

By Dr Jillian Stansfield

Perspective: lived experience and counsellor of those recovering from DV including coercive control

***Not all questions answered – responses on this pages are to discussion papers 1 & 2**

Response to Discussion Paper 1

Context What is 'coercive control'?

1. What other types of coercive controlling behaviours or risk factors used by perpetrators in domestic relationships might help identify coercive control?

The way perpetrators of coercive control use the family court to continue the abuse through lies and manipulation including threats of sole custody and humiliating the parent (usually the mother) who sought mental health help for post-natal depression when it was really domestic abuse.

2. What aspects of women's attempts to survive and resist abuse should be taken into account when examining coercive control

The toll it takes on women's mental health to the point they believe they are crazy and a misdiagnosis occurs enabling the abuser to further manipulate the system. I fell victim to this. I did not have post-natal depression but I was an abused woman. Those records were later used against me in family court. Mental health professionals need to be educated on the right questions to ask to ensure a misdiagnosis is not given.

Community attitudes

3. What should be done to improve understanding in the community about what 'coercive control' is and the acute danger it presents to women and to improve how people seek help or intervene?

I find in my private practice women are educated on coercive control including young women (adolescents) but young men are not aware of what coercive control is and what it looks like.

4. Are there opportunities for the media to continue to improve its reporting of domestic and family violence and for popular entertainment to tell more topical stories to increase understanding of coercive control?

Shows like "See what you made me do" with Jess Hill is helpful to educate and it also reminds women they are not alone and may identify with these stories.

5. Would a change in terminology support an increase in community awareness of coercive control?

No. Further education including in schools is needed.

6. If you are a member of a mainstream service or represent a mainstream service provider: a. What training relevant to coercive control and domestic and family violence is currently available in your industry? b. How are you currently supporting victims of coercive control and domestic and family violence? c. What is working well? d. What could be done better?

There is limited training in my field of counselling. It is either from lived experience and/or professional development courses that further education and skills are gained.

7. If you are a victim of coercive control (or have supported a victim) and you received assistance from a mainstream service: a. What worked well? b. What could have been done better?

Counsellors particularly DV counsellors were the ones who understood. Psychologists and psychiatrists only want to diagnose but don't refer to DV services. Family lawyers, I was advised to not bring up DV to the court report writer including the rape as it would go against me. How do we get justice if we're not allowed to talk about it through fear of being dismissed and not believed?

Domestic and family violence service systems response

8. What is currently being done that works well?

There are no coercive control laws, and judges in family court do not care nor are educated on coercive control.

9. What could be done to improve the capacity and capability of the service system to respond to coercive control (this includes services to victims and perpetrators)?

Judges, report writers, lawyers need to have coercive control added as a crime so that it can be taken seriously in court. They need to be educated on what it looks like. At the moment they enable coercive control.

10. What could be done to better ensure that women in regional and remote areas of Queensland have access to services with the capacity and capability to respond to coercive control?

Allow counsellors to be given the accreditation they deserve as they often have lived experience and therefore greater understanding and connections. Then more assistance can be provided even if it is virtual.

11. What could be done to better ensure perpetrators in regional and remote areas of Queensland have access to services with the capacity and capability to respond to coercive control?

Advertising and education in school as to what coercive control is and what healthy relationships look like.

12. What could be done to better ensure that perpetrators, have access to services and culturally appropriate programs with the capability to respond to coercive control whilst they are on remand or after sentencing in a correctional facility?

One suggestion is access to counsellors if you can find mental health professionals willing to help perpetrators who are often not willing to change.

13. What are the gaps in the service system that could be addressed to achieve better outcomes for victims and perpetrators of coercive control?

Provide specific services for victims as well as education in the community and in schools.

14. What service system changes would be required to support the options to legislate against coercive control? (see Part 3) Integrated service response and co-response models

Family court system needs to take coercive control seriously and be educated on what coercive control looks like.

15. What in the current integrated service response works well to enable effective responses to coercive control?

There's nothing out there- the focus is on changing the victims instead of the perpetrators.

16. What are the opportunities to improve integrated responses to victims and/or perpetrators of coercive control to achieve better outcomes?

Have judges and legislation recognise coercive control.

17. Have you had any experience with the existing integrated service responses or co-responder models operating in the Brisbane, Cairns, Cherbourg, Ipswich, Logan/Beenleigh, Mackay, Moreton and Mt Isa regions? If so: a. What worked well? b. What could be done better? c. What outcomes have been achieved?

Discussion Paper 1: Discussion Questions – Options – Coercive Control – Standalone domestic violence offence Page 4 of 14 Legislative response Domestic and Family Violence Protection Act 2012

18. What is working in the civil protection order system under the DFVP Act to protect women and children from coercive control?

Nothing is working. Coercive control is not recognised.

19. What parts of the civil protection order system under the DFVP Act could be improved to better protect women and children from coercive control? -

20. What are the advantages and/or risks of using the civil protection order system under the DFVP Act instead of using a direct criminal law responses?

It's not recognised in family court if it's not criminal and even through it's usually ignored.

21. What could be done to help the civil protection system under the DFVP Act be more effective in protecting women and children from perpetrators who coercively control them?

Coercive control and its consequences needs to be taken seriously by judges.

22. What coercive control behaviours would constitute an unacceptable risk of reoffending while on bail?

There is a high risk with any number of coercive control behaviours as these perpetrators don't change.

23. What would be the benefits and risks in only allowing courts to make decisions on bail with respect to a person charged with a domestic violence offence?

Judges don't take coercive control seriously so the risk of their decisions is high.

24. What could be done to improve the capability of police, lawyers and judicial officers to better understand coercive control behaviours so that these factors are given appropriate weight in the assessment of unacceptable risk under section 16 of the Bail Act?

Education

25. Should further training be offered to police, lawyers and judicial officers involved in bail applications about coercive control and if so, should it be mandatory where possible?

Yes

26. How could the Bail Act be amended to improve a court's ability to take into account coercive control when assessing unacceptable risk under section 16?

27. What could be done better, for example mandatory perpetrator programs, to protect the safety of women whose coercively controlling partners are given a grant of bail?

Perpetrators would definitely need re-education

The Queensland Criminal Code

28. What types of coercive control behaviours aren't currently criminalised by existing offences in the Criminal Code?

Coercion and threats eg: reporting her to welfare, making her life so hard that she tries not to cause waves. Intimidation particularly at changeovers for custody arrangements. Emotional abuse eg: humiliating her in public family court about her mental health when he caused her ill mental health, sharing personal information publicly to humiliate or cause emotional pain, gaslighting her so many times, she believes she's crazy until things unravel even up to years later and she realised how much he lied. People who use coercive control tactics enjoy it. They are not going to be easily change from their toxic ways. They get a thrill or a "high" from causing the result of using coercive control. Economic abuse- taking money from her, not sharing money after the baby is born, threatening to take the children – going to court for sole custody.

29. In what ways do the existing offences in the Criminal Code at sections 359E (Unlawful stalking) and 320A (Torture) not adequately capture coercive control?

30. How could police and prosecutors in Queensland utilise the current offences in the Criminal Code more effectively to prosecute coercive control?

They can't – they're not even educated enough on coercive control.

31. How could defence lawyers and courts better apply the existing defences and excuses in the Criminal Code in circumstances where a person's criminal offending is attributable to being a victim of coercive control?

I'm a victim of coercive control and I didn't commit any crimes. It's not a defensive. Let's focus on the perpetrators who coercively controlling because they get enjoyment out of hurting their victims.

32. How could the Criminal Code be amended to better capture coercive control?

(other than by introducing a specific offence) Admissibility of evidence about coercive control

33. How is evidence of coercive control being used in criminal proceedings currently? It's not. And if evidence is admitted, it's not taken seriously.

34. What, if any, are the non-legislative barriers to the use of this evidence?

35. How could prosecutors, defence lawyers and courts more effectively introduce evidence of coercive control under the current law?

Focus on coercive control behaviours – questioning techniques, identify it in text messages.

Police Powers under the Domestic and Family Violence Protection Act 2012

42. What are the benefits of personal service of PPNs? 43. What would be the risks of enforcing PPN immediately, even though the perpetrator is not yet aware it exists? The right to dispute it. For example the perpetrator is actually the person serving a DVO to a person who is in hiding from them. The judge doesn't read the application to realise the perpetrator is in front of them and abusing the system and orders a temporary DVO against the actual victim of abuse. The damage is already done with a temporary DVO. Judges must read the DVO to ensure it fits in the realm and that something has been committed and not "I think they're mentally ill" and it's put in by the girlfriend of the abuser.

50. Should people with a conviction for a domestic violence offence be automatically excluded from working as a police officer in Queensland? Why/Why not?

Yes! These perpetrators of coercive control find it difficult to change. They get enjoyment out of the control.

51. Should people with a history of being named as a respondent to civil domestic violence orders be excluded from working as a police officer in Queensland? Why/Why not?

No because of false allegations. It needs to be a conviction or a current DVO, not a temp.

How will legislating against coercive control encourage greater reporting of domestic and family violence including non-physical abuse?

More women will report as they will feel they are more likely to be listened to. Hopefully leading to less deaths.

57. How will legislating against coercive control improve systemic responses to domestic and family violence?

Less deaths and more justice in the family court system.

58. How will legislating against coercive control improve community awareness of domestic violence?

Legislation itself won't improve community awareness. Education is needed.

59. How will legislating against coercive control help stop perpetrators from using coercive control?

It will only stop them when they're caught.

What are the risks in legislating against coercive control? Legislation that would criminalise coercive control behaviours

64. Would requiring mainstream services (for example health and education service providers) to report domestic violence and coercive control behaviours improve the safety of women and girls?

No but having them to call up in court may be helpful.

– Should there be a time limit on when prosecutions can be brought? –

No time limitations.

What kind of relationships should be captured? – Should proof of harm to the victim or intention to harm the victim be necessary?

Yes and also shown the extent of the harm. All domestic partnership relationships included.

Response to discussion paper 2

Given under-reporting of sexual offences, do you support the Taskforce examining the barriers to reporting sexual offending against women and girls? If not, why?

Yes, I do as from my lived experience when sexual abuse in marital relationship, it's not taken seriously. I was told by my family court lawyer not to bring it up as it would go against me and the barrister said if I took it further, it is his word against mine and who's to say didn't like it and part of the sexual play in the relationship. It's these poor attitudes as to why many women don't speak up for fear of repercussions of their children because when they do speak up they are humiliated, belittled, shamed and the crime committed on them minimised. The other party's barrister took my rape out of my medical records and then proceeded to question me on details of the rape in a public family court room. The judge didn't stop the line of questioning even when I asked as it was extremely inappropriate and humiliating particularly as my father sitting front row didn't know about. I had no idea I would be talking about rape that day at the custody trial for my child. I will never talk about this rape again.

Given the role police play in investigating and charging sexual offences, do you support the Taskforce examining the police attitudes towards and decision to charge in relation to sexual offending against women and girls? If not, why?

Yes, although I believe coercive control is more traumatising than rape. More understanding is needed about the control and power used behind sexual assaults. In a relationship, where there is sexual assault, there is coercive control.

Given the role that specialist and mainstream services play, or could potentially play, in supporting victims and survivors of sexual violence offences, do you support the Taskforce examining the role and potential role of sexual violence and mainstream services? If not, why?

More mental health counsellors who have lived experience need to work with survivors of sexual assault and abuse. Psychiatrists tend to diagnose women with mental illness rather than the trauma caused at the hands of their abuse. Often, a (mis)diagnosis is then another source of power and control from their abuser like it was in my case. Male psychiatrists have a history of misdiagnosing and using an old term 'hysteria' and unable to identify or understand the trauma of coercive and control and sexual assault trauma on the mind, not just the body.

Given the role that the ODPP plays in the prosecution of sexual violence offences, do you support the Taskforce examining the role of the ODPP and their engagement with victims during the process? If not, why?

Yes. When I was at the Magistrate's court for DV, I was in the safe room. I then had to walk into the waiting room but little did I know my abuser and his friends lined both side to the entry of the court room and I had to walk through past three of them, close enough to touch and have them glaring at me. They then waited for me in the carpark. I waited with the security guard until they left over half an hour later. They then drove their car away and then back again, which the security guard often happens. When I reported it to the police they said they checked the CCTV footage in the Magistrate's waiting room but it's not clear enough to identify anyone. My abuser got away with further acts of intimidation at his own DV hearing.

Do you support the Taskforce examining alternative ways of delivering justice for victims such as through the establishment of specialised courts or through restorative justice? If not, why?

No but the family law court and the magistrate's court need to talk to each other! Abusing the mother is abusing the child, but the family law courts ignore abuse.

This is only a small portion of the injustices women have when reporting or being victims of sexual assault and coercive control. I have only touched on my own lived experiences. I'm happy to chat anytime about any aspect of these discussion papers.