violence, police need to identify the person in most need of protection based⁵ on the available evidence before determining whether to take action. The civil standard of proof is on the balance of probabilities.

The criminal framework considers criminal responsibility for the commission of an offence, the sufficiency of evidence and the public interest in pursuing a prosecution. The criminal standard of proof is beyond reasonable doubt.

In responding to DFV matters, police consider both the civil and criminal frameworks and make decisions based on:

- what immediate action can be taken to provide for the safety, protection and wellbeing of persons who fear or experience DFV, including children;
- what evidence is available; and
- to the extent that is appropriate and practicable, the views and wishes of aggrieved persons.

Accordingly, police are confronted with a complex matrix of issues which are often entwined with emotion and other characteristics of vulnerability.

The civil system response is intended to support the criminal justice response, not replace it. The current systems are intended to work in conjunction to keep aggrieved persons safe and hold perpetrators to account.

The issuing of a Police Protection Notice (PPN) and the application for and making of a domestic violence order⁶ (DVO) occurs in the civil system. The DFVPA creates offences for breaching the conditions of a PPN, release conditions and a DVO, which are prosecuted in the criminal justice system.

Police are engaged at every stage of the investigation, enforcement and prosecution process within the DFV system and are a key stakeholder committed to achieving the realisation of the DFVPA's objectives. The prevalence and seriousness of harm and consequences caused by DFV warrants a strong policing response and police are granted broad powers to protect aggrieved persons from harm. These powers include issuing a PPN to impose immediately enforceable conditions upon a respondent to not commit DFV and, in some circumstances, to ouster the respondent from their home and to not contact an aggrieved. PPN conditions are subject to subsequent judicial oversight.

Police also have the power to take a person into custody while investigating DFV and applying for a DVO, and to release the person on enforceable conditions to protect the aggrieved, and a named child, relative or associate.

Most applications for a DVO are made by police. From 1 July 2020 to 31 May 2021, police were responsible for lodging 74.8% of all applications for a DVO.⁷ Usually, police will appear for an aggrieved person with the aggrieved person's support. However, as the legal informant for a police DVO application is a police officer, the QPS may still pursue an application for a protection order without an

⁵ Although in *SRV v Commissioner of the Queensland Police Service & Anor* [2020] QDC 208 the court held whilst the Act requires the person most in need of protection is identified, this does not preclude that person (the aggrieved in the police application) from being named as a subsequent respondent- so long as DFV has occurred and it is necessary or desirable for an order to be made against that person.

⁶ A Domestic Violence Order includes both a Temporary Protection Order and a Protection Order.

⁷ Queensland Courts <<https://www.courts.qld.gov.au/court-users/researchers-and-public/stats>> accessed 22 June 2021.

aggrieved person's support to ensure their protection. This is an important and necessary feature of how the DFVPA operates.

The QPS is also responsible for the investigation of DFV-related criminal offences, including contraventions of DVOs, and prosecutes these criminal offences in the summary jurisdiction (Magistrates Courts).

In 2019-20, 1 in 6 respondents with a current DVO were charged with contravening the order. This figure, already significant, has increased sharply in 2020-21, as evidenced in Table 3.

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21 YTD (to 31 May 2021)
Contravene DVO charges lodged	19,110	20,741	19,996	21,095	24,142	28,094
Defendants convicted of contravene DVO offences	11,873	13,532	13,745	13,700	12,035	16,823

Accountability for perpetrators of DFV is key to changing behaviour, and policing and justice responses send a strong message of denunciation and accountability.

2.2 POWERS AND FUNCTIONS OF POLICE OFFICERS UNDER THE DFVPA

Police Protection Notices (question 42 in the discussion paper)

The discussion paper at page 19 describes the legislative responses provided in the DFVPA; but the commentary is limited to circumstances where police may issue a PPN under section 101 of the DFVPA.

It is important to note the DFVPA also allows police to do any of the following:⁹

- take the respondent into custody;
- apply to a magistrate for a temporary protection order (TPO);
- apply to a court for a DVO;
- apply to the court for a variation of a DVO;
- take any other action appropriate in the circumstances.

Police may take a respondent into custody in order to investigate a report or complaint of DFV¹⁰ but may only do so if the police officer reasonably suspects the person has committed DFV and another person is in danger of personal injury or damage to property. The respondent may be detained for up to 4 hours¹¹, unless charged with a criminal offence and refused bail.

A police officer must issue a PPN¹² where:

- the respondent has been taken into custody under section 116 of the DFVPA as the officer reasonably suspects DFV has occurred and another person or property is in danger of personal injury;
- it is not practicable to bring the respondent immediately before a court (for example, due to the time of night or the location of court);
- an urgent TPO has not been made; and
- a cross order (i.e. an order, including TPO, or PPN that names the person as the aggrieved and the other person involved in the DV for which the person was taken into custody as the respondent) does not exist.

⁸ Queensland Courts <<https://www.courts.qld.gov.au/court-users/researchers-and-public/stats>> accessed 22 June 2021.

⁹ Section 100 (Police officer must investigate domestic violence) of the DFVPA

¹⁰ *Domestic and Family Violence Protection Act 2012* (Qld) s 116.

¹¹ May be extended to a maximum of 8 hours by a Magistrate or if the person is so intoxicated they cannot understand the document – s119 and s121 DFVPA

¹² *Domestic and Family Violence Protection Act 2012* (Qld) s 101A.

Where police find that a cross-order exists, the police cannot issue a PPN and must release the person on release conditions.¹³

Where police are unable to take the respondent into custody (i.e. the person has left the scene) and an order already exists naming the current respondent as an aggrieved and the current aggrieved as a respondent, police can apply to a magistrate for an urgent TPO (i.e. a cross-order). Police would then be required to serve that DVO on the current respondent (once located) to enable legal protection for the current aggrieved.

When the matter proceeds to court, a magistrate will decide whether a TPO and, ultimately, a DVO, should be made.

Service of documents (questions 43 to 45 in the discussion paper)

The discussion paper at page 30 discusses the requirement on police to serve most documents issued under the DFVPA. The QPS notes questions 43 and 44 are limited to PPNs; but the response below also discusses the range of documents the QPS is required to serve.

A DVO or PPN becomes enforceable once a police officer has told a respondent about:

- the existence of the order or PPN; and
- the conditions of the order or PPN.

The respondent can be told about the existence of the order and its conditions in any way, including by telephone, email, SMS message, a social networking site or other electronic means. These provisions are colloquially known as the 'tell provisions.'

The discussion paper stipulates the average time for police to serve an order is 90 minutes, but it is also relevant to note service can also take anything from "a few minutes to days or weeks" and that the time taken to serve a document "increases when a respondent is not easily located in rural or remote locations or does not confirm receipt of a message." The QPS notes respondents may also be difficult to locate in urban areas. The QPS also notes the 'tell provisions' are not broadly used due to the evidentiary difficulties associated with them.

The QPS submits the 'tell provisions' should be re-drafted to overcome current evidentiary difficulties. The QPS also submits a number of proposals for reform with respect to electronic service, which are detailed below. These proposals appropriately balance the rights of the victim to personal protection and safety from further DFV and the rights of the respondent to procedural fairness.

2.3 QPS INITIATIVES TO RESPOND TO DFV (questions 42 and 50 in the discussion paper)

The QPS embraces the opportunity for continuous improvement to ensure our DFV prevention and intervention responses remain contemporary and reflective of best practice. As an organisation, the QPS is constantly examining enhancements to existing policies, protocols and procedures and is committed to ensuring every member of the QPS understands the dynamics of DFV, regardless of their position or location within the organisation.

The QPS draws upon the learnings and experiences of other policing agencies when undertaking this work, particularly those of Victoria following their Royal Commission into Family Violence. The QPS notes the Victorian Government committed to an investment of over \$2.7 billion to implement all 227 recommendations of the Royal Commission, which included funding dedicated to reforming the Victoria Police response to DFV including a trial of digitally recorded evidence-in-chief. Over 500 full time equivalent employees staff the Victorian Police Family Violence Command. Their significant investment and learnings following the Royal Commission have been an invaluable resource for the QPS and other law enforcement agencies alike.

As outlined in pages 19-20 of this submission, the QPS has undertaken a number of initiatives to continuously improve its response to DFV to support victim safety and hold perpetrators to account.

Protective assessment framework and risk assessment (questions 48 and 49 in the discussion paper)

Page 31 of the discussion paper raises the use, and perceived limitations, of the QPS Domestic Violence Protective Assessment Framework (DV-PAF). The DV-PAF is used to assist police officers in assessing the protective needs of an aggrieved at a DFV incident and supports decision making whilst in attendance at the scene. 'Controlling behaviour' is one of the 'Category 2 Risk Factors' which police officers currently consider at the scene of a DFV incident as part of DV-PAF.

¹³ Domestic and Family Violence Protection Act 2012 (Qld) s 125.

The discussion paper states there is a significant limitation to the completion of the DV-PAF report as a police officer can only complete the assessment once they have returned to the police station. This statement is incorrect. Police officers apply the DV-PAF and the results from the risk assessment tool support their decision making whilst at the scene of a DFV incident. The results of the DV-PAF are recorded in QPRIME, once an officer returns to a police establishment.

The discussion paper notes the DV-PAF differs from risk assessment tools in other policing jurisdictions and asserts there is benefit in the QPS using a model such as the New Zealand 5F Family Harm Investigation model, which includes a predictive risk assessment and a dynamic risk assessment.

Recent research¹⁴ about the predictive value of the Dynamic Risk Assessment for Family Violence (DYRA), the Static Assessment of Family Violence Recidivism (SAFVR) and the New Zealand Police Family Violence Risk Assessment Instruments found that each instrument displayed poor ability to discriminate between episodes with and without a recurrence and substantially over-predicted recurrence. The poor performance of the DYRA suggested that further research on the dynamic risk factors for DFV and their contribution to police responses is needed to make these instruments more useful.

The QPS is undertaking a body of work to enhance its current DFV risk assessment capability. In 2019, Professor Mark Kebbell of Griffith University was engaged to conduct an evaluation of the DV-PAF. The evaluation detailed positive aspects of the DV-PAF, including that it was not onerous, officers showed a good understanding of risk items, it allowed for the documentation of what police were seeing when attending DFV incidents and it may improve the quality of investigations of DFV by potentially encouraging officers to think about and investigate factors on the DV-PAF. The evaluation did find, however, that the DV-PAF, like most police DFV risk assessment tools utilised by Australian and International policing jurisdictions, did not accurately predict recidivism.

In response to these evaluation findings, the QPS have engaged with data analytic scientists from an external information technology company and commenced a DFV predictive modelling working group, to explore options for a more holistic actuarial process for identifying and responding to harm caused by DFV and child abuse.

This DFV predictive modelling working group aims to solidify the Child Protection Offender Registry crime harm index into a single collaborative DFV and child abuse actuarial tool, with the aim of developing an operational and practical automated risk assessment based on machine learning methodologies. Testing of the model using historical data sets has produced promising results in terms of predictive ability in identifying escalation of high harm DFV. The QPS plans to trial the model in selected police districts' this year, pending the results of further testing using live data. It should be emphasised such analytical tools are designed to support and build upon the structured professional judgement, education, training and experience of police and are not designed or intended to replace such important elements of decision making.

Appointment of a DFV Cultural Change Champion

Deputy Commissioner Tracy Linford has been appointed as a DFV Cultural Change Champion to oversee the delivery of the Service's DFV reforms. Deputy Commissioner Linford has also been appointed as a member of the DFV Implementation Council and is a member of the new DFV Prevention Council co-chaired by Ms Vanessa Fowler and former Police Commissioner Mr Bob Atkinson, AO APM.

QPS Domestic, Family Violence and Vulnerable Persons Command and Units (question 8 in the discussion paper)

On 1 March 2021 a dedicated Domestic, Family Violence and Vulnerable Persons Command (DFV&VPC) was established, with the Command formally commencing operation under the leadership of Assistant Commissioner Brian Codd on 22 March 2021. The purpose of the Command is to develop, enhance and support the QPS capability to prevent, disrupt, investigate and respond to DFV and harm to vulnerable persons. The Command provides specialist advice, enhanced operational support and governance at a state and national level to enhance frontline policing strategies to issues impacting vulnerable people and formulate referral pathways for vulnerable people coming into contact with police at times of crisis or intervention. The Command builds on the long-standing State Domestic, Family Violence and Vulnerable Persons Unit (State DFV&VPU) established in 2015, which has guided and shaped policing responses across eight portfolio areas, including:

- Domestic and Family Violence
- Elder Abuse and Disabilities

¹⁴ Jolliffe Simpson, A. D., Joshi, C., and Polaschek, D. D. "Predictive Validity of the DYRA and SAFVR: New Zealand Police's Family Violence Risk Assessment Instructions." (2021). *Criminal Justice and Behaviour*, University of Waikato.

- Mental Health and Suicide Prevention
- Victims Assist Queensland
- Police Referrals and Homelessness
- Research
- White Ribbon Australia
- High Risk Teams (integrated service delivery with government and non-government organisations)

The QPS has established eight District Domestic, Family & Vulnerable Persons Units (District DFV&VPU) in South Brisbane, North Brisbane, Sunshine Coast, Gold Coast, Logan, Maryborough, Townsville and Cairns. These units actively engage with victims and perpetrators of DFV at a police district level. This engagement includes identification of support options via police referrals, investigation of criminal elements of DFV incidents and perpetrator accountability.

The District DFV&VPUs located in the South Brisbane, North Brisbane, Sunshine Coast and Logan Districts have embedded specialist DFV support service workers working alongside police.

Voluntary partnerships with multiple DFV support service providers based on a co-located service model to support women experiencing DFV or who need advice when attending a police station also operate within Moreton, Gold Coast, Mt Isa, Toowoomba and Townsville Districts. It is noted within the recent report from the New South Wales Joint Select Committee on Coercive Control titled, 'Coercive control in domestic relationships', that co-locating specialist DFV workers with police was recommended as a means to both better support police and better respond to victims of DFV.¹⁵

Enhancing victim experiences (questions 9 and 16 in the discussion paper)

Co-locating police at a DFV service provider

The QPS is exploring the potential of trialling a police officer co-located at a DFV service provider's premises and has held initial meetings with some service providers about the concept. In seeking to create a safe and more nurturing space for DFV victims, it is proposed QPS and DFV service provider members are jointly located within DFV service provider occupied premises with easily accessible facilities. Victims seeking advice or support could be diverted from the relatively sterile front counter at police stations where officers also have considerable other non-DFV related public and administrative duties, to an environment that best meets the needs of victims, staffed by specialists who provide a holistic, timely and empathetic approach to a victim's experiences. Although, this approach needs to be carefully managed, as despite any desire by a victim for police to do otherwise, police officers have a legislated obligation to investigate all instances of DFV (pursuant to s.100 of the DFVPA). It is important to note that the QPS is the only government agency which has a legislative obligation to investigate and record DFV-related information within official databases.

DFV co-responder model

The QPS currently operates a DFV co-responder model in South Brisbane District, with police and a DFV service provider attending together at or near to the scene of a DFV incident after the initial police response has been completed and safety has been ensured. This enables a victim to receive immediate support from a DFV service provider, while enhancing the risk assessments undertaken by frontline police. The QPS is exploring whether further co-responder models can be developed in other parts of the State.

A multi-disciplinary DFV co-responder model would see a member of the QPS and a DFV service provider practitioner attend at or near to the scene of a DFV incident once the initial response by police had rendered the situation safe. These models enhance assistance, services and advice to victims, their families and associates in a timely manner to improve victim and perpetrator outcomes and reduce harm.

Online Reporting of DFV

In consultation with the QPS Executive and Policelink, the QPS State DFV&VPU delivered two alternative options for reporting DFV through the development of a DFV online portal and a DFV SMS contact service. The online portal, which is owned and supported by Policelink, provides for non-urgent contact with the QPS using a 'Request contact with police' form available on the QPS public facing website: www.police.qld.gov.au. The online portal design allows victims and survivors of DFV to discreetly provide their reason for making contact, their preferred contact method, and an option to request a specific police officer who may already be familiar with an investigation or case under

¹⁵ Recommendation 16

management. A key safety feature of the online portal is a 'Close this site' button, allowing users to instantly close the site. The portal went live on 3 April 2020.

Gendered Service Delivery Model (question 9 in the discussion paper)

The QPS and the University of Queensland (UQ) have devised a randomised controlled trial for a gendered service delivery model. The Mobile Police Facility (MPF) provides a high visibility facility for police to offer the services of a traditional 'shopfront' police beat, with the ability to move in accordance with demand requirements. MPFs are currently deployed to target locations assessed as having high demand for police services ("hotspots"), to provide a high visibility presence in that community.

The intent of the trial is to assess the impact and benefits of providing a gendered police service delivery model in the context of DFV, such as whether there is an increased reporting rate with female only officers. The trial will be evaluated by UQ.

District Domestic and Family Violence Coordinator Network

Specialist DFVCs are located within each of the 15 QPS Districts. These police officers are responsible for developing and coordinating locally based policing strategies and responses to DFV within their districts, in collaboration with their respective District Officers. A State DFVC provides overall guidance on the strategic direction related to DFV-related reforms.

Since 2015, the QPS has hosted annual workshops for the DFVC network, Mental Health Intervention Coordinators, High Risk Team (HRT) members and Police Referrals Coordinators. These workshops provide participants with the opportunity to hear from guest speakers from academia, government and non-government agencies, practitioners and internal specialists. Topics have included: intimate partner violence, culturally and linguistically diverse communities, non-lethal strangulation, disability and risk assessment. The workshops also provide opportunities for DFVCs to network and discuss local issues affecting their community.

High Risk Teams (question 15 in the discussion paper)

The QPS has staff embedded in the eight integrated HRTs, which are located at:

- Cherbourg (Discrete Indigenous Community) (established 2017)
- Mount Isa with outreach (established 2017)
- Logan-Beenleigh (established 2017)
- Cairns District (established 2018)
- Ipswich District (established 2018)
- Brisbane Region (established 2018)
- Mackay (established 2019)
- Moreton District (established 2019)

The HRTs are led by the Department of Justice and Attorney General (DJAG) and supported by a coordinator drawn from DFV support services. Membership of the HRTs include government and non-government agencies such as police, courts, corrections, health, housing, child safety and domestic violence support services.

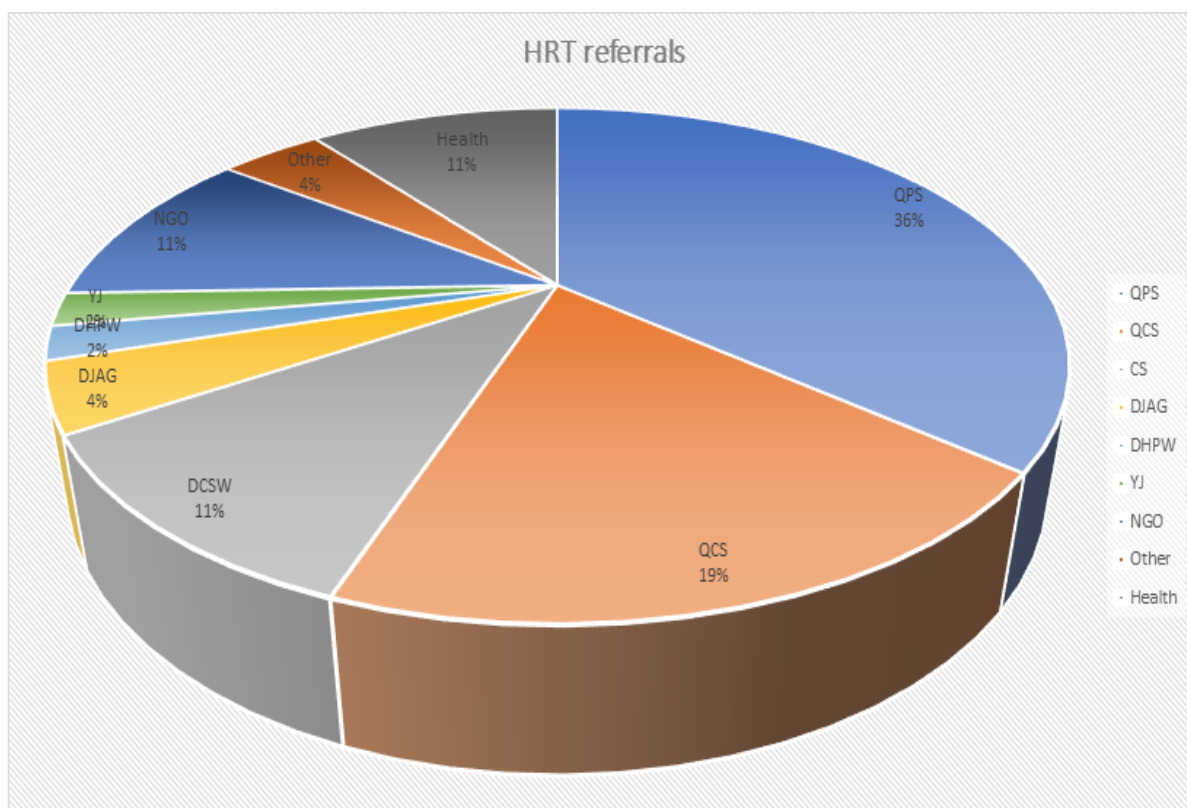
A case remains with the HRT until members are satisfied that safety management strategies are in place and the risk of harm to victims and their children has been mitigated and perpetrators are held to account whenever possible. A final risk assessment may be conducted prior to the case concluding with the HRT. The Multi-agency Risk Assessment is used to ensure appropriate measures are in place. Avenues exist for a case to be re-referred should additional information come to light or new incidence of DFV occur.

Most HRTs operate from a local police station, which allows officers to ask questions related to DFV and to build and maintain relationships between the HRTs and local police.

In the first quarter of 2021, the QPS completed 36% of all referrals to HRT. This statistic reflects previous data revealing QPS consistently refers the largest volume of matters of all entities within HRTs throughout the state. As an active and invested participant of the HRT model, the QPS is supportive of any future growth of HRT locations to enable their operation in all 15 police districts.

Q1 2021

HRT	QPS	QCS	DCSW	DJAG	DHPW	YJ	NGO	Other	Health
Total referrals	161	52	25	11	4	1	42	23	64



QPS Referrals Service

The Queensland Police Referrals service allows frontline police officers to connect at-risk and vulnerable people with external support service providers to address social and lifestyle issues impacting on their life. Offering a referral has become an embedded strategy in the frontline policing response to all occurrences.

The fully automated system has over 530 service providers covering 67 different issues, which are broadly grouped into 22 referral categories. These categories are linked to ten themes, including: DFV (for both victim and perpetrator); homelessness; health and wellbeing; mental health; seniors; and victim support. Police Referrals is integrated with QPRIME (the QPS information management system), enabling police to be better informed of a person's referral history, including situations where a client has declined an offer of a referral. Service provider actions in relation to previous referrals are also available in QPRIME.

In 2020, the State DFV&VPU conducted an analysis examining recidivism and re-victimisation rates across alcohol, drug, DFV and offences against the person occurrences where a police referral was offered. The QPS conducted a review of Police Referrals data for the period of 1 January 2019 to 31 December 2019 using a comparative analysis period of 1 January 2020 to 30 June 2020. The findings are summarised in Tables 4 and 5 below.

During the analysis period, a total of 94,527 unique offenders were recorded across the five QPS Regions for incidents involving DFV. Of those unique offenders, 35.25% (n=33,322) were offered a referral by police. Of those offered, 55.01% (n=18,330) declined a referral to a service provider and 44.99% (n=14,992) accepted an offer. Of offenders who accepted, 27.59% (n=4137) accepted a service provider's support. Of the total unique offenders who did not accept a referral, 25.87% (24,511) reoffended in less than three months in comparison to 4.27% (4,041) who had accepted a referral in the same period.

During the analysis period, a total of 96,679 unique victims were recorded across the five QPS Regions for incidents involving DFV. Of those unique victims, 51.66% (n=49,941) were offered a referral by police. Of those offered, 37.34% (n=18,646) declined and 62.66% (n=31,295) accepted a referral. Of victims who accepted a referral, 26.83% (n=8397) accepted a service providers support. Of the total unique victims who did not accept a referral, 20.39% (19,716) were re-victimised in less than three months in comparison to 6.88% (6647) of unique victims who had accepted a referral being re-victimised in the same period.

	Respondents	Aggrieveds
Total offered referral	33,322	49,941
Total accepted	14,992 (45%)	31,295 (62.66%)
Total declined	18,330 (55%)	16,646 (37.34%)

	Referral accepted	Referral declined
Respondents who reoffended within 3 months	4.3%	25.87%
Aggrieveds who were re-victimised within 3 months	6.88%	20.39%

Operation Sierra Alessa and Operation Tango Alessa (question 8 in the discussion paper)

Operation Sierra Alessa and Operation Tango Alessa are evidence of the QPS' commitment to trialling new policing approaches to DFV.

Operation Sierra Alessa launched as a state-wide, two-month pilot in August 2020, with the aim of targeting perpetrators who were the subject of three or more current DVOs. The QPS identified a cohort of 319 perpetrators responsible for committing DFV against 1,156 individual victims. The number of DVOs associated with each perpetrator ranged between three and eight (against separate individual aggrieved persons).

Focussed deterrence strategies were utilised to proactively engage and disrupt the behaviours of these DFV perpetrators. The operation was coordinated by the State DFV&VPU and involved general duties officers, DFV&VPUs, HRTs and specialist officers and investigators from across all parts of the organisation. The operation provided opportunities for QPS officers to monitor prolific offenders and provide greater support to some of our most vulnerable Queenslanders, including children and family members whose routine activities had changed under COVID-19.

Two months following the conclusion of the operation, research officers from the State DFV&VPU monitored the behaviours of perpetrators within the identified cohort to determine the effectiveness and efficiencies of the implemented strategy. The evaluation of the operation identified that the aim of disrupting and preventing targeted perpetrators from committing further DFV was achieved. The operation findings also revealed a 56% reduction in DFV-related charges.

Operation Tango Alessa commenced on 27 March 2021 for a period of two months in five trial police districts (Far North, Sunshine Coast, South Brisbane, Logan and Gold Coast Districts). This operation targeted identified highest risk and highest harm DFV offenders using the QPS Harm Ranking & Evaluation Tool (THReT). This is a rule-based risk assessment tool developed by behavioural psychologists within the Child Abuse and Sexual Crimes Group and data scientists. An evaluation of Operation Tango Alessa will be concluded in 2021.

Future focussed deterrence operations are planned to include trialling further innovative approaches to identifying high risk, high harm perpetrators including through implementation of the DFV Predictive Model (as described at page 8).

Case Management Teams

In addition to the DFV&VPUs and HRTs, the QPS is represented on integrated case management teams including Domestic Violence Cross Agency Meetings (DV-CAM); Partnership Response at Domestic Occurrences (PRADO) and Suspected Child Abuse and Neglect (SCAN).

DV-CAM - The QPS DFVCs participate in a DFV integrated response within their district to support multi-agency assessment and planning to address repeat calls for service and increase the safety of families experiencing DFV. The integrated response is tailored to the needs of the district and may supplement existing HRTs. It is composed of members from local DFV service providers (NGO) and other government departments.

PRADO - PRADO is an interagency partnership between the QPS, Child Safety Caboolture Service Centre, Caboolture Probation and Parole and the Caboolture Regional Domestic Violence Service (CRDVS). Operating in Moreton Police District, PRADO provides an interagency response to at-risk families whilst working within a whole-of-government framework. PRADO uses a collaborative model with robust information sharing to ensure a holistic response for victims and children.

SCAN - There are approximately 20 SCAN teams operating in Queensland focused on providing a multi-agency response to cases requiring statutory intervention to protect a child. SCAN is comprised of core members from Department of Children, Youth Justice and Multicultural Affairs, QPS, Queensland Health (generally a medical practitioner specialising in child protection issues), Department of Education and Training and a relevant Aboriginal and Torres Strait Islander Recognised Entity (RE) when required. Referrals to SCAN teams may include, for example, where a child is at risk of physical trauma or injury due to DFV.

QPS DFV Advisory Group

To ensure the overall QPS strategy and practice remains contemporary and collaborative, the QPS has recently established a DFV Advisory Group (DFVAG) made up of internal stakeholders and external entities and sector leaders, including representatives from DV-Connect, Queensland Women's Legal Service, the Red Rose Foundation and from the CALD and First Nations communities.

The DFVAG will meet quarterly and its overarching functions are to:

- Advise the Commissioner of Police on strategic domestic and family violence issues and recommend appropriate action.
- Collaboratively discuss and exchange ideas regarding policy and operational challenges/experiences with a view of driving possible reforms across the DFV system.
- Actively promote an awareness of the role of the QPS with respect to DFV and to encourage engagement of policing responses and participation in programs and coordinated service delivery, where appropriate.
- Promote understanding of DFV within the QPS through engagement, education, training, policies and practices.

3. QPS TRAINING IN POLICING DFV

The QPS has introduced several training and education packages to assist police to recognise, respond to and investigate DFV, focusing on the relationship rather than the incident.

3.1 QPS DFV TRAINING (question 6 in the discussion paper)

Vulnerable persons training package

The vulnerable persons training package was developed in 2017 in response to recommendations made in the Queensland Police Service Violent Confrontations Review (QPS, 2014) and the Not Now, Not Ever report (2015). The training package has been delivered to all police officers up to the rank of Inspector and selected staff members. It comprises two parts: an online learning product (OLP) providing officers with the knowledge needed to ensure the QPS is compliant with legislative and associated policy and procedural requirements; and face-to-face workshops.

DFV specialist course

In response to the Not Now, Not Ever recommendations, the State DFV&VPU developed a specialist DFV course. This five-day, face-to-face course is designed for specialists working in the area of DFV such as: District DFVCs, Domestic Violence Liaison Officers (DVLOs), Police Prosecutors, Detectives, Child Protection Investigation Unit members, Intelligence Officers and DFV HRTs.

Participants are expected to scrutinise all aspects of a police investigation to ensure the safety and support of victims and their families and ensure perpetrators are held to account. The training provides specialists with the necessary knowledge, skills and contacts to address DFV in their respective Districts. Importantly, this course develops a consistent investigative approach to DFV, teaching participants how to identify and address any potential gaps in a police investigation.

The course draws upon the expertise of people both within and external to the QPS, such as practitioners, prosecutors, academics, people with lived experience and other professionals. Members from external agencies such as the Queensland Ambulance Service have previously been extended an invitation to attend.

Domestic and Family Violence culture change coaching program

To assist Deputy Commissioner Linford champion change at the local level, a DFV Culture Change Coaching Program has been developed, highlighting the influence QPS members have in their everyday roles in responding to DFV. The overall aim of the DFV Culture Change Program is to promote positive cultural and attitudinal change to DFV across the Service through leadership and mentoring by Senior members. Members gain an understanding of workplace culture and identify strategies to

continually improve the policing response to DFV. The inaugural Culture Change Coaching Program was delivered in late 2019 to selected Culture Change Champions located throughout the 15 police districts.

It was intended for these Champions to lead a state-wide rollout of the program in 2020, however COVID-19 public health restrictions prevented this from occurring. As an alternative, the State DFV&VPU is using the key themes from the cultural change training in all messaging to its members via the internal social media platform 'Workplace' and the development of 'Officer in Charge Packages' to be delivered to frontline police by local Officers in Charge. A further Culture Change Coaching Program is expected to be delivered in 2021, with Culture Change Champions to then deliver a cultural enhancement program within their respective police districts.

LGBTIQ+

The QPS has established a LGBTIQ+ Support Network and LGBTIQ+ Liaison Officers to progress activities to promote LBGTIQ+ issues within and external to the QPS. The LGBTIQ+ Liaison Officers have been trained in how to build relationships between the LGBTIQ+ community and the police. An LGBTIQ+ DFV OLP has been developed by the QPS to assist members engage with the LGBTIQ+ community at DFV incidents, noting the challenges faced by LGBTIQ+ persons in dealing with DFV.

Recruit and First Year Constable training programs

Recruit and First Year Constable programs include DFV training. The recruit training program includes training on the nature and dynamics of DFV, the use of effective communication when responding to DFV incidents, internal culture and attitudes, referral and integration services, cultural awareness and sensitivity to diversity, legislation and policy, and non-lethal strangulation. The first-year constable program includes and reflects contemporary approaches to communication, non-lethal strangulation and changes to legislation, including face-to-face training for some components.

Training of Policelink and other QPS staff

Policelink provides a 24-hour contact service to both the community and QPS members. Policelink staff complete training in relation to DFV, including the mandatory OLP '*Recognise, Respond, Refer,*' to improve their awareness of DFV issues. This OLP is required to be completed by all QPS members.

Post Graduate studies in Domestic and Family Violence Prevention

The QPS offers access to professional development opportunities, such as the Queensland University of Technology Graduate Certificate in DFV. Between 2016 and 2019, the State DFV&VPU supported and funded 17 DFVCs and DVLOs to undertake this training.

Between 2018-19, the QPS Prosecution Services also supported and funded forty-two nominated sworn and non-sworn prosecutors to undertake postgraduate studies in DFV.

Four Commissioned Officers (including the current State DFV&VPU Inspector) have completed a Master of Studies (M.St) in Applied Criminology and Police Management through the University of Cambridge. The M.St programme provides world leading training on DFV crime prevention and harm reduction, with a significant emphasis on evidence-based policy and practice.

3.2 QPS FUTURE TRAINING PLAN (questions 25, 26 and 50 in the discussion paper)

DFV policing enhancement training

The DFV policing enhancement training has been designed to develop an improved understanding of the complex nuances and dynamics of DFV and refresh officers' knowledge about legislative, policy and procedural requirements and considerations when investigating DFV. This training is intended to be completed by all police up to and including the rank of Inspector and is compulsory for 2021/2022.

Coercive Control training

On 20 March 2021, the QPS received an allocation of \$350,000 of Commonwealth funding administered by DJAG to facilitate training to 12000+ police to improve the recognition, response and investigation of coercive control behaviour.

The current training proposal is considering the following training delivery model:

- Pre-Learning – an E-Learning package.
- Face-to-Face training - classroom training for circa 11,000 officers and staff. Each session to be co-delivered by a DFV Specialist and a police officer.
- Post Course learning materials – materials and PowerPoint presentation hosted on QPS Intranet.

An online learning product for coercive control is currently being developed. This product is expected to be available in August 2021 and it is anticipated this training will be mandatory for all QPS members. This training product will cover:

1. Understanding the insidious nature of coercive control. This component will include video and audio segments with victims recounting their experiences.
2. The dynamics of coercive control, including how it impacts victims and their families, and tactics used by perpetrators to justify their behaviour.
3. How police officers can better respond to policing incidents involving coercive control, including empathic questioning techniques, how best to utilise current police powers, and teaching police how to look for cues indicating coercive controlling behaviour.

The QPS is also examining future opportunities for further coercive control training. For example, the QPS has recently consulted with the Australian National Research Organisation for Women's Safety Limited (ANROWS) in relation to their 2020 report titled, 'Accurately identify the 'person most in need of protection' in DFV law' and SafeLives, a national charity in the United Kingdom (UK) which is dedicated to ending domestic abuse through its 'Domestic Abuse Matters' training.

The 'Domestic Abuse Matters' training was developed between the UK College of Policing and SafeLives along with key stakeholders. 'Domestic Abuse Matters' is a bespoke cultural change programme for police officers and staff in England and Wales. It was designed to transform the response to domestic abuse, ensuring the voice of the victim is placed at the centre, and controlling and coercive behaviour is better understood. The training is designed to have long-term impact by changing and challenging the attitudes, culture and behaviour of the police when responding to domestic abuse.

Research into the effects of the service-wide training on arrests for coercive and controlling behaviour shows the positive and sustained impact of the programme. It has led to a 41% increase in arrests for controlling and coercive behaviour. SafeLives research evaluation and anecdotal evidence suggests the training leads to a change in attitude and thinking around domestic abuse, which will not just affect arrest rates but also the overall response victims receive.¹⁶

The QPS notes that undertaking similar training, including developing a tailored training package for service-wide roll-out, would require both a 'lead in time' to implement and a significant additional financial investment beyond the initial DJAG administered commonwealth funding, received by the QPS. The QPS contends similar to the 'Domestic Abuse Matters' training commenced and delivered in 2018 to nearly 14,000 police within Scotland, such training should also comprise both an e-learning and face to face component.

Cultural enhancement program

The culture enhancement program is a 1-day workshop to be delivered to all QPS members by Culture Change Champions. It has been designed to improve awareness of behaviours and attitudes towards DFV and to enhance the culture and policing response to DFV. The training objectives of this program are to:

- Explain why behaviours and attitudes towards DFV matter and how this impacts outcomes for people experiencing DFV;
- Understand what workplace culture is and the factors that contribute to it;
- Identify localised culture around managing and responding to DFV;
- Explain the need to continually improve the policing response to DFV; and
- Confidently exercise individual responsibility to enhance the culture and policing response to DFV.

4. RESPONDING TO QPS STAFF WHO COMMIT OR ARE ALLEGED TO HAVE COMMITTED DFV

The QPS has policies and procedures in place to manage members who commit or are alleged to have committed DFV. It also has mechanisms to ensure applicants hold a high level of integrity prior to joining the QPS. These policies and procedures are subject to routine review to ensure practices continue to meet the standards of the community and established best practice approaches. Through these processes, members of the public are reassured the high standards and integrity of the QPS are upheld and maintained.

¹⁶ <https://safelives.org.uk/training/police>

Persons applying to be appointed as a police recruit or police officer must meet high standards of behaviour and conduct. To be considered as a police recruit, applicants are required to undergo rigorous assessment of past conduct, including a full criminal history check and vetting of the application. After this process, where an applicant shows involvement in current or past domestic and family violence matters, they are subject to an exclusion period. When this occurs, an applicant may be deemed ineligible or excluded from the service for a significant period, which, at a minimum is five years.

All allegations of DFV made against a QPS member are thoroughly investigated and, if required, action is taken under the DFVPA. Where there is enough evidence, criminal charges will be laid. QPS members will also be subject to internal discipline processes, that may result in, for instance, a suspension of duties.

The assessment and investigation of complaints against QPS members is undertaken in accordance with several policy and legislative instruments, including the *Police Service Administration Act 1990* (Qld), *Public Service Act 2008* (Qld), *Crime and Corruption Act 2001* (Qld), Criminal Code, DFVPA, QPS Operational Procedures Manual and QPS Complaint Resolution Guidelines. There are strict legislative timeframes which apply to the processing of these complaints and these are strictly monitored through a rigorous governance and monitoring process with oversight by the Crime and Corruption Commission.

5. QPS REFORM PROPOSALS

The Taskforce's discussion paper raises a broad range of issues with respect to DFV, which the QPS responds to in the following part under the following themes:

- Systematic and holistic reform to address coercive control
- Emphasis on perpetrator accountability and access to behaviour change programs
- Information sharing
- Evidentiary considerations
- Amendments to processes in the DFVPA.

5.1 SYSTEMIC AND HOLISTIC REFORM TO ADDRESS COERCIVE CONTROL

Change the terminology in the legislation from 'domestic and family violence' to 'domestic and family violence and abuse' (questions 3 and 5 in the discussion paper)

The discussion paper highlights the evolving understanding of DFV and that abusive conduct in a relationship goes well beyond acts of physical violence.

To support a cultural shift and perception in society to recognise and understand this, the QPS supports changing the terminology in the legislation to 'domestic and family violence and abuse' or simply 'domestic abuse'.

The use of the term 'abuse' recognises a broader range of behaviour and better reflects the various types of conduct captured in section 8 of the DFVPA.

Domestic abuse is recognised by the United Nations as a pattern of behaviour in any relationship that is used to gain or maintain power and control. Abuse can be physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person. This includes any behaviours that frighten, intimidate, terrorise, manipulate, hurt, humiliate, blame, injure or wound someone.¹⁷

'Abuse' is also a term used in existing serious offences within the Queensland Criminal Code.

Responding to coercive control conduct effectively would be supported by a consistent definition of DFV across legislative and policy settings. The National Council report *Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children 2009-2021* recommended a system-wide harmonisation of definitions of DFV, paying attention to encompassing a wide range of behaviours, in particular non-physical tactics, to help address the over-reliance on acts of violence.

Changing the term to 'abuse' will also send a clear message to the community, victims and perpetrators that violence, non-physical tactics and other acts of abuse are unacceptable and criminal.

A more contemporary description of DFV will assist police, the courts, support services and the community in identifying this conduct and responding more effectively to the safety needs of victims.

¹⁷ United Nations <<https://www.un.org/en/coronavirus/what-is-domestic-abuse>> accessed 11 June 2021.

Media reporting of DFV (question 4 in the discussion paper)

The media has an important role in raising awareness of the prevalence of DFV in the community. The media can influence perceptions and social attitudes towards DFV and link people to support services. There is growing concern that inaccurate and negative media reporting of DFV may in fact be dissuading some victims from seeking support and creates an impression of futility in help seeking. Accordingly, there is an inherent need for media entities to deliver clear messaging around individual perpetrator accountability and assisting the broader DFV sector with positive messaging aimed at the prevention of DFV within our communities. The QPS notes professional bodies provide useful guidance with respect to reporting on DFV incidents.¹⁸ The QPS would welcome further research on the positive impact on media reporting in this regard and ways in which these positive impacts could be enhanced. The QPS would also welcome research on whether there are further ways the media can minimise any potential risk of harm to victims of DFV, including whether there is any link to imitation offending via media reporting.

5.2 EMPHASISE PERPETRATOR ACCOUNTABILITY AND ACCESS TO BEHAVIOURIAL CHANGE PROGRAMS

Provide early assessment opportunities to address the cause of DFV – the perpetrator's behaviour (questions 13 and 28 in the discussion paper)

Currently, there is no mandatory diversion option for a perpetrator to allow early intervention in the DFV cycle to support perpetrators in recognising their inappropriate behaviour, learn strategies to change their behaviour and reduce incidences of reoffending.

Police officers can refer perpetrators without consent to support services where the relevant legislative threshold has been met, but largely acceptance of a police referral and ongoing participation with a support service is voluntary. There is a limited feedback cycle between service providers, the QPS and courts on whether the perpetrator accepted the referral, agreed to participate in any counselling/behaviour change program and whether the counselling/behaviour change program had any positive outcome.

The DFVPA allows a court to make an intervention order if the court makes or varies a DVO. The perpetrator must be present in court and agree to an intervention order being made. There is no criminal sanction for failing to comply with an intervention order.

The QPS is not aware of any public reporting on the making of intervention orders and the outcomes of such programs and whether they assist a perpetrator to overcome their harmful behaviour related to domestic violence.

The QPS suggests it would be of benefit for the Taskforce to consider:

- the efficacy, efficiency and value for money on current investment in behaviour change programs across the system; and
- the availability of referrals to and outcomes of such intervention programs and services.

To support early intervention, the QPS suggests the introduction of a 'police domestic abuse assessment notice' that can be issued at the time of initial police intervention and action. The objective of such a notice is to have the respondent be required to attend an assessment program to initiate intervention strategies for issues including mental health support, housing support (if required) and access to behaviour change programs. The QPS acknowledges that this would require an investment in the availability of support programs across the State.

To support compliance with a notice, a failure to comply should constitute a contravention of a direction or requirement of a police officer (section 791 of the PPRA).

5.3 INFORMATION SHARING (question 9 in the discussion paper)

Information sharing between professionals and service providers is a key component of effective risk assessment, risk management and referral. Whilst Part 5A of the DFVPA provides a clear legislative framework to support information sharing, effective information sharing remains a challenge. The QPS submits more work is required to ensure all government and non-government agencies utilise the current framework to its fullest extent and do not impede information sharing. Accessing information held by other agencies can be vital to performing an accurate risk assessment.

The absence of modern and sophisticated systems within other government departments and DFV support services to capture and record DFV-related information also presents challenges around

¹⁸ See for example Australian Press Council, *Advisory Guideline on Family and Domestic Violence Reporting*.

information sharing and DFV risk assessment. Whilst there is no statutory requirement on agencies or the DFV sector to compulsorily report DFV to police, the QPS submits there are inherent dangers in making assessments of future DFV risk based on a single incident or siloed information within a single department. Risk assessments of this kind without recourse to information held within the National Domestic Violence Order Scheme (NDVOS) and the criminal history of a perpetrator (Queensland and interstate) fail to capture the complete risk profile of a perpetrator and do not provide for robust safety planning for victims. This is particularly vital should a 'course of conduct' domestic abuse or coercive control offence be created so that a holistic picture can be put together for proving the elements of the potential offence.

A further relevant consideration when sharing information with QPS is the operation of section 100 of the DFVPA. Section 100 of the DFVPA *inter alia* provides, if a police officer reasonably suspects that DFV has been committed, the police officer must investigate or cause to be investigated a complaint, report or circumstance of DFV. Accordingly, irrespective of the wishes of a victim or an aggrieved, or if another government or non-government agency provides information relating to DFV for "information purposes only", the QPS must investigate the complaint, report or circumstance of DFV.

5.4 EVIDENTIARY CONSIDERATIONS

Amend evidentiary process involving self-represented accused in summary proceedings (questions 20 and 22 in the discussion paper)

The QPS Police Prosecution Corps prosecutes a range of criminal matters in Magistrates Courts throughout Queensland. This includes appearing in summary trials for contraventions of DVOs and PPNs.

The current legal framework applying to summary criminal proceedings allows a self-represented accused charged with contravention of a DVO or PPN to directly cross-examine the complainant. The QPS brought this to the attention of DJAG for their consideration and action in December 2019.

The QPS submits this legal anomaly should be considered by the Taskforce, particularly in its consideration of legislating new criminal offences. The QPS notes the options provided for legislating against coercive control by way of a new or revised criminal offence in Part 3 of the discussion paper do not discuss the issue of prosecutorial jurisdiction.

The protected witness provisions in Part 2, Division 6 (Cross-examination of protected witnesses) of the *Evidence Act 1977* (Qld) (Evidence Act), because of section 21L, do not apply to summary proceedings under the *Justices Act 1886* (Qld) (Justices Act). Even if these provisions did apply to summary proceedings, a contravention of a DVO is not currently included in the list of applicable offences.

In addition, a DVO may also be in place at the time of the summary proceedings which requires the respondent to be of good behaviour and not commit domestic violence to the aggrieved. If the DVO contains a no-contact condition or if the DVO prohibits the accused from following or being within a certain distance from the aggrieved, requiring the accused and complainant to be in the same room as well as allowing the accused to cross-examine the complainant would *prima facie* constitute a contravention of the DVO.

The QPS has been involved in summary prosecutions where a respondent has been dealt with for breaches of a DVO and elects to be self-represented. The complainant/aggrieved gave evidence from the vulnerable persons room, but the accused/respondent was allowed to cross-examine her directly despite opposing submissions made by the police prosecutor.

If a DVO exists with conditions not to contact or be within a certain distance of an aggrieved and there are criminal proceedings relating to the parties requiring their attendance at court, an application could be made to vary the DVO. The QPS suggests this approach is unsuitable and would be in direct contrast to the principles and objects underpinning the domestic violence protection regime in Queensland. The DFVPA emphasises a focus on the aggrieved, placing paramountcy on the safety, protection and wellbeing of people who fear or experience domestic violence, ensuring a minimisation in the disruption to their life.

The representation status of an accused (i.e. whether they are self-represented or not) in summary proceedings and the position of the accused (i.e. guilty plea or not) may not be known until the morning of the proceedings.

The lack of protection provided through the legislative framework to summary criminal proceedings enables further controlling and dominating behaviours by perpetrators who exhibit coercive control behaviours over aggrieved persons.

Allow video and audio recorded statements to be used as evidence in chief (question 37 in the discussion paper)

The QPS supports the use of police-recorded (video or audio) statements taken from an adult aggrieved person as evidence-in-chief in certain criminal proceedings. There is precedent in the *Evidence Act* for such a process in the form of statements taken under section 93A that relate to the recorded statements from children or persons with an impairment of the mind. The proposal furthers recommendation 133 of the Not Now, Not Ever report, which the Taskforce discussion paper notes has not been implemented.

Currently, police officers take a written statement from the adult victim in DFV-related criminal prosecutions, which is sworn under *Oaths Act 1867* (Qld) or acknowledged under the *Justices Act*. If the matter proceeds to trial, the complainant is required to appear in court and provide their evidence-in-chief via oral testimony, subject to the 'special witness' protections provided in the *Evidence Act*.

As noted in the Not Now, Not Ever report, a significant obstacle in prosecuting DFV offences and holding perpetrators to account is the reluctance of victims to continue to participate in the prosecution process after making an initial complaint. Having evidence pre-recorded will allow the court to hear the best evidence of the victim, which was recorded contemporaneously with the event. To ensure perpetrators can be held to account, the victim would be supported to continue with legal proceedings and, if necessary and appropriate, be subpoenaed to attend.

Under the proposal, police would record the victims statement either at the scene, if appropriate, or another suitable location (i.e. a police station). The statement would be recorded in a controlled, calm environment (i.e. after police have provided an immediate response, the aggrieved and any other persons are safe, and the respondent has either left or been taken into custody).

Police would not record an interview unless the victim gave informed consent to having their evidence taken by recording. It is important to note the complainant would still be required to be available to give evidence in the proceedings (i.e. be available for cross-examination and re-examination, with existing special measures still able to be used, such as the giving of evidence in a separate room to the court).

Queensland and Western Australia are the only jurisdictions to not have introduced legislative provisions that enable the use of recorded statements with victims in certain proceedings for DFV offences as their evidence-in-chief.

The key benefits of allowing victims to give their evidence in chief via a video or audio recordings under the proposal include:

- reducing the trauma for victims associated with recounting events in great detail;
- reducing the challenge in recalling events when providing the statement to police at a time after the initial incident;
- reducing the challenge and trauma in recalling events when being cross-examined as the witness would be able to see/hear their previous statement;
- illustrating the demeanour and experience of a victim proximate to the time of the event to the court;
- reducing the capacity of the defendant to intimidate a victim to change or recant their evidence; and
- potentially increasing both the conviction rate and the number of guilty pleas.

5.5 AMENDMENTS TO PROCESSES IN THE DFVPA

Permitting a PPN to be taken to be an application for a protection order made by a police officer in all circumstances (questions 20 and 22 in the discussion paper)

Section 112(2) of the DFVPA provides that a PPN is not taken to be an application for a protection order if: (a) the PPN was issued against the respondent under section 101A of the DFVPA when the respondent was released from custody; and (b) a police officer prepared an application for a protection order against the respondent while the respondent was in custody as required under section 118.

Section 118 of the DFVPA outlines when a police officer must apply for a protection order. In short, it requires a police officer to prepare an application naming a person taken into custody under section 116 as a respondent. Section 101A of the DFVPA stipulates when a police officer must issue a PPN. Section 125 outlines when a police officer must release a person in custody on release conditions.

The operation of sections 112, 101A, 118 and 125 are confusing and cumbersome. In certain circumstances, it can result in police being required to complete both an application for a protection order (DV01 form) as well as a PPN, despite these forms containing largely the same information and despite a PPN being capable of being taken to be an application for a protection order.

The QPS recommends creating a more streamlined approach within the DFVPA with respect to how police are to deal with persons taken into custody, with a focus on utilising the PPN form to the greatest possible extent and to remove the duplicity of process within the current framework.

Permitting the use of an evidentiary certificate or similar to prove the element of service for the purpose of a contravention offence (questions 20 and 22 in the discussion paper)

Service of documents is often an uncontroversial element in the context of breach of a DVO or PPN offence proceedings. Yet, under the current framework, to prove personal service occurred in the context of contested criminal proceedings, the serving police officer is required to provide oral testimony in court. This often results in the serving police officer being taken away from frontline duties for an entire shift and, if the trial does not get heard, the serving officer may be required to attend further days at court.

The QPS recommends expanding the use of evidentiary certificates (and their associated procedural safeguards) to the element of personal service in criminal breach proceedings.

Defendants would still retain the right to contest the element; however, if it is uncontested, this approach would remove the need for the serving officer to attend court to prove the element.

Permitting the court to more easily order alternative service in the first instance (questions 20, 22 and 45 in the discussion paper)

Section 202A of the *Family Violence Protection Act 2008* (Vic) permits a court, on their own initiative or upon application, to order a document be served on a person other than personally by any means specified in the order if satisfied it is appropriate in all the circumstances and (a) it is likely to bring the document to the attention of the person to be served and (b) will not pose an unacceptable safety risk.

This section was introduced to implement a recommendation from the Victorian Royal Commission into Family Violence that intended to balance the need for service as a pre-condition to the enforceability of orders with the administrative burden service imposes on police.

In the second reading speech for the Bill introducing this amendment, it was stated:

“The royal commission observed that that there might be cases where a magistrate may be satisfied that service can be effected by other means (for example, by email or registered post) and service by such means will not materially reduce the safety of the protected person or weaken the accountability of the respondent. Changes were recommended to streamline the service of documents, to ensure police and court time is spent protecting and supporting victims and holding perpetrators to account (emphasis added).”

The QPS supports a similar provision being introduced in Queensland.

Allow the electronic service of documents in certain circumstances (questions 20, 22 and 45 in the discussion paper)

In addition to the above proposal based on the Victorian model, the QPS supports the greater utilisation of electronic service methods in certain circumstances.

Where a document is required to be served personally, the QPS recommends enabling police to serve that document electronically when the person required to be served:

- is in the physical presence of the police officer; and
- consents to the electronic service by providing the police officer with a unique electronic address for that purpose.

In practical terms, this could mean that technology, such as Skype, Facetime and Zoom could be used to enable a police officer to serve and witness a person acknowledge the acceptance of a document, a copy of which is then sent electronically to the person. This process would streamline document service methods to enable savings both in time and resources to be realised which can then be re-invested back into DFV prevention and disruption focussed activities.

The QPS notes existing provisions in the DFVPA regarding explanation of the documents would continue to apply. The QPS also notes the government has endorsed this approach in other settings, including electronic service of police banning notices¹⁹ and COVID-19 quarantine directions,²⁰ which both also carry penalties for non-compliance.

¹⁹ See *Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Act 2021* (Qld) s 55.

²⁰ Public Health and Other Legislation (Further Extension of Expiring Provisions) Amendment Bill 2021 cl 31.

With sufficient safeguards included, the QPS submits this is a more effective approach than relying on the 'tell provisions' as it has less evidentiary difficulties associated with proving service.

Permit a PPN to add additional conditions where a DVO is in place and be taken to be an application to vary a protection order (questions 20 and 22 in the discussion paper)

Currently, to vary a DVO police must apply to the court using the application to vary a DVO form, which includes the option to apply for a temporary protection order in the varied terms. To obtain immediate protection, police must apply for an urgent temporary protection order using the on-call Magistrate.

The QPS submits this process can be streamlined in certain circumstances by extending existing police powers currently available under the PPN framework. This would permit police to immediately impose no-contact or ouster conditions upon a respondent against whom a DVO exists. The QPS proposes that, in these circumstances, the PPN be taken to be an application to vary the protection order. If conditions additional to ouster or no-contact were sought, existing processes would continue to apply.

Require a PPN to be expressly revoked by Magistrates Courts (questions 20 and 22 in the discussion paper)

Section 113 of the DFVPA outlines when a PPN takes effect and the duration of the PPN. Section 113 is drafted from a position of automation, with PPNs expiring upon the happening of a certain event. The QPS submits that PPNs should continue in force until a magistrate expressly makes an order stipulating the PPN is no longer in force. If a PPN lapses and no temporary order is put in place to replace it, the aggrieved will be left without the protection of a DVO. Under section 111 and 112 of the DFVPA, the PPN must be filed in the court and is taken to be an application. The QPS submits this risk warrants legislative change.

6. DISCUSSION PAPER OPTIONS

The 13 options identified in the discussion paper provide a starting point to discuss options for enacting legislation relating to coercive control. Legislation is a highly visible way of indicating condemnation of a particular activity. The QPS notes previous support for the specific deterrence of serious forms of DFV in the form of the criminalisation of non-lethal strangulation. However, legislation alone is not a panacea. While criminal law may deter, punish and send a strong message of denunciation, the evidence on such action changing the attitudes, social norms and structures within society that underpin DFV, including gender inequality, remains sparse. A whole-of-government approach is required and there is a need for the strategic development and delivery of prevention and educational initiatives, supported by a strong criminological and social science evidence base.

The existing challenges law enforcement agencies encounter when investigating and prosecuting DFV offences need to be addressed and cannot be considered in isolation regardless of the Option/s the Taskforce ultimately recommend. Key learnings from Tasmania, England, Ireland and Scotland coercive control legislation must also be considered, in particular the challenges police experienced in identifying evidence of coercive control, and the time constraints impacting on the amount of time necessary to investigate and analyse evidence of coercive control, particularly in protracted relationships. If not addressed, these challenges will impact the effectiveness of any recommendations of the outcome of this discussion paper. The unintended consequences of legislating against coercive control for victims, children and perpetrators must also be addressed to prevent abuse of the legal process by perpetrators and prevent re-victimisation and re-traumatisation for victims and children.

Where evidence to substantiate an element of an offence is reliant on subjective individual evidence, this may place a significant strain on victims as witnesses to retell their story and provide the history of the behaviours inflicted upon them and the impact it had. Further, the use of similar fact evidence may require police to locate previous complainants to give evidence against the accused in later trials, resulting in further trauma to those complainants. The development of any new or amended offence must protect against re-traumatisation to a victim while ensuring procedural fairness to a defendant.

Evidentiary challenges will also need to be addressed. It has been noted that the nuanced and complex behaviours that constitute coercive control will present significant investigative challenges for police, and conceptual and practical difficulties for criminal prosecutions.²¹ The pattern of behaviour that may constitute coercive control can include a wide array of conduct, some of which, when viewed in isolation may be considered innocuous.

Much like the definition of DFV, coercive control is broadly defined, and this broad scope presents risks of over-criminalisation should there be a specific criminal offence of coercive control or 'commit

²¹ New South Wales Government, 'Coercive control – discussion paper' (October 2020), p 25 [6.13].

domestic violence'. Over-criminalisation would likely exacerbate existing issues of the over-representation of specific cohorts in the criminal justice system. The QPS submits this risk is much greater with respect to the proposal to create a specific offence of 'commit domestic violence' than it is with respect to the offence of coercive control. An offence of coercive control could potentially be drafted in a way to minimise the risk of over-criminalisation. Diversion options may be necessary to reduce the risk of over-criminalisation should a stand-alone 'commit domestic violence' offence be created.

It is likely existing offences could capture some of the individual behaviours that constitute coercive control. This is similar to the broad definition of DFV under existing legislation, under which specific acts can constitute a multitude of separate criminal offences, including contravention of civil protection orders. This is reflected in the ability to note that an offence is a 'domestic violence offence'.²²

The discussion paper suggests in option 1 that breaches of protection orders are not treated with an appropriate level of seriousness by courts and police. The large volume of charges and convictions for contravention of protection order offences would seem to suggest otherwise.

The formulation of current legislation (including the DFVPA and the Criminal Code) has provided a legal framework which promotes incident-based responses:

Criminal offences ordinarily address particular instances of offending conduct, or individual acts, rather than protracted and cumulative behaviour, the impact of which is only experienced incrementally over time. For example, offences of violence ordinarily attach to a particular physical act, while offences of sexual assault would attach to a particular act, for example, of touching or sexual intercourse.²³

The QPS has aimed to move to a pattern-based (course-of-conduct) and future focused investigative approach, recognising the cumulative effects of DFV upon victims and their children, rather than only relying on an incident-based approach.

Legislation which supports and promotes course-of-conduct investigations could provide an impetus to continue this change.

However, the QPS notes a course of conduct offence that requires the prosecutor to prove a series of acts or events over time, which, considered cumulatively, become harmful, would present challenges to evidence-gathering and prosecution. The nuanced, complex and sometimes subtle behaviours that constitute coercive control may be difficult to identify by victims and police alike. Similarly, the ability to particularise such conduct into a form of evidence that triers of fact can understand and make a determination on beyond a reasonable doubt is not without challenge. The QPS argues guidance may be drawn from other offences in the Criminal Code that criminalise behavioural course of conduct, like section 229B (Maintaining a sexual relationship with a child).

In determining any new offence or amendments to existing legislation, it is important to recognise the investigative considerations and the ability for police, within the parameters of the law, to identify and gather sufficient and admissible evidence to satisfy the elements of the offence. In the prosecution of criminal offences, the prosecution is required to particularise the acts that make up the offence, so the accused is aware of, and able to respond to, the case against them. Consideration also ought to be had to any precedent which may impact the interpretation of any new or amended offence.

The QPS notes the findings in the discussion paper of how other jurisdictions have sought to address coercive control and the challenges posed in pursuing prosecutions, particularly the Tasmanian experience.

The offence provision provided in England and Wales contains a defence if an accused believes they were acting in the best interests of the complainant and the behaviour was reasonable in all the circumstances. The defence requires a combination of subjective factors (the intention and belief of the accused) and an objective standard of reasonableness. The defence is not available in relation to behaviour that causes the complainant to fear violence would be used against them. Similarly, in the Scottish offence the accused must adduce evidence sufficient to raise the defence, at which point the prosecution bears the onus of proving beyond a reasonable doubt that defence does not apply.

The impact of new offences or amendment to existing offences on the QPS is difficult to quantify. Generally, though, when complex offences are introduced, the QPS will undertake implementation activities to ensure police are aware of the changes, undertake rigorous training with respect to the new offence and update its systems such as QPRIME. The number of possible complaints is difficult to

²² *Penalties and Sentences Act 1992* (Qld) s 12A.

²³ New South Wales Government, 'Coercive control – discussion paper' (October 2020), p 25 [6.11].

estimate but will likely have a significant resourcing impact on investigators and, ultimately, the courts and potentially police prosecutors (should the offence be prosecuted in the summary jurisdiction).

As noted in the discussion paper, the impact of post-conviction supervision and a monitoring framework for serious DFV offenders would have a significant resource impact. Queensland Corrective Services is responsible for monitoring persons subject to supervision under the *Dangerous Prisoners (Sexual Offenders) Act 2003* (Qld). The QPS monitors reportable offenders under the *Child Protection (Offender Reporting and Offender Prohibition Orders) Act 2004* (Qld). This latter Act provides for the protection of the lives of children and their sexual safety, as well as requiring particular offenders who commit sexual or particular other serious offences against children to keep police informed of their whereabouts and other personal details for a period of time after their release into the community. The register is confidential, and no part is public. As well as taking enforcement action for failing to comply with reporting obligations, the QPS undertakes a range of activities to detect and prevent child sexual offending amongst reportable offenders. Activities include prioritising the highest risk offenders, conducting unannounced home visits, reviewing online and social media activities, and forensic examination of digital devices to disrupt offending. The Queensland Government committed operational funding of \$27.03 million over five years from 2018-19 and \$5.72 million per annum ongoing for the monitoring of reportable offenders.

The QPS notes the current ability of a court to make or vary a DVO against an offender when they are convicted of a domestic violence offence.²⁴ The QPS suggests the Taskforce examine whether this power is utilised by courts and whether this may serve as a mechanism, subject to the necessary legislative amendments being made, for imposing further enforceable requirements on serious DFV offenders, such as those under the English Criminal Behaviour Order system.

The QPS also suggests the Taskforce examine the extent to which the consequences of being declared a 'serial family violence offender' under the Western Australian scheme are already achieved within existing Queensland laws and whether amending current laws would be effective. For example, under the *Weapons Act 1990* (Qld), the imposition of a TPO, PPN or release conditions automatically suspends a weapons licence for the duration of the TPO or PPN, and a protection order automatically revokes the weapons licence.²⁵ The position is similar for explosives licences.²⁶ Further, adult offenders are also already subject to a presumption against bail for certain domestic violence related offences.²⁷

Discussion surrounding electronic monitoring of perpetrators of DFV and public offender registers has been ongoing for several years. Most research suggests community notification schemes have no demonstrable effect in improving public safety, can identify familial victims, can inhibit offender rehabilitation and reintegration and may increase fear in the community. With respect to electronic monitoring, separate reports by the Australian National Research Organisation for Women's Safety (ANROWS)²⁸ and the QPS²⁹ confirm GPS monitoring should only be used as one tool within a broader program of prevention strategies rather than a stand-alone solution. The research raises several relevant considerations and issues on the use of this technology and any expansion of its use should be considered within this context. Public safety and the protection of all Queenslanders is a priority of the QPS.

During Operation Sierra Alessa which targeted perpetrators with three or more current DVOs against multiple aggrieved persons, it became apparent during proactive visits to residences by police, some women were unaware of the prior serious DFV offending of their new partners. The current legal framework poses considerable impediment to officers in sharing information with at risk women in such situations. Whilst a register of serious domestic violence offenders or analogous options such as post-conviction supervision and monitoring scheme are relevant considerations in providing a potential remedy to this issue, they also require detailed and comprehensive consideration of possible implications. Issues such as potential vigilante activity, maintaining a balance between the perception of community safety, actual risk to the public and general public interest will need to be considered. As recognised in the discussion paper, the implementation of a register or post-conviction monitoring would also require a significant investment of resources.

The QPS also notes the potential for some of the options presented in the discussion paper adding to the complexity and therefore the length of court proceedings. For example, proceedings may be

²⁴ *Domestic and Family Violence Protection Act 2012* (Qld) s 42.

²⁵ *Weapons Act 1990* (Qld) ss 27A, 28A.

²⁶ *Explosives Act 1999* (Qld) ss 12B, 25A, 25B.

²⁷ *Bail Act 1980* (Qld) s 16(3)(g).

²⁸ Heather Nancarrow and Tanya Modini (2018) *Electronic Monitoring in the context of domestic and family violence: Report for the Queensland Department of Justice and Attorney-General*.

²⁹ Queensland Police Service (2019) *The Domestic and Family Violence GPS-enabled Electronic Monitoring Technology Evaluation Report*.

lengthened where the court is required to consider circumstances of aggravation. In the 2017-18 Magistrates Court Annual Report, the Chief Magistrate stated:³⁰

“...an overall increase in complexity due to recent jurisdictional changes which have seen the Magistrates Court now dealing with more serious matters. Legislative changes in the domestic and family violence and mental health areas had added additional steps and complexity in relation to those matters.”

7. THE WAY FOWARD

QPS members operate within the legislative and policy requirements and frameworks established and set by government. The rate of DFV in Queensland remains significant, notably unreported and is growing. This scourge on the community requires a collaborative and integrated effort across all sections of the community and all levels of government. The QPS is one part of a broad and multifaceted DFV response system and is often the only responding agency at the point of crisis. The situations facing police and other frontline workers can be extraordinarily complex and dangerous. The QPS would welcome any recommendation from the Taskforce which enables police to provide more immediate complex care and support to victims at the point of crisis beyond the largely current singular policing response.

Coercive control is a complex concept, and it challenges many pre-existing beliefs and attitudes in relation to DFV, such as the view that DFV only consists of physical violence. These normative beliefs need to be transformed in order to raise awareness and shift understandings about the range of behaviours that are coercive or controlling and therefore unacceptable.

Improving the understanding of what ‘coercive control’ is, will take a whole of government approach in seeking to change the attitudes, social norms and structures within society, that underpin DFV, including gender inequality. Furthermore, any potential criminal offence of ‘coercive control’ would need to be complemented by comprehensive whole of government support, broad sector consultation and front-line training.

The DFV landscape is continuously evolving and the QPS has, and will continue to provide a 24-hour, seven day per week response to all calls for service, with the aim of implementing more effective approaches and delivering better outcomes for victims of DFV and their children. In responding to and investigating the 119,876 reports of DFV in 2020/21, QPS members played a crucially important role in protecting victims and their children, as well as holding perpetrators to account. Equally, it is important to recognise the many prevention and disruption activities implemented by the QPS in partnership with DFV support services which are unable to be measured in terms of the potential lives saved and the overall harm prevented.

[end]

³⁰ Queensland Courts, *Magistrates Court of Queensland Annual Report 2017-18*, p 1.