



Policing
Domestic violence
in Queensland

Meeting the challenges

CRIME AND
MISCONDUCT
COMMISSION



QUEENSLAND

MARCH 2005

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CMC vision:

To be a powerful agent for protecting Queenslanders from major crime and promoting a trustworthy public sector.

CMC mission:

To combat crime and improve public sector integrity.

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Contents

Terms and abbreviations	v
Preface	vii
Summary	ix
General findings	ix
Recommendations	xi
Report overview	xii
Closing thoughts	xii
1 Introduction and methodology	1
Nature and extent of the problem	1
The role of police	3
Research objectives	4
Research methodology	4
Data sources	4
Analytical strategy	8
2 The police response to domestic violence: current literature and practice	10
The evolving response to domestic violence	10
Criminal justice response: does arrest deter domestic violence?	11
Civil legislation approach: do protection orders deter domestic violence?	14
Decision-making by victims and police	15
Overview	18
3 Current legislative provisions for domestic violence	19
Historical overview of the Queensland Act	19
Who can a protection order protect?	21
Who can apply for a protection order?	23
Criteria to be satisfied before a protection order can be made	25
Terms and duration of protection orders	27
Overview	27
4 Domestic violence in Queensland: nature of incidents and police workload	29
Trends in protection order applications	29
Rate of domestic violence incidents	31
Characteristics of domestic violence incidents	35
Police workload: a snapshot	39
Overview	43

5 Officers' decisions	44
Reasons for applying for a protection order	44
Reasons for not applying for a protection order	47
Charging the offender with an offence	48
Domestic violence history: impact on the police response	50
Overview	55
6 Officers' perceptions of role and specific challenges	56
Officers' perceptions of role	56
Widening the scope of domestic violence legislation: impact on police workload	57
Challenges for police	59
Overview	67
7 The client's perspective	69
Calling for assistance	69
Satisfaction with the police response	70
Breaches of protection orders and criminal charges	74
Overview	76
8 Future directions: moving towards best practice	77
Barriers to best practice	77
The way forward	78
Closing comments	83
Appendix 1: Consultations and interviews	85
Appendix 2: Demographic characteristics by police region	86
References	87

Terms and abbreviations

Aggrieved/victim	The term 'aggrieved' is used interchangeably with the term 'victim'. Generally 'aggrieved' is used when discussing victims who are seeking, or who already have, a domestic violence protection order against their abuser. 'Aggrieved' is the general terminology used by police.
AVO	Apprehended Violence Order (NSW)
CMC	Crime and Misconduct Commission
CRISP	Crime Reporting Information System for Police
Domestic violence	Used here to refer to physical, emotional or psychological abuse that occurs between people who are in a spousal, family, intimate or informal care relationship as defined by Queensland legislation.
DVLO	Domestic Violence Liaison Officer
IMS	Information Management System
JP	Justice of the Peace
Offender/respondent/perpetrator	Refers to the person who has committed domestic violence. 'Respondent' is the term used by the courts to refer to the person against whom a protection order is taken out, and is the general terminology used by police.
OPM	Operational Procedures Manual
OPR	Operational Performance Review
PFVO	Police Family Violence Order
Protection order	Refers to a Domestic Violence Protection Order — a civil protection order issued by the court
QPS	Queensland Police Service
SDVC	State Domestic Violence Coordinator

Preface

Domestic violence is a significant social problem that has serious consequences for individuals, their families and their communities. Police officers often provide the first official response to domestic violence and are uniquely placed to address the needs of victims and to ensure that justice is served. However, when responding to domestic violence police officers face many challenges which impact upon their overall effectiveness and efficiency. Meeting and overcoming these challenges is the focus of this report.

The significance of this issue and the opportunity to contribute to a process of reform prompted the CMC to undertake a comprehensive project examining the police response to domestic violence in Queensland. A motivating factor from the outset has been that an improved police response to domestic violence will have tangible benefits for the Queensland police service, and for the many victims, families and communities affected by domestic violence.

This report represents the culmination of an extensive research project undertaken by staff from the CMC. Research officer Kim Adams was responsible for managing the project and drafting the report. Additional officers from the Research and Prevention unit of the CMC contributed to the project in important ways, including Dennis Budz, Kelly Ede, Julie Butner, Matt Vance, Kate Foote and Derran Moss. The report was prepared for publication by the CMC Communications Unit.

The value of the findings from this project has been dependent on the interest and cooperation of many people from the Queensland Police Service. Many of the thoughts and ideas from QPS officers have shaped, in important ways, the findings and recommendations included in the report. I would especially like to acknowledge the many police officers who willingly and openly shared their experiences and insights into domestic violence, without which this project could not have been completed. In particular, special thanks are owed to Senior Sergeant Ross Patching, Sergeant Warrick Jackes, Sergeant Leslie Hamilton, Sergeant Lisa Lynch and Sergeant Maree Stephenson. Additionally, senior officials from the QPS including Commissioner Atkinson, Assistant Commissioners Ron Vincent, Kathy Rynders and Alan Honor, and Dr Anne Scott, provided support for the project at various stages, and I would like to formally thank them for their assistance.

Thanks are also owing to staff from several Domestic Violence Resource Centres across Queensland who provided valuable input to the project and contributed to our further understanding of the needs of victims of domestic violence.

Dr Paul Mazerolle
Director, Research and Prevention

Summary

Domestic violence is a serious, complex issue that affects the lives of many families in Queensland. Police often provide the first official response to a domestic violence incident, and consequently have an important role in ensuring the immediate safety of the victim and facilitating access to other services that can help stop the violence.

Since domestic violence legislation was introduced in Queensland in 1989, the number of domestic violence matters that are dealt with by police and the courts has substantially increased. In 2003, the categories of relationship encompassed by domestic violence legislation were broadened to include family, intimate personal and informal care relationships, as well as traditional spousal-type relationships. The increasing numbers and types of domestic violence incidents may affect the ability of police to provide an effective and efficient response.

The significance of this social problem and the opportunity to contribute to a process of reform prompted the Crime and Misconduct Commission to undertake a comprehensive study of the police response to domestic violence in Queensland. The project examined the challenges that confront police and identified potential strategies to improve their effectiveness and efficiency. Information from a variety of sources was collected to provide multiple perspectives of the issues, and thereby generate a more complete understanding of the current situation and potential ways forward.

Police officers from across the state participated in interviews, focus groups and surveys, and their experiences with domestic violence provided valuable information. In addition, consultation with domestic violence agencies and legal services, and a survey of victims, provided an alternative perspective of the police response. Administrative data from Queensland Police Service (QPS) databases also provided a useful source of information, making it possible to analyse the nature of domestic violence calls for service and the workload of police officers.

General findings

Domestic violence takes up a considerable amount of police officer time. On average, the time taken to deal with domestic violence incidents is substantially greater than the time taken to deal with offences involving people who are not in a domestic relationship. The majority of officers believe that the inclusion of non-spousal relationships in domestic violence legislation has substantially increased their workload and has been implemented without adequate consultation with police. However, some police acknowledge that broadening the scope of legislation has provided better options for dealing with family disputes. While spousal relationships continue to make up the majority of domestic violence incidents, the new categories of relationship (family, intimate personal, informal care) have increased the number of domestic violence jobs dealt with by police by about 20 per cent.

Officers' decisions at domestic violence incidents are influenced by situational factors such as the seriousness of injuries to the victim, the use of a weapon and the seriousness of the offence. Another important influence is that officers often believe, on the basis of prior experience, that victims do not want offenders charged or will be likely to drop charges once the situation cools down. In addition, officers indicate that the time-consuming administrative aspects of a domestic violence job are frustrating and tend to make them less willing to take action.

Officers identified a number of specific barriers to an effective police response, including managing repeat victimisation, processes involved in applying for a protection order, excessive administrative requirements, dealing with breaches, and the workload of prosecutors. Further, officers believe that the complex social and health issues involved in domestic violence mean that police can only be effective in conjunction with assistance from other community agencies.

An assessment of victims' experiences with police revealed that only half were satisfied with the police response. Many victims felt that officers did not take the matter seriously, and took too long to arrive. Victims' expectations of police and their actual experience with them seldom corresponded. In particular, even though a number of victims wanted police to arrest the offender, this did not occur, leaving them feeling unsafe despite police attendance. While a number of victims experienced physical assault that required medical attention, very few offenders were charged with any criminal offence.

Challenges for police

Given the complex and often volatile nature of domestic violence, it is not surprising that a number of challenges for police were identified during the review. Four of the most significant challenges, if addressed, could have a substantial impact on the police response to domestic violence. These were:

- a reliance on civil processes and limited investigation of potential criminal charges
- an incident-by-incident response that does not adequately manage repeat calls for service
- inefficient administrative requirements and processes involved in applying for a protection order
- the increase in the workload of specialist police dealing with domestic violence.

Reliance on civil processes

Organisational procedures and practices tend to encourage officers to rely principally on the use of protection orders as the primary response to domestic violence incidents. Less emphasis is placed on conducting thorough investigations and collecting evidence, with a view to proceeding with criminal charges where appropriate. This is reinforced by officers' beliefs that victims will not support charges against the offender nor be willing to testify in court.

Incident-by-incident response

Domestic violence frequently involves an ongoing pattern of abuse rather than a single isolated incident. A family experiencing domestic violence may be dealt with by many different officers over time. While each officer might deal appropriately with each incident, an incident-by-incident response could fall short of a complete understanding of the nature, extent and context of the events.

Inefficient administrative procedures and processes

Operational police consistently referred to their frustration with burdensome administrative procedures and databases. In addition, procedural requirements can make applying to the courts for protection orders time-consuming. Unnecessary or redundant practices can delay the provision of protection to victims, and, for the police officers, contribute to a lack of job satisfaction and frustration with domestic violence calls.

Increased police workload

Specialist domestic violence positions exist at district, regional and state levels in the QPS. Increases in the number of domestic violence calls being dealt with by police, and an extra emphasis on accountability mechanisms, have substantially increased the workload for the district and state positions. Consequently, these officers are limited in their ability to engage in the proactive and preventive aspects of their work.

Recommendations

In considering these key challenges, the Commission makes five recommendations that will help the QPS, in cooperation with other agencies and the Queensland community, to move towards a more effective response to domestic violence.

Recommendation 1

That the Queensland Police Service develop policies and procedures that specifically direct officers responding to domestic violence incidents to investigate and collect evidence with a view to proceeding with criminal charges where sufficient evidence exists.

Recommendation 2

That the Queensland Police Service implement a case management approach that incorporates strategies to address chronic repeat calls for service for domestic violence.

Recommendation 3

That the Queensland Police Service undertake a comprehensive review to fully consider the merits of police-issued protection orders. The review should have particular regard to ensuring that legal mechanisms allowing a protection order to be contested, amended or revoked are in place.

Recommendation 4

That the Queensland Police Service review the role and function of the State Domestic Violence Coordinator. The review should also consider the level of the position to ensure that the rank of the State Coordinator is commensurate with the position's responsibilities.

Recommendation 5

That the Queensland Police Service review the role and function of Regional Domestic Violence Coordinators.

Report overview

This report is divided into eight chapters. **Chapter 1** provides the rationale for undertaking this research project and describes the methodology used by the research team.

Chapter 2 describes how the police response to domestic violence has changed over time and briefly reviews the research literature on the effectiveness of protection orders and arrest in deterring domestic violence.

Chapter 3 provides an overview of a number of key provisions included in legislation governing domestic violence in Queensland and identifies similarities and differences to legislation from other Australasian jurisdictions.

Chapter 4 presents quantitative data on the number of calls for service received by police and the impact that these calls have on officer workload. Characteristics of the incidents and the action taken by officers in response to domestic violence is examined in detail.

Chapter 5 examines the factors affecting officers' decisions to proceed with criminal charges or apply for a protection order in response to a domestic violence incident. In addition, this section explores how the history of violence in a family impacts on the response of officers.

Chapter 6 explores how police officers perceive their role in relation to domestic violence and discusses a number of specific challenges that police identify as barriers to the provision of an effective and efficient police response.

Chapter 7 examines victims' experiences with police and explores the reasons victims may be dissatisfied with how police dealt with their situations.

Finally, **Chapter 8** summarises the key challenges for police and provides recommendations to assist the QPS deliver an effective and efficient response to domestic violence.

Closing thoughts

Domestic violence is a significant social problem that has serious consequences for individuals, their families and their communities. Despite a range of challenges, police organisations are uniquely placed to respond to domestic violence incidents. Police are often the first line of response for victims, and their actions can affect future victimisation risks.

This assessment provides a comprehensive picture of the police response to domestic violence in Queensland. The aim of the recommendations is to improve the effectiveness and efficiency of the police response. While the overall aim of this project was to understand the response of police to domestic violence, and to identify areas for reform, an ongoing commitment by the QPS, government and non-government agencies and the public of Queensland will ultimately result in improvements for victims of domestic violence.

1

Introduction and methodology

This report examines how Queensland police, as part of the criminal justice system, respond to domestic violence. By gaining a detailed understanding of these issues, the Queensland Police Service (QPS) will be better equipped to provide the most professional and effective service to the community. While responding to domestic violence often involves many agencies, this research project focuses on specific issues associated with how police attend to, process, feel about, and react to, incidents of domestic violence.

Nature and extent of the problem

Domestic violence is a significant social problem in Australia. As with many personal crimes, domestic violence is believed to be significantly under-reported (Carcach & James 1998). For example, the national Women's Safety Survey conducted by the Australian Bureau of Statistics (1996) found that only 20 per cent of women who had experienced violence called police for assistance. Similarly, the Crime and Safety Survey (ABS 2002) found that only 31 per cent of assault victims and 20 per cent of sexual assault victims reported the crime to police. Therefore any statistics regarding the prevalence of domestic violence can be assumed to underestimate the problem.

Nonetheless, the national Women's Safety Survey (ABS 1996) found that 23 per cent of women who had ever been married or in a de facto relationship had experienced violence in that relationship and that 2.6 per cent of these women had experienced violence by their current partner in the previous 12 months. Women aged from 18 to 24 years old were at greater risk of violence than older women (ABS 1996), as were Indigenous women and women in remote and regional areas (Carrington & Phillips 2003).

The consequences of such a widespread social problem are varied, ranging from the emotional, psychological and physical costs to the individual and their family members, through to social and economic costs to society (Laing & Bobic 2002). The ABS Women's Safety Survey found that 38 per cent of women who reported current abuse also reported that children had witnessed the event. Children who witness domestic violence can experience a range of emotional and behavioural problems including poor school performance, post-traumatic stress and adult criminal behaviour (Lehmann & Rabenstein 2002).

The provision of services in response to domestic violence (e.g. police attendance, court time, accommodation in emergency shelters, and counselling for victims or perpetrators) results in direct financial costs.¹ The direct costs to police can be substantial. For example, the NSW Ombudsman (1999) found that more resources

¹ A comprehensive analysis of the economic costs of domestic violence is beyond the scope of the current review. A recent analysis by Laing & Bobic (2002) provides an excellent resource.

are utilised by police in responding to domestic violence incidents than any other reported crime. In 1995, an internal review conducted by the Queensland Police Service found that the average time to complete a domestic violence call was between two and four hours (QPS 1995a). Considering that two officers usually respond to a domestic violence call, up to eight hours of police time is required to attend to the average domestic complaint. Similarly, a more recent study by Dale Murray (2002) documented the time and resources expended on the average domestic violence incident. On average, officers estimated that it took 3.45 hours to make an application for a protection order for an aggrieved person and an average of two visits to serve the respondent with the order.

Over the past 13 years, the number of applications to the courts in Queensland for protection orders has increased more than five-fold — from about 3000 in 1989–90 to more than 16 000 in 2002–03. The growing number of applications is reflected in the number of protection orders being issued by the court. Correspondingly, the substantial increase in the number of protection orders being issued by the courts is reflected in the boost in the number of reported breaches of protection orders being dealt with by police.²

Demands on the system may be further exacerbated by recent changes to domestic violence legislation, which broadens the scope of the type of relationship that is defined as ‘domestic’. Traditional spousal relationships continue to be covered by the Act but now intimate personal relationships, family relationships and informal care relationships must also be dealt with by way of domestic violence legislation.³

Domestic homicides

At its most serious, domestic violence can result in the death of the victim. Data relating to homicides have been collected in Australia since 1989 through the National Homicide Monitoring Program (NHMP). The NHMP collects comprehensive information from police reports of homicide in all states and territories to allow a description of circumstances surrounding the incident, the victim (e.g. socio-demographic information, cause of death, type of weapon), and the perpetrator (e.g. socio-demographic information, previous criminal history, mental health status, and relationship to the victim).

An analysis of the relationship between homicide and domestic violence revealed that 40 per cent of all homicides in Australia between 1989 and 2002 were the result of domestic violence (Mouzos & Rushforth 2003). In a previous analysis by Mouzos (2002) using data collected during 2000–01, it was found that 22 per cent of homicides were recorded as being between intimate partners, with a further 11 per cent of homicides occurring between family members. Queensland statistics are consistent with the national figures, with 22 per cent of homicides occurring during 2000–01 recorded as being between intimates, and a further 16 per cent between family members. That is, 38 per cent of homicides involved a domestic relationship as defined under current Queensland domestic violence legislation.

In Queensland during 2000–01, the underlying alleged motive for 45 per cent of female homicides was ‘domestic’ (Mouzos 2002). In comparison, ‘domestic’ was the underlying motive in only 12.5 per cent of homicides where a male was the victim. This is consistent with trends indicating that male homicide is more likely to be the result of an altercation between unrelated males.

² The increasing number of domestic violence cases being processed by the criminal justice system is documented in more detail in Chapter 4 of this report.

³ A detailed definition of these new relationships is provided in Chapter 3 of this report.

A number of studies have shown that victims are at greatest risk of being killed by their partner when they leave or attempt to leave the relationship, particularly during the first two months following the separation (Abrams, Belknap & Melton 2001). When a homicide occurs after the initial separation period it may be in response to some occurrence that represents the finality of the relationship, or represents the final loss of control over the victim's behaviour.

The NHMP also records, where possible, whether the offender had a prior history of domestic violence. Nationwide, during 2000–01, 10 per cent of homicide offenders had a previous history of domestic violence, with about another 3 per cent of offenders having been served with a protection order (Mouzos 2002). In other words, in 13 per cent of homicides, the violent nature of the relationship had been brought to the attention of the criminal justice system before the death of the victim.

In Queensland, from 1994 to 1997, 27 per cent of female victims of an unlawful killing had a current protection order against the person who killed them (cited in Douglas & Godden 2002). The international situation also highlights that in many instances there is a history of domestic violence that has been brought to the attention of police before the escalation to homicide. For example, in San Diego during 1986 approximately 30 per cent of homicides were domestic-related and police had contact with the couple about five times before the homicide (Gwinn & O'Dell n.d.). Similarly, Easteal (1993) found that police had prior interactions with the couple in at least 25 per cent of domestic homicide cases.

In an effort to prevent domestic violence homicides, many districts in the United States have established Fatality Review Boards (Taylor 2002). Each domestic homicide undergoes detailed study by the Fatality Review Board to identify gaps in the response of all agencies involved. The collection of comprehensive data allows patterns or issues to be identified, which may instigate changes to policies or procedures used by agencies.

Family violence in Indigenous communities

Research suggests that domestic violence is up to 45 times higher in the Indigenous population than in the non-Indigenous population (Ferrante et al. 1996). Often the violence involves weapons and serious injury (Bolger 1991). The serious nature of domestic violence in Indigenous communities is reflected in the high domestic homicide rate for Indigenous peoples. Mouzos (2001) found that 61 per cent of Indigenous homicides occurred between family members, with 38 per cent involving intimate relationships and 23 per cent involving other family relationships.

The role of police

Police are the first response to a call for assistance at the scene of violence, and their decisions determine whether the matter enters the criminal justice system. In this way, they act as gatekeepers; consequently, police officers can influence the outcomes for those involved in domestic violence. Therefore, it is essential that police provide a service that is consistent with leading Australian and international research and practice.

Domestic violence, by definition, occurs between people in an ongoing relationship where it is likely that there will be frequent contact between the parties. Consequently, repeat victimisation is likely to occur, generating repeat calls for service. The problem of repeat calls to domestic violence incidents was identified by Breedlove et al. (1977), who found that police had attended 85 per cent of serious domestic assaults at least one other time in the preceding two

years. In half of all domestic violence incidents, the police had been called to the same address at least five times. Hanmer, Griffiths & Jerwood (1999) asserted that 'domestic violence is the most repeated of all incidents requiring police action' and thus it is a matter that requires sustained and focused attention by police.

Research objectives

This project seeks to answer two primary questions:

- What is the current police response to domestic violence in Queensland?
- How can the current response to domestic violence be improved?

Specifically, the first question will explore the barriers and facilitating factors that contribute to the ability of police to deal effectively and efficiently with domestic violence incidents. There are various ways in which effectiveness can be measured, and the definition of an effective response may be quite different for each of the stakeholders, as they may have diverse and sometimes competing priorities that influence their expectations of the police response to domestic violence.

In an attempt to answer the second question, a number of possible ways forward will be identified; these will be developed through an increased understanding of the challenges for police and the needs of different stakeholders.

Research methodology

This research project brings together information from a range of different sources to provide a comprehensive picture of the police response to domestic violence in Queensland. The research approach used qualitative and quantitative information gathered from police and other stakeholders to establish a multidimensional perspective.

Data collection occurred at the state level in some cases, while other data were sourced from selected police districts in order to allow in-depth exploration of issues. Sites were specifically chosen to reflect metropolitan, regional and remote locations to ensure representation of the problems across differing contexts.

An important and particularly useful aspect of the methodology employed during the study was the ability to re-engage a number of the key stakeholders after initial analysis of the data. This provided an opportunity to test assumptions and conclusions and to refine ideas and recommendations.

Data sources

An extensive review of international and national research and evaluation literature was conducted to provide an informed basis for the development of data collection instruments, and an understanding of the issues and innovations occurring in other jurisdictions. In addition, a diverse range of primary data sources were utilised. These included administrative data, focus groups, interviews and surveys.

Administrative data

There are various official sources of information on domestic violence. Specific information on domestic violence dealt with by the police can be drawn from calls for service databases and the DV Index (see next section). The Department of Communities collects information on all domestic violence protection order applications that are processed by the magistrate courts of Queensland.

DV Index

All domestic violence jobs that police attend must be entered onto a police database called the DV Index. The DV Index, which replaced the QPS Domestic Violence Index, was launched in March 2003 just before amendments to domestic violence legislation came into effect. It records details of all:

- domestic violence incidents
- incidents initially classified as a domestic violence incident whether or not they are confirmed as such
- domestic violence orders made under the *Domestic and Family Violence Protection Act 1989* by police and private applications
- interstate orders registered in Queensland (QPS 2003).

The DV Index links all information regarding one couple. That is, once a couple have been dealt with by police and entered into the index, any subsequent attendance by police is added to the initial entry, thereby allowing a history of police attendance to be produced. Analysis of the DV Index allows examination of information such as the type of relationship, Indigenous status of victim and perpetrator, the day and time of incidents, and the action police took at the incident.⁴ For the purposes of this project, the analysis of DV Index data spans the period 1 April to 30 September 2003.

Police calls for service

In most centres, calls for police assistance are logged into a computer database and police are dispatched to the address. Data collected allow examination of the type of incident reported to police, the time of incident, the verified nature of the call, time taken for officers to attend, and time spent by officers at the incident. Analysis was undertaken of all calls for service data from two police districts: Gold Coast District and Redcliffe District, from 1 April to 30 September 2003. A total of 28 814 calls for service were available for analysis from the Gold Coast and 23 438 were available from Redcliffe.

Court statistics

All applications for domestic violence protection orders are dealt with by the Magistrates Courts of Queensland. The Department of Communities has collated information relating to protection order applications from the initial implementation of domestic violence legislation in Queensland in 1989. These data provide a description of the number, type and outcome of protection order applications over the past 15 years.

Focus groups

During the initial phase of the project, several exploratory focus groups were convened with police officers, to identify the challenges they face when attending domestic situations. The information gathered through these initial focus groups assisted in the development of a semi-structured interview framework that was used in a number of sample sites across the state. Focus groups were also used to trial a draft survey to ensure the questions and response options provided were meaningful for police and would elicit reliable and interpretable data.

⁴ At the beginning of March 2004 a new version of the DV Index was released and provides data fields for officers to record whether children were present at the incident, the number of children present, and whether there was any referral made in relation to the children. In addition, a new screen has been added which is designed to track the location of summonses, temporary protection orders and protection order for service, and also to document the estimated time of serving the order.

After assembling these preliminary focus groups, 10 further focus groups were formed, involving operational police from the ranks of constable, senior constable and sergeant. Sites for the focus groups were chosen to reflect metropolitan, regional and remote locations to ensure representation of the problems across differing contexts. CMC research officers travelled to each of the following sites to conduct focus groups with police officers: Gold Coast, Toowoomba, Brisbane, Mount Isa, Cairns, Mareeba, Townsville and Maroochydore. The sessions were semi-structured but group members were free to raise and discuss additional issues. Some of the issues for discussion included the time officers spent attending domestic violence calls, the impact of changes to domestic violence legislation, decision-making, the role of police, and potential improvements to their response to domestic violence.

Interview data

Data were drawn from semi-structured interviews with police and individuals from a range of stakeholder groups.

Police

Semi-structured interviews were conducted with more than 40 police personnel, including Assistant Commissioners, the State Domestic Violence Coordinator, Regional Domestic Violence Coordinators, District Domestic Violence Liaison Officers, Officers in Charge of stations, and police prosecutors. A number of discussions were also held with police officers from other Australian police services. The specific questions and topics of discussion varied slightly according to the interviewee's role in the organisation. For example, police officers in senior management positions were asked questions about the strategic response to domestic violence and the specific challenges for managing the policing of domestic violence. Domestic Violence Liaison Officers were asked a number of questions about their role and workload, and police prosecutors were asked a number of questions about their representation of victims in court.

Domestic violence and women's legal services

Consultation and interviews with a number of domestic violence agencies and women's legal services were conducted either in person during site visits or by telephone. A full list of organisations contacted is provided in Appendix 1. The purpose of these meetings was to gain an understanding of the perspective of those who support victims in domestic violence cases and, in particular, how these agencies are working with police and how they believe police could respond more effectively. The interviews and meetings were semi-structured and focused on encouraging participants to raise relevant issues.

Magistrates

Another important stakeholder group consists of magistrates who hear applications for protection orders and preside over other criminal charges that may be associated with domestic violence incidents. Because of their unique status in responding to domestic violence, magistrates were asked their opinion on a range of domestic violence issues as well as their views of other parties to domestic violence, including police officers, domestic violence workers and victims. Six magistrates from several regional and metropolitan court jurisdictions were interviewed.

Surveys

Police

A survey was developed by the research team to explore a number of aspects of police officers' involvement in domestic violence calls for service.⁵ The items in the survey were constructed from issues raised during focus group discussions and from items adapted from previous research studies. The survey examined general aspects of the police response to domestic violence, as well as perceptions of domestic violence, factors influencing decision-making at an incident, factors associated with a decision to proceed with criminal charges,⁶ and their opinion of the amendments to domestic violence legislation.

The survey was distributed by QPS internal mail on 7 July 2003 to a random sample across the state of 900 operational police officers at the rank of constable, senior constable and sergeant. The response rate was 50 per cent, providing 450 completed surveys for analysis. A breakdown of the demographic characteristics of the sample is provided in Table 1.1 below. A breakdown of demographic characteristics by police region can be found in Appendix 2.

About 25 per cent of all survey participants were female, which is slightly higher than the proportion of female officers in the QPS as a whole.⁷ More than 50 per cent of participants were between 26 and 35 years old, which is consistent with the expected age of officers in these ranks.

Table 1.1: QPS officer survey: demographic characteristics (n = 450)

VARIABLES		% (n)
Gender	Male	75 (337)
	Female	25 (111)
Age group	21–25	11 (50)
	26–30	31 (140)
	31–35	22 (99)
	36–40	16 (70)
	41+	20 (90)
Rank	Constable	61 (276)
	Senior constable	25 (113)
	Sergeant	13 (58)
QPS tenure	<1 year	10 (47)
	1–2 years	12.9 (58)
	3–5 years	32 (143)
	5–10 years	17 (78)
	>10 years	28 (124)

Note: Totals for each variable may not add to 450 due to missing data.

⁵ A copy of the survey can be obtained by contacting the CMC.

⁶ The items used were adapted from a survey by Dolon, Hendricks and Meagher (1986) which examined factors that influenced a police officer's decision to arrest in domestic violence situations.

⁷ The average proportion of females in the QPS in the ranks of constable to sergeant is 23% (QPS 2003).

The majority of officers who responded to the survey were at the rank of constable (61%), 25 per cent were senior constables and the remainder were at sergeant level. The high proportion of constables reasonably reflects our target group, as it was specified that only operational or general duties police were to be included in the sample. Nearly all constables would be in operational positions, while more senior officers such as senior constables and sergeants could be in non-operational roles.

Victims of domestic violence

Information from victims of domestic violence was also included. Due to safety concerns and privacy obligations, it was thought that the most appropriate way to incorporate their experiences into the project was to ask domestic violence agencies to facilitate access. Seventeen domestic violence services and community legal agencies, in regional, remote and metropolitan locations, assisted in the distribution of surveys to clients who had been the victim of domestic violence in the previous 12 months. Each agency was provided with 30 surveys and reply paid envelopes and given four weeks to return completed surveys to the CMC. In total, only 53 completed surveys were returned. The response rate, while low, is understandable and it is recognised that the information is likely to be very limited in its representativeness.

Most survey participants were female (one male participant) and on average were 38 years old, though this ranged from 20 to 61 years old. Almost 70 per cent of the sample identified as Caucasian, 19 per cent as Aboriginal, 7 per cent as having a non-English speaking background (NESB) and 4 per cent as Torres Strait Islander. Two people (5.6%) indicated that they had a physical impairment. Most had some secondary education and 16.7 per cent had some further vocational or tertiary education.

About one-third (35.8%) of the participants indicated a primary role of home duties and a further 20.8 per cent were on a pension. Most participants had children, with only 15 per cent of the participants not having any children. The length of current or previous relationships varied greatly among participants, ranging from one year to 42 years, with the majority of participants currently separated (52.8%).

In nearly all cases the perpetrator was either a previous de facto partner (49%) or a current partner (35.3%), with the remainder of perpetrators being from a previous dating relationship (9.8%) or another relative (5.9%). Almost half of the perpetrators (48.1%) were in full-time employment and 23.1 per cent were unemployed. Only one person indicated that the perpetrator of domestic violence was female.

Analytical strategy

Descriptive statistics were used to examine the administrative data (i.e. DV Index, Calls for Service) to provide a detailed picture of the number and type of domestic violence jobs police attend and also the nature of the police response to these calls. These data are presented at the state level and, where appropriate, at regional level. Administrative data were also converted into a rate per 100 000 population or a rate per police officer numbers to allow for more meaningful comparisons.

Survey data were first examined through the use of descriptive statistics to provide an analysis of the frequency of responses. Statistical comparisons between responses of police officers from different regions, age groups, gender or rank were conducted on measures of particular interest. Chi-square tests were used

for nominal data and independent t-tests or analysis of variance (ANOVA) was used for interval data. Due to the small number of completed victim surveys, only frequency of responses was reported.

Qualitative data from interviews, focus groups and surveys were reviewed and general themes and ideas were extracted. These ideas were linked to the results of the surveys to develop a better understanding of the issues.

2

The police response to domestic violence: current literature and practice

Over the past 20 years an increased amount of attention has been focused on the role of police in intervening and preventing domestic violence. Police officers are an important first-line response to incidents of domestic violence and in this way act as gatekeepers in determining when and how victims and perpetrators become involved in the criminal justice system. Consequently, it is critical that their response to a call is based on best-practice methods with a primary objective of assuring the safety of the victim.

This chapter provides a brief overview of the evolution of the police response to domestic violence. In Queensland, as with all other jurisdictions in Australia, the police are able to respond to a domestic incident using civil and/or criminal legislation. The effectiveness of applying a criminal response to domestic violence has been the subject of extensive research in the United States. Following an examination of the criminal code approach, this chapter provides information on the current use of civil procedures to respond to domestic violence. Finally, it reviews the influences on victims' willingness to report domestic violence to police and the factors influencing the decisions of police officers who respond to calls for assistance at domestic violence incidents.

The evolving response to domestic violence

Historically, a patriarchal legal system has provided few legal rights for women and afforded little protection, if any, from abuse that occurred within the confines of the private home (Fagan 1996; Feder 1998). Societal change during the 1960s and 1970s brought the issues of child abuse and domestic violence to the forefront of social problems in the United States, leading to the introduction of a range of counselling services, hotlines and shelters. However, the police response was still seen by many as inadequate and ineffective. Police training primarily focused on crisis intervention and referral, while conspicuously ignoring the use of criminal law to deal with the problem. Consequently, dealing with domestic violence was perceived by many officers as social work — not real policing.

Spouse abuse was viewed by the police and the courts as an intractable interpersonal conflict unsuited for police attention and inappropriate for prosecution and substantive punishment (Fagan 1996).

In the late 1970s and early 1980s the convergence of several factors helped push domestic violence from being a private and hidden matter to an issue that was more prominent in public consciousness. First, feminist lobbying and victim advocacy groups demanded that violence in the home be dealt with seriously and through the use of criminal sanctions (Robinson & Chandek 2000a). Consequently, police were forced to take a more active role in dealing with domestic violence due to the rising acknowledgment of the level of domestic violence in the

community and changes in legislation which allowed them to make warrantless arrests for domestic assaults that they had not witnessed (Sherman 1992).

Second, a number of civil court cases found police departments liable for their failure to provide adequate protection for domestic violence victims [e.g. *Bruno v. Codd* (1974), *Scott v. Hart* (1976), *Thurman v. City of Torrington* (1984),⁸ cited in Robinson & Chandek 2000a]. More recently (June 2002) the Sonoma County Sheriff's Department paid a million-dollar settlement to the family of Maria Macias, a domestic violence victim who was murdered by her husband, despite having made repeated reports to the Sheriff's Department about her husband's sexual assaults, obsessive stalking, repeated death threats and repeated violations of restraining orders (Women's Justice Center 2002).

Third, the outcome of research conducted during the early 1980s suggested that arrest was an effective means of deterring future abusive incidents. Consequently, pressure was placed on police to arrest, charge and prosecute domestic violence offenders (Sherman & Berk 1984).

Fourth, legislative changes expanded the definition of domestic violence to include de facto relationships and same-sex couples and provide provisions for emergency protection orders and mandatory treatment for abusers (Fagan 1996).

During this same period, Australian states and territories were also exploring the problem of domestic violence, the need for legal reform to improve the effectiveness of criminal law to deal with violence that had occurred in the home, and legal reform to provide protection from future violence (Laing 2002).

Criminal justice response: does arrest deter domestic violence?

The reforms generated in response to the changing attitude to domestic violence in the United States essentially sought to criminalise domestic violence by imposing the same restrictions on violence in the home as on violence that occurs in public space (Holder 2001). Criminalisation of domestic violence serves several purposes. First, it is symbolic in that it identifies domestic violence as unacceptable in modern society. Second, it may provide some general deterrence to community members as a whole, and third, it may provide specific deterrence and punishment to the individual offender (Hoyle & Sanders 2000, p 14).

Overall, the findings of research into the effectiveness of using criminal processes (arrest and prosecution) to respond to domestic violence recidivism are mixed, with several studies finding significant deterrent effects associated with arrest, while other research has found arrest to be associated with increased rates of reoffending (e.g. see Garner & Maxwell 2000).

Support for the use of criminal law in responding to domestic violence was provided by a landmark study examining the deterrent effect of arrest. The Minneapolis Domestic Violence Experiment conducted by Sherman and Berk in the early 1980s indicated that arrest was the most effective of three policing response options — arrest, attempting counselling of both parties, or sending the suspect away for several hours (Sherman & Berk 1984). Their findings were used to instigate mandatory arrest policies in 16 states and a general recommendation for a pro-arrest stance by police until further replication studies were completed.

⁸ The Connecticut Police Department was required to pay Tracy Thurman \$2.6 million in damages for its failure to protect her from her abusive husband.

Five additional experimental studies examining the deterrent effects of arrest on domestic violence were conducted. The conclusions from these studies are mixed (see Maxwell, Garner & Fagan [2002] for an overview of the findings). Several of the studies found significant deterrent effects associated with arrest, while others found that arrest was associated with increased rates of reoffending in certain population groups. In particular, arrest was more likely to be an effective deterrent for white, employed males in contrast to black, unemployed males with a criminal history. People within this latter group were more likely to reoffend after arrest. These findings suggest that legal control of domestic violence works most effectively when it is combined with other social control mechanisms. Factors such as marital status and employment reflect measures of 'stake in conformity' which operate as informal social controls that can support legal sanctions or equally undermine legal sanctions (Sherman 1992). Abusers who are employed and/or married have a greater desire to conform to societal controls and thus arrest has a greater deterrent effect. Ultimately, it seems that, for formal legal controls to deter, they must be reinforced by informal social controls and processes.

The police arrest studies also found disagreement between deterrence effects depending on how revictimisation was measured (Maxwell, Garner & Fagan 2002). Specifically, police records might not reflect revictimisation due to some victims not reporting previous instances of abuse. Therefore, higher rates of revictimisation might be found if victim reports were used rather than official records of reported abuse. In addition, there were different outcomes for short-term versus long-term re-offence rates. A confounding variable in the arrest studies was that once arrested there was no consistent prosecution of abusers, with many receiving only a few hours in jail. Thus any deterrent effect of police action (arrest) could be thwarted by inaction at the prosecutorial and judicial level if it failed to provide substantive punishment.

Unfortunately, these types of studies, as important as they are, do have some limitations. One of the deficits of the studies is that the experimental design does not provide an adequate explanation of the process leading to deterrence. For some offenders it might be the initial impact of the arrest, for others it might be the related informal social costs, and for others it might be the procedures associated with prosecution and court processes.

More recently, Garner and Maxwell (2000) reviewed the design implementation and results of the police arrest studies and conducted a re-analysis of the data. Their conclusion was that arrest had a modest effect on reoffending. However, factors such as the perpetrator's age and prior criminal history were much more strongly correlated with reoffending than was arrest.

Although the arrest studies do not support a firm conclusion that arrest provides an effective deterrent to domestic violence in all cases, a pro-arrest/mandatory arrest policy for misdemeanour domestic violence cases has been adopted by 84 per cent of police departments in the United States (Robinson & Chandek 2000a).

Some social justice workers and academics are opposed to mandatory arrest policies and prosecution that proceeds against the wishes of the victim (Mills 2003). The arguments for this view vary, but in the main include the following:

- Recent published research contradicts the effectiveness of pro-arrest policies.
- Research tends to support the importance of allowing victims to have a say in the outcome of their case (e.g. Berliner 2003; Hickman & Simpson 2003).
- There is concern that no-drop prosecution policies actually place victims at increased risk of violence (Ford 2003).

In addition, there are a number of general challenges associated with an approach to domestic violence that relies heavily on criminal charges. Criminal charges are largely reactive, with punishment occurring in response to abuse that has already occurred. Also, only behaviour which is defined as 'a crime' under legislation and can be proven beyond reasonable doubt can be dealt with in this way. This may be difficult as in many cases domestic violence occurs behind closed doors where there are rarely witnesses, resulting in a situation where it becomes one person's word against another. Consequently, the Criminal Code is useful only in cases where physical abuse has already occurred, the incident has been witnessed by others, or the abuse has caused injury and provides evidence.

Even if these criteria can be met, criminal proceedings can be long, drawn-out processes that do not offer immediate protection from abuse and can further extend the victim's pain and trauma. Therefore, victims are often reluctant to bring criminal charges against family members. Particularly in the case of spousal relationships, women are often unwilling to take criminal action because their partner may be the financial provider in the relationship and the father of children. Additionally, research has established that some women are reluctant to participate in bringing criminal charges for fear of retaliation from the perpetrator (Douglas & Godden 2002; Hart 1996, cited in Carlson, Harris & Holden 1999).

Australian trends

While the legal reforms of the late 1980s and 1990s have strengthened police powers to deal with domestic violence, the trend towards a criminal approach based on pro-arrest policies has only recently begun to influence operational policing in Australia. By and large, Australian jurisdictions continue to rely on a civil approach to domestic violence. However, the increasing rates of domestic violence reported to police, and the subsequent increase in the proportion of police time spent dealing with domestic violence calls for service, are forcing police and other agencies to re-examine their policies and methods of reacting to domestic violence.

In general, Australian police agencies have adopted policies that promote arrest as the primary intervention where there is a belief on reasonable grounds that an offence has been committed. To this end, the slogan adopted by the Queensland Police Service is 'Domestic Violence is Still a Crime'. Whether domestic violence is treated as a crime in reality remains a contentious issue, with criticism of police handling of domestic incidents continuing to be made by victim advocates and researchers.

Douglas and Godden (2002), for example, conducted an in-depth review of 694 files involving applications for domestic violence protection orders brought before the Brisbane Magistrates Court in 2001. Only seven of these files were flagged as having the possibility for pursuing criminal charges, and actual charges were laid in only three cases. At first glance this suggests that very few domestic violence cases include behaviour that could have criminal consequences. However, examination of the circumstances of each of the applications revealed that almost 70 per cent of cases involved activity that could be prosecuted under the Queensland Criminal Code. In addition, 126 of the 694 files related to a breach of the protection order, with only 5 per cent of breaches resulting in prosecution. Domestic violence workers who were interviewed during that study believed that police did not lay charges because of a view that domestic violence was not a crime — either through lack of evidence or because they saw victims as unwilling to assist prosecution.

Civil legislation approach: do protection orders deter domestic violence?

Civil legislation governing domestic violence was introduced in Queensland in 1989. A detailed discussion of the *Domestic and Family Violence Protection Act 1989* is provided in Chapter 3. Civil legislation requires a lower level of proof (balance of probabilities) compared to criminal legislation (beyond reasonable doubt) and is aimed at providing protection from future acts of violence rather than punishing behaviour which has already occurred.

In Queensland, this protection is provided by a domestic violence protection order which can be sought by the aggrieved person (victim), a police officer or a person who has been authorised by the aggrieved. A protection order is granted if the court believes that domestic violence has occurred and is likely to occur again. The protection order contains conditions that must be adhered to by the respondent (offender) for a specified time period. There are standard conditions contained in all protection orders that state that the respondent must be of good behaviour and must not commit acts of domestic violence or associated domestic violence towards the aggrieved or other persons named in the order. Other conditions imposed by the court (such as 'must not come within 100 m of the aggrieved') can also be defined in the order. A breach, or failure to adhere to these conditions, is a criminal offence which may result in a fine or term of imprisonment.

In general, research provides mixed evidence of the effectiveness of protection orders. For example, Trimboli and Bonney (1997) conducted an evaluation of the New South Wales Apprehended Violence Order (AVO)⁹ scheme to determine whether protection orders reduced the level of violence, abuse and harassment experienced by the aggrieved person. Interviews were conducted with the aggrieved person at several time points: when the order was granted, and one month, three months and six months after the orders were served on the respondent. They found that, for the majority of victims, the violence, abuse and harassment decreased after an AVO was issued, with more than 90 per cent of victims reporting that the AVO had been beneficial and that they felt safer. Similarly, 90 per cent of victims indicated that they would apply for an AVO if they found themselves in similar circumstances in the future. Most of the participants (62–85%) in the study were satisfied with the service they had received from the police. These results suggest that protection orders can be effective, at least from the perspective of victims. However, Trimboli and Bonney also found that 78 per cent of respondents breached their AVO, and of these breaches only 36 per cent were reported to the police. Police took action in response to only 27 per cent of these reported breaches. This suggests that protection orders are ineffective at bringing offenders to account for their actions or for deterring future violence.

In another study, Harrell, Smith and Newmark (1993, cited in Fagan 1996) interviewed 300 women one year after they obtained a protection order against their violent partner. Approximately 60 per cent of women had suffered some form of abuse at least once during the one-year period. Property damage was most commonly reported (43%) and 29 per cent of these women indicated that they had experienced severe violence.

⁹ An AVO is similar to the Queensland protection order

Carlson, Harris and Holden (1999) assessed the effectiveness of protection orders over a longer follow-up period (two years), using both court and police data. Of the 210 women in their sample, 68 per cent had experienced physical abuse during the two years before gaining a protection order. Two years after gaining a protection order, only 23 per cent of the sample of women had experienced physical abuse.

In summary, whether a protection order can be considered successful appears to be a function of the outcome measures used — victims' perceptions of safety or repeat victimisation. While having a protection order may make victims feel safer, it may have limited ability to deter further violence. This limited effectiveness may be associated with the inability or unwillingness of police to take action when a protection order is breached.

Decision-making by victims and police

Victims and police officers make crucial decisions that influence the outcome for victims of domestic violence. To begin with, only a small proportion of all domestic violence offences are reported to police, as victims are often reluctant to involve outside agencies in what they believe is a private matter. Once police have become involved there may still be reluctance to cooperate due to dissatisfaction with how police have handled the matter, or due to fear of retaliation from their abuser. Police officers make decisions on how they will respond to domestic violence and these decisions can be affected by personal attitudes, organisational culture or situational variables.

Reporting domestic violence to police

The private and often hidden nature of domestic violence makes it one of the most under-reported crimes, with estimates of reporting ranging from only 2 to 52 per cent (Wolf et al. 2003). Even when victims do call the police for assistance, their decision is often one of ambivalence and reluctance to proceed with further action against their partner. This section provides an overview of research that explores why victims often do not call for police assistance and why they are often unwilling to participate in further legal action.

A number of studies have examined what characteristics of the situation influence the willingness of victims to participate in the criminal process and bring charges against the perpetrator. For example, Wolf et al. (2003) conducted a series of focus groups with women accessing social service agencies in the United States with the aim of identifying victims' perceived barriers to calling police for help. Three general types of barrier were identified for victims: the victim's personal circumstances (e.g. economic dependence, embarrassment, psychological state), the victim's negative experience with police, and the victim's fears of negative repercussions from involvement with police (e.g. retaliation by the abuser, removal of children by child protective services).

The very nature of domestic violence means that there may be an ongoing intimate relationship between the victim and the offender. It can be expected that the victims of domestic violence will be more likely than victims of other crimes to experience conflicting emotions about the prosecution of their partner (Buzawa & Buzawa 1996; Ford & Regoli 1993), and will often be reluctant to cooperate with criminal justice personnel. Victims' reluctance to proceed further strengthens prosecutors' expectation that victims will drop charges or be unwilling to participate. This perpetuates a negative cycle in which police often do not proceed with criminal charges against an offender because they believe that the victim will not remain committed to the prosecution process.

Satisfaction with police

Citizens' satisfaction with police service delivery is an increasingly important measure of performance in contemporary police organisations. However, several studies indicate that women in abusive relationships are not satisfied with the police response because officers are not making arrests when an arrest is the most appropriate option (Brown 1984; Kennedy & Homant 1993; Oppenlander 1982; Saunders & Size 1986). Findings by Buzawa and Austin (1993) show that satisfaction with the police response is highly correlated with whether officers abide by the victim's wishes to arrest or not arrest. Consequently, Buzawa and Austin do not support a pro-arrest policy; rather, they advocate a police response that depends on the desires of the victim. However, it must be remembered that years of abuse can erode the victim's power to demand arrest, and fear of retaliation from the offender may impede a victim's ability to demand police action.

In contrast, a number of studies find that the majority of victims are satisfied with the police response for domestic violence. For example, Buzawa and Austin (1993) interviewed 110 victims of domestic violence and found that 85 per cent were satisfied with the police response. Similarly, Trimboli and Bonney (1997) found that 77 per cent of 131 victims in New South Wales who had an application for a protection order processed by police were satisfied with how police dealt with the matter (see also Coulter et al. 1999). However, among those who were dissatisfied, the main reasons given were that police gave insufficient information or explanation, were unsympathetic, rude or indifferent, and refused to take action or press charges against the offender.

When reviewing the findings of a number of research studies investigating the satisfaction of domestic violence victims, Holder (2001) notes that satisfaction with outcomes may not necessarily indicate satisfaction with processes. That is, even when strongly opposing the arrest of the perpetrator, the victim may be very satisfied with the outcomes of the prosecution. Wemmers (1996) suggests that this is due to victims being acknowledged and included in the process even when the outcome is not what they originally desired. Procedural fairness has been identified as important to both victims and perpetrators and is an important influence on victim satisfaction (Holder & Mayo 2003).

Factors affecting officers' decisions

Ideally, police organisations strive for consistent responses to all calls, by all officers, in all locations. Police officers' decisions on how best to respond to domestic violence incidents are therefore guided by legislation and police service policies and operating procedures. However, this objective fails to consider the heterogeneous nature of domestic violence incidents, people and situations, and the many opportunities for discretion.

Front-line officers do retain some level of discretion in dealing with incidents. When attending a domestic violence incident, officers have to determine what has occurred and do so in a situation that is complicated by intimate relationships, volatile emotions and family dynamics. Previous studies have indicated that police treat domestic violence calls less seriously and are less likely to arrest the suspect in a domestic situation than in a non-domestic assault situation (e.g. Eigenberg, Scarborough & Kappeler 1996). However, a more recent study by Feder (1998) compared police handling of domestic assault calls with their handling of similar non-domestic assault calls and found that police were almost twice as likely to arrest in response to a domestic assault, though the arrest rate was still quite low (23%). Klinger (1995) also found no evidence of police being less likely to arrest in a domestic incident than in any other violent incident.

While officers' personal and attitudinal characteristics have been found to influence decision-making (see Belknap & Hartman 2000; Breci & Simons 1987; Homant & Kennedy 1985; Worden 1989), organisational culture and situational variables seem to exert more influence.

Organisational culture

Research reveals that organisational characteristics shape police response to domestic violence incidents. For example, Buzawa and Buzawa (1996) suggest that police view their role as crime-fighters and dislike having to perform a social work role, even though use of their powers of arrest actually only comprise a small proportion of their time. This perception means that incidents that are clearly controlled by legal sanctions and result in an arrest are considered 'real police work' and thus police are more comfortable dealing with behaviour that fits within the criminal law framework. Behaviour which does not fit neatly within criminal law is more ambiguous and police can be less certain of how they should respond (Hoyle 1998). Officers may not consider dealing with domestic violence to be 'real police work'.

Operational officers receive messages about the importance of different jobs from formal organisational policies, which clearly document how officers should respond to calls for service. Informal policy develops from how things are actually done in the field and may not be consistent with formal policy (Hoyle 1998). That is, the unwritten rules that influence how officers respond to domestic violence may not reflect official organisational policy.

Situational variables

Situational variables appear to be more important predictors of the arrest decision than individual attitudes of officers (Feder 1998; Klinger 1995; Robinson & Chandek 2000b; Stalans & Finn 1995). For example, Robinson and Chandek (2000b) found that even though officer tenure was negatively associated with perceptions of the victim (i.e. more experienced officers had more negative views of victims), this did not influence their decisions to arrest. They also found that the presence of a suspect was the strongest predictor of a decision to arrest. When the suspect was present an arrest occurred in 55 per cent of cases in comparison to only 2 per cent when the suspect was not present at the scene.

Dolon, Hendricks & Meagher (1986) conducted survey research with police officers to ascertain the factors that influenced officers' decisions to arrest. The four most important reasons nominated by officers were: the use of violence against police officers, the commission of a felony (serious criminal offence), the use of a weapon, and serious injury to the victim. Conversely, the factors that were considered most important in the decision not to arrest were: refusal of the victim to press charges, the victim's tendency to drop charges, a lack of serious injury, and the commission of a misdemeanour (minor criminal offence).

In general, research reveals that the decision to arrest is influenced by a number of factors including:

- the victim's desire for arrest (Buzawa 1988; Buzawa & Austin 1993; Feder 1998; Schollum 1997)
- whether the offender was present (Berk & Loseke 1980; Feder 1998; Robinson & Chandek 2000b)
- whether the offender had been drinking (Berk, Fenstermaker & Newton 1988)
- the presence of serious injuries (Buzawa & Austin 1993; Dolon, Hendricks & Meagher 1996; Feder 1998; Friday, Metzgar & Walters 1991)
- whether witnesses were present (Buzawa & Austin 1993; Holmes 1993)

- whether guns or knives were used as weapons (Buzawa & Austin 1993; Dolon et al. 1996)
- whether a protection order was violated (Holmes 1993)
- whether the victim was living with the offender (Buzawa & Austin 1993)
- officers' confidence in handling a domestic violence situation (Buzawa 1988)
- whether the incident occurred just before the end of an officer's shift (Robinson & Chandek 2000b).

Overview

Traditionally, police have viewed domestic violence as a private matter in which they had little role to play. In the United States, social change, feminist lobbying and civil litigation, coupled with research findings from the pro-arrest studies, have forced police to take a more active stance against domestic violence. Research aimed at testing whether pro-arrest policies are an effective deterrent to domestic violence have provided mixed findings, which highlights the complexity of the problem. In Australia, civil legislation remains the most common mechanism for responding to domestic violence, though evidence of the overall effectiveness of protection orders remains ambiguous.

Only a small proportion of domestic violence incidents are reported to police, with many victims fearing retaliation from the perpetrator or expressing dissatisfaction with how police have dealt with them in the past. The decisions that police make in response to a domestic violence incident are influenced by organisational culture and a number of situational variables such as the use of a weapon and the seriousness of injuries to the victim.

3

Current legislative provisions for domestic violence

In Australia, legislation specifically protecting victims of domestic violence has been passed by state and territory governments. Although there are some differences in the way each of the jurisdictions has legislated to protect victims of domestic violence, there are also a number of common features:

- **A civil order can be obtained from a local court on the balance of probabilities (i.e. the civil standard of proof).**
- **An application for an order can be made by the aggrieved or a police officer.**
- **The order is intended to protect the aggrieved from further attacks or harassment by the respondent.**
- **A breach of the order is a criminal offence.**

This chapter contains an overview of the key provisions in the *Domestic and Family Violence Protection Act 1989 (Qld)*. It highlights a number of the key aspects of the legislative scheme, as well as offering comparison with the corresponding legislation in other parts of Australia and New Zealand.¹⁰ Jurisdictions have taken a variety of approaches towards the enactment of domestic violence legislation. For example, Queensland, Victoria, South Australia, Northern Territory, Tasmanian and New Zealand legislation deals solely with domestic violence. New South Wales situates domestic violence provisions in more general criminal law legislation, namely Part 15A of the *Crimes Act 1900*. Western Australia currently does not have legislation specifically directed towards domestic violence.

Historical overview of the Queensland Act

Before 1989, the only recourse available to Queensland victims of domestic violence outside the Criminal Code was an order made by a magistrate under the *Peace and Good Behaviour Act 1982 (Qld)* that a person keep the peace and be of good behaviour for the period of time specified in the order. This process was rarely used, due to a number of limitations, such as the lengthy delays in processing orders, the limited range of behaviours subsumed under the Act, and the fact that an application for an order could only be initiated by a victim.

¹⁰ The legislation that is reviewed here was in force at the end of September 2004. It is important to bear in mind that the legislation in a number of states and territories is currently subject to review and may well change in the near future. For example, the New South Wales Law Reform Commission has just released a report recommending that a number of amendments be made to Part 15A of the *Crimes Act 1900 (NSW)*; the Western Australia Government is currently finalising a Bill that will make a number of significant amendments to the *Restraining Orders Act 1997 (WA)* (e.g. the insertion of a 'domestic relationship' definition); the Victorian Law Reform Commission has recently begun a review of the *Crimes (Family Violence) Act 1987 (Vic.)*; and the *Family Violence Act 2004* will commence in Tasmania on March 30, 2005.

In 1988, the Queensland Domestic Violence Task Force published a report which recommended that the Queensland Government introduce separate legislation to provide for the protection of spousal victims of domestic violence. In response to this recommendation, the *Domestic Violence (Family Protection) Act 1989* was proclaimed in August 1989 and a Domestic Violence Council was established to advise the relevant minister about domestic violence issues and domestic violence prevention.

The original version of the Queensland Act applied only to adult biological parents and adults in present or past marriages or heterosexual de facto relationships. Since then the Act's coverage has been widened on two occasions. An amendment Act passed in 1999 (which came into operation in May 2000) amended the definition of 'spouse' so that it also encompassed people under the age of 18 in spousal relationships and same-sex couples in spousal or spouse-like relationships.

More recently, the 2002 amendment Act (which came into operation in March 2003) changed the Act's name¹¹ and extended the Act's coverage beyond people in spousal relationships to people in:

- intimate personal relationships
- family relationships
- informal care relationships.

Apart from changes to the scope of the Act, numerous other amendments have been made to the Queensland Act during the past 15 years. Some of the more significant amendments include:

- a provision to allow a court to extend protection to relatives and associates of the aggrieved spouse (1992 amendment Act)
- the stipulation that two mandatory conditions be provided in a protection order — the first requiring the respondent to be of good behaviour and not commit acts of domestic violence and the second prohibiting the respondent from possessing a weapon or a weapons licence (1992 amendment Act)¹²
- extension of the duration of a domestic violence order from a maximum of 12 months to a period of up to 2 years, or longer where special circumstances apply (1992 amendment Act)
- a provision enabling the registration and enforcement of domestic violence orders made in other parts of Australia and in New Zealand (1992 amendment Act)
- a provision allowing a court to include an ouster condition in a domestic violence order (i.e. a condition prohibiting the respondent from remaining in the family home) (1999 amendment Act)
- a provision requiring the applicant for a domestic violence order to disclose information about relevant Family Court proceedings and requiring a court to take into account any relevant Family Court orders before making a domestic violence order (1999 amendment Act)
- a stipulation that, unless a court orders otherwise, a child who is not an aggrieved or respondent cannot be called to give evidence or asked to swear an affidavit (2002 amendment Act).

¹¹ It changed from the *Domestic Violence (Family Protection) Act 1989* to the *Domestic and Family Violence Protection Act 1989*.

¹² Note that this prohibition is now found in the *Weapons Act 1990* (Qld).

Who can a protection order protect?

One of the most significant amendments to the Queensland Act has been the recent expansion of the types of relationships covered by the Act to include not only spousal relationships but also intimate personal relationships, family relationships and informal care relationships. Under the previous *Domestic Violence (Family Protection) Act 1989*, girlfriends or boyfriends and couples in a same-sex relationship were not protected. Amendments to the current Act mean that these categories of person can now seek protection from domestic abuse. However, protection for children from their parents and protection of neighbours or flatmates are not provided in either the old or new Acts.

It is important to note that the Act defines the categories of domestic relationship in gender-neutral terms, applies generally to people under the age of 18 years, and does not require that the two people in question live together. These changes are important, to recognise the changing nature of domestic living arrangements and to ensure that individuals do not escape either the force or the protection of the law, by virtue of a living situation or lifestyle choice that was not originally anticipated by the parliament.

Some concerns may be raised that the expansion of categories may dissipate the focus of domestic violence legislation on women in need. However, the inclusion of the four categories of spousal and non-spousal abuse prevents legislative duplication and allows those seeking protection to have legislative protection under a single Act.

Spousal relationship

In Queensland, the term 'spouse' includes a former spouse and the biological parents of a child (whether or not the parents were ever in a relationship together) (s. 12) and a person in a homosexual or heterosexual de facto relationship [*Acts Interpretation Act 1954* (Qld), s. 32DA]. In contrast, South Australia and the Northern Territory exclude same-sex de facto relationships from their definition of a domestic relationship.

The inclusion in Queensland of homosexual relationships within the spousal relationship definition is important. It ensures that a group that historically has been disadvantaged in society is not further marginalised by the law in matters of domestic abuse.

Intimate personal relationship

The Queensland Act recognises two different types of 'intimate personal relationships'. The first type is a relationship between two people who are, or were, engaged to be married (including a betrothal under cultural or religious tradition) [s. 12A(1)]. The second type is a relationship between two persons, whether or not of a sexual nature, if the people (who may be the same or opposite sex) date or dated each other and their lives are, or were, enmeshed to the extent that the actions of one of them affect, or affected, the actions or life of the other [s. 12A(2)]. In terms of deciding whether a dating relationship exists, a court may consider such things as the circumstances of the relationship, the length of time for which the relationship has existed or did exist, the frequency of contact between the people, and the level of intimacy between the people [s. 12A(3)].

By contrast, the relevant provisions in the New South Wales, Victorian and New Zealand Acts are broader and cover close personal friends who are not in a sexual relationship (Alexander 2002). Neither the South Australia nor Australian Capital Territory legislation contains reference to intimate personal relationships, though

the ACT legislation does contain reference to persons who normally reside, or resided, in the household with the other person.

Family relationship

In Queensland, a person is considered to be in a 'family relationship' with another person if they are a 'relative' of the other person (s. 12B). A relative is defined as someone who is ordinarily understood to be, or to have been, connected to another person by blood or marriage. The relatives of a couple who are or were in a de facto relationship are also covered. The examples set out in the Act include: step-parent, mother-in-law, grandparent, cousin, half-brother and aunt-in-law.

A relative is also defined as including a person who is regarded (by the other person) or regards himself or herself, as a relative, if it is reasonable to regard the person as a relative, especially considering that for some people (e.g. Indigenous people) the concept of a relative may be wider than is ordinarily understood. Definitions of a relative in other jurisdictions are very similar to those in Queensland legislation, with the Northern Territory Act making reference to a relative according to Aboriginal tradition or contemporary social practice. The recognition that contemporary familial relationships may be diverse and not within the previous scope of parliamentary understanding is an important development in providing protection and legal recourse for people in abusive relationships.

Informal care relationship

In Queensland, an 'informal care relationship' is defined as a relationship between two people where one was dependent on the other for help with day-to-day activities such as dressing, preparing meals and shopping (s. 12C). The care must be required because of a disability, illness or impairment and must be provided in an informal way and not involve the payment of a fee. An informal care relationship cannot exist between a child and a parent of the child.

By contrast, most other jurisdictions in Australia do not recognise care relationships. The exception is New South Wales, which expands the criteria to include paid as well as unpaid care relationships and does not stipulate that the care 'must be required because of a disability, illness or impairment'.

Children as the aggrieved

Before May 2000 (when the 1999 amendment Act came into operation), a child could not be named as the aggrieved or respondent in an application for a domestic violence order. The 1999 amendment Act made it possible for people under the age of 18 in spousal relationships to seek the protection of a domestic violence order. Since March 2003 (when the 2002 amendment Act came into operation), a child can also be named as the aggrieved or respondent if the child is in an intimate personal relationship or informal care relationship with the other person named in the application.¹³

However, it remains the case that a child cannot be named as the aggrieved or respondent if the only relationship between the child and the other person is a family relationship (s. 12D). This means that the Queensland Act cannot be used to directly protect an aggrieved child from a violent parent because it is believed that the protection of children is a matter which is best dealt with under the relevant child protection legislation.¹⁴

¹³ Note that an informal care relationship cannot exist between a child and a parent of the child.

¹⁴ The relevant legislation is currently the *Child Protection Act 1999* (Qld), under which children in abusive environments can be removed by police officers or officers of the Department of Child Safety and placed with a foster or relative carer.

In some other jurisdictions, a child can be named as the aggrieved if they are a child of the respondent, if they normally or regularly reside with the respondent, or if the respondent is their guardian. Some jurisdictions allow a child to bring their own application for a domestic violence order. Other jurisdictions require an application that names a child as the aggrieved to be brought by a police officer or other representative.

Children in all other jurisdictions except Queensland are therefore not only protected by child protection legislation but are also entitled to seek the protection of a domestic violence order. Section 43(1) of the child protection legislation in New South Wales¹⁵ is worth highlighting here. That provision says that if the Director-General of the Department of Community Services wishes to take a child who is at immediate risk of serious harm into custody, he or she must first consider whether the making of a domestic violence order would be sufficient to protect the child.

In addition to protecting the aggrieved, a domestic violence order can also protect a relative (e.g. a child) or associate (e.g. a friend, flatmate or work colleague) of the aggrieved by specifically naming them in the order (s. 15). Before a court can name a relative or colleague in a domestic violence order, it must be satisfied on the balance of probabilities that the respondent has committed or is likely to commit an act of domestic violence against the relative or associate (s. 21). The legislation in other jurisdictions also allows a court to extend the protection of a domestic violence order to a person other than the aggrieved.

The deficiency in the Queensland system is not that children are placed at unnecessary risk by the operation of the Act but, rather, that the courts and police are more limited in the variety of tools that they can use in a given situation.

Who can apply for a protection order?

In Queensland, the aggrieved, a police officer or person authorised by the aggrieved can apply to a Magistrates Court for a domestic violence order. Where a police officer believes that an application for an order needs to be heard and determined quickly, the police officer can also apply to a magistrate for a temporary domestic violence order. If the officer is unable to present the matter to the magistrate in person, the application can be made by telephone or fax. A temporary protection order can only be made by a police officer.

As a general rule, the Queensland Act empowers — but does not require — a police officer to apply for a domestic violence order. There are, however, two exceptions. Sections 71 and 72 both apply where a police officer has taken a respondent into custody in order to protect the aggrieved from personal injury or to protect property belonging to the aggrieved from being damaged. Section 71 stipulates that, in such a circumstance, a police officer must apply for a domestic violence order and, in some cases, section 72 also requires a police officer to apply for a temporary order.

Although the Act (apart from ss. 71 and 72) does not make it mandatory for a police officer to apply for a domestic violence order, the QPS Operational Procedures Manual (OPM) does impose strict obligations on police officers who investigate domestic violence complaints.

¹⁵ The relevant legislation is the *Children and Young Persons (Care and Protection) Act 1998* (NSW).

The relevant section from the OPM says:

An officer, who reasonably believes after investigation that:

- (i) the person is an aggrieved; and
- (ii) there is sufficient reason to take action and there is sufficient evidence to a civil standard – ‘balance of probability’;

is to:

- (i) **apply for a protection order for the aggrieved;** and
- (ii) take other action that the officer is required or authorised to take under the Domestic and Family Violence Protection Act or any other Act (s. 9.6.1).
(**Emphasis added**)

While there is no legal compulsion for police officers to apply for domestic violence orders, it is important that officers be aware that victims of suspected domestic violence may be unwilling to apply for an order even where the failure to do so may place them at risk of further injury. The discretion is given to police not in order that they simply reflect the desire of the aggrieved, but rather, in recognition of the fact that they are best placed to make an assessment of the range of factors involved in any suspected domestic violence situation.

It is important to note, however, that the OPM places a greater duty upon police officers to investigate than does the Act. Where the Act states that an officer “may” apply for a protection order after investigating a matter (s. 67), the OPM states that an officer “is to” apply for a protection order.

Similar to Queensland, legislation in all other jurisdictions empowers, but does not require, a police officer to bring an application for a domestic violence order. However, the New South Wales Law Reform Commission has recently recommended that section 562C(3A) be amended to make it clear that reluctance by an aggrieved to bring an application is not in itself a good reason for the police not to apply for an order in situations where violence has occurred, there is a significant threat of violence or the aggrieved is a person with an intellectual disability who has no guardian (NSW Law Reform Commission 2004, p. 144, rec. 20).

New Zealand is the only jurisdiction where police officers are not authorised to bring an application for a domestic violence order. An application there can only be made by an aggrieved or a representative of the aggrieved.

The *Family Violence Act 2004* recently assented to Tasmanian parliament will give police officers the power to make and issue a protection order to the respondent at the time of the incident. A police-issued protection order remains in effect for up to, but not exceeding, 12 months.

Any person may apply to the clerk of a Magistrates Court to register a domestic violence order made in another State or Territory or in New Zealand (s. 40). A registered interstate order has the same effect as a domestic violence order made by a Queensland court (s. 44).

Where a person pleads guilty to, or is found guilty of, an offence that involves domestic violence, the court that has dealt with the criminal charge may, if the criteria set out in section 20 are satisfied, make a domestic violence order on its own initiative (s. 30).

Under the Queensland Act, a court that has found a person guilty of an offence involving domestic violence (or that has received a guilty plea) can make a domestic violence order on its own initiative. New South Wales and South

Australia¹⁶ are the only two jurisdictions with similar provisions. The New South Wales Act says that a court **must** make a domestic violence order where a person pleads guilty to or is found guilty of a domestic violence offence, and **must** make a temporary domestic violence order where a person has been charged with a domestic violence offence, unless an order has already been made or the aggrieved opposes the making of the order (ss. 562BE and 562BF).

Criteria to be satisfied before a protection order can be made

A court can make a protection order if the respondent agrees to the order being made (s. 33) or if the court is satisfied, on the balance of probabilities (s. 9) that:

- the respondent has committed an act of domestic violence against the aggrieved
- a domestic relationship exists between the respondent and the aggrieved, and
- the respondent is likely to commit an act of domestic violence again or (if the original act of domestic violence was a threat) is likely to carry out the threat (s. 20).

‘Domestic violence’ is defined in section 11 as any of the following acts:

- wilful injury to the aggrieved
- wilful damage to the aggrieved’s property
- intimidation or harassment of the aggrieved
- indecent behaviour to the aggrieved without the aggrieved’s consent
- a threat to commit any of the four acts listed above.

It is not necessary for the respondent to personally commit an act of domestic violence against the aggrieved: the criteria will still be satisfied if the respondent counsels or procures someone else to commit the act of domestic violence [ss. 11(2) and 20(2)].

The criteria in other jurisdictions for making a protection order reveal several different approaches. In New South Wales and South Australia, the court need only be satisfied that the aggrieved has reasonable grounds to fear that the respondent may commit an act of domestic violence. In contrast, the Queensland legislation requires that the respondent must have either committed an act of domestic violence, or *threatened* to commit an act which would otherwise be domestic violence.

In Queensland, therefore, an aggrieved needs to prove that there was an explicit threat, and that it is likely to be carried out, before a court can issue a protection order. In the SA or NSW jurisdictions, however, a court may issue a protection order where there is a reasonable ground to fear a threat itself may be made, or where no threat has been made but a reasonable ground exists to fear it may. This would appear to cover a broader range of circumstances than the Queensland approach, but it could also be more difficult for an aggrieved to prove. Where an explicit threat has been made, proving that on the balance of probabilities the threat may be carried out seems an easier task than proving on the balance of probabilities that either a threat or violent conduct will occur. Thus, while the Queensland legislation could be interpreted as being slightly more narrow in the

¹⁶ Note that the relevant provision is found in the *Criminal Law (Sentencing) Act 1988* (s. 19A) and not the *Domestic Violence Act 1994*.

range of circumstances it can theoretically cover, it does seem to offer a more reasonable approach when seeking a protection order.

The legislation in three further jurisdictions sets out a list of factors that a court must consider when determining whether to make a domestic violence order [see s. 6 of the South Australian Act, s. 41 of the Australian Capital Territory Act and s. 14(5) of the New Zealand Act]. There is no equivalent of this requirement in the Queensland Act. Some of the factors are:

- the need to ensure that family members and other people in a domestic relationship are protected from domestic violence
- the welfare of any children affected, or likely to be affected, by the respondent's conduct
- the accommodation needs of the aggrieved person, each child (if any) of the aggrieved person, and each child (if any) of the respondent
- any relevant Family Court orders
- any previous acts of violence by the respondent
- any domestic violence orders that have previously been made against the respondent (including orders made in other jurisdictions)
- any previous contraventions of a domestic violence order made against the respondent
- the perception of the aggrieved, or a child of the aggrieved's family, or both, of the nature and seriousness of the respondent's behaviour
- the effect of the respondent's behaviour on the aggrieved, or a child of the aggrieved's family, or both
- the hardship that may be caused to the respondent or to any other person as a result of the making of the order.

Though it may be assumed that Queensland courts would take factors such as these into account, their inclusion in the relevant legislation provides both the aggrieved and the respondent with a greater deal of certainty in the matters that a court will assess.

Although the criteria in each jurisdiction refers to 'intimidating and/or harassing behaviour', New Zealand is the only jurisdiction that includes all forms of psychological abuse in its definition of domestic violence and makes special mention of the psychological abuse that children suffer when they witness acts of domestic violence.

The New South Wales Law Reform Commission (2004, pp. 90–91, rec. 8) has recently recommended that a new definition of domestic violence be inserted into the New South Wales Act, specifically referring to psychological abuse (including psychological abuse of children). Given that the Queensland Act now applies to people in informal care relationships, the following comments by the commission are particularly pertinent:

The Commission is also of the view that another notable element in a domestic violence situation is the power and control the perpetrator has over the victim. It is not just that there exists an imbalance of power which may characterise many relationships, but that that imbalance is exploited by the stronger partner. The power imbalance is also very relevant in relation to people with a disability, particularly where they are dependent on carers. Thus, the withdrawal of essential services, medication and other devices essential to the person's health and wellbeing may be a form of psychological abuse and thus amount to domestic violence. (NSW Law Reform Commission 2004, p. 89)

Terms and duration of protection orders

There are two types of domestic violence orders in Queensland: a temporary order and a final order (s. 13). A temporary order is an order made for a short period until a court decides whether to make a final order. A final order can be made for a maximum period of two years unless the court is satisfied that there are special reasons for its continuing longer (s. 34A). However, it is possible to apply for an order extending the term of a domestic violence order; it is also possible for a court to make a series of domestic violence orders [ss. 34(b) and 35(1)(b)].

There is only one condition that must be included in both types of orders — that the respondent be of good behaviour towards the aggrieved and any other person named in the order and not commit domestic violence or an act of associated domestic violence against any other person named in the order (s. 22). Before the 2002 amendments to the Queensland Act, all domestic violence orders had to contain a second condition prohibiting the respondent from possessing a weapon or a weapons licence for the duration of the order. A court was also required, when making a domestic violence order, to make an order revoking (or, in the case of a temporary order, suspending) all weapons licences issued in the name of the respondent. The 2002 amendments transferred most of the provisions that dealt with weapons into the *Weapons Act 1990* (Qld).¹⁷

A court is entitled to impose other conditions that it considers necessary in the circumstances and desirable in the interests of the aggrieved, any named person and the respondent [s. 25(2)]. For example, the court may prohibit the respondent from remaining at, or entering, particular premises (called an ouster condition), or prohibit the respondent from approaching, or attempting to approach, the aggrieved or a named person.

Before a court makes a domestic violence order it must also consider any Family Court order that affects access to a child of the respondent or a child of the aggrieved (ss. 46A-46C).

Legislation in all other jurisdictions — apart from the ACT (s. 35) which has a provision that is very similar to the Queensland one — does not impose a maximum time limit on the duration of final orders.

Legislation in New Zealand, Victoria and the ACT provides direction to the courts to order respondents to attend counselling sessions. In New Zealand, courts must direct a respondent to attend a perpetrator program unless there is a good reason for not doing so (s. 32); a Victorian court may direct a respondent to participate in prescribed counselling [s. 5(1)(g)]; and an ACT court may recommend counselling (s. 39).

Overview

Since 1989, Queensland has had legislation specifically aimed at providing protection for victims of domestic violence. Originally, this legislation only protected victims in spousal-type relationships, but the scope has recently been broadened to include people in family, intimate personal and informal care relationships. A court may issue a protection order against an offender if it is

¹⁷ Sections 27A and 28A of the *Weapons Act* now provide for a respondent's weapons licence to be automatically suspended or revoked when a temporary or final domestic violence order is made. Section 29B deals with a respondent's obligation to surrender any weapon he or she possesses to a police officer. *Note:* These provisions apply also to police officers and others who, because of their occupation, are not ordinarily subject to the *Weapons Act* (s. 23 of the *Queensland Act*).

satisfied, on the balance of probabilities, that domestic violence — as defined by the Act — has occurred, the parties are in a domestic relationship, and domestic violence is likely to occur again. While each Australian jurisdiction has slightly different provisions, by and large domestic violence legislation is similar in most states and territories of Australia, and the Queensland criminal justice system will recognise protection orders issued in other jurisdictions. However, new legislation being introduced in Tasmania will provide police with the power, in certain circumstances, to issue protection orders without bringing the respondent before the courts.

4

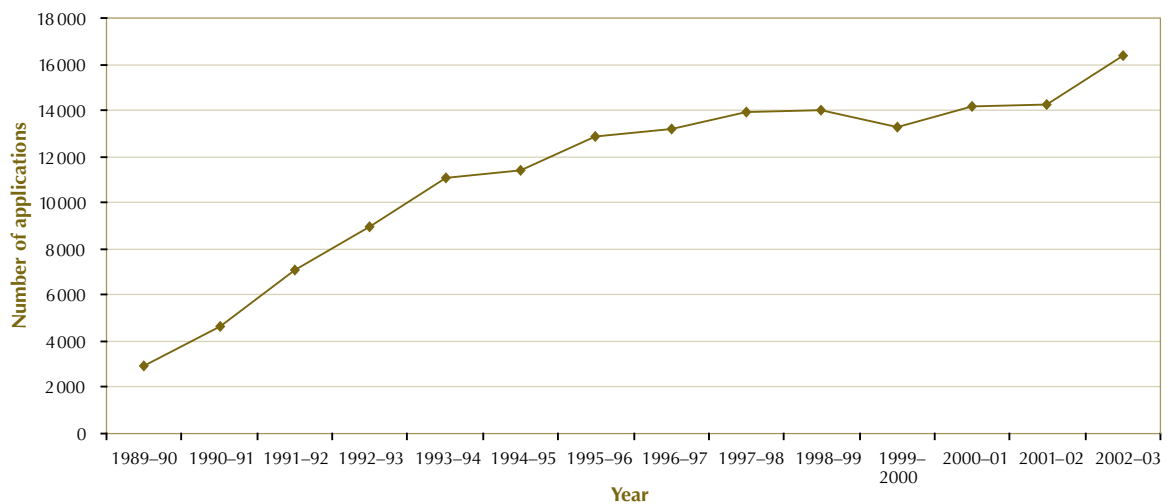
Domestic violence in Queensland: nature of incidents and police workload

The first step in understanding the police response to domestic violence in Queensland is to examine the frequency and nature of these incidents, the initial response from front-line police officers and the subsequent impact of these calls for service on police workload. This chapter presents quantitative data on police workload and the number of calls received by police. To understand how new categories of domestic relationship have affected the police workload, the types of relationship, the action taken by officers, and time spent by officers attending the initial call for service are examined.

Trends in protection order applications

Over the past 14 years the number of applications to courts for protection orders has increased more than five-fold — from just under 3000 in 1989–90 to more than 16000 in 2002–03 (Figure 4.1).

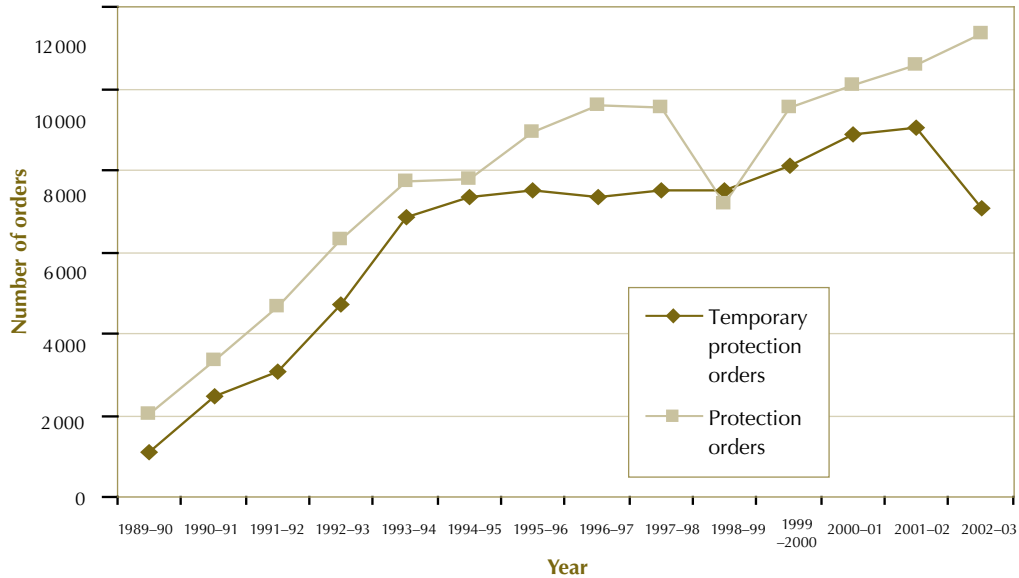
Figure 4.1: Protection order applications in Queensland, 1989–2003



Source: Department of Families (now Department of Communities)

The increased number of applications is reflected in the number of protection orders being issued by the courts. The number of temporary protection orders and full protection orders that have been issued by Magistrates Courts in Queensland between 1989 and 2003 is shown in Figure 4.2 (next page). In all years except 1998–99, there has been a consistent and significant increase.

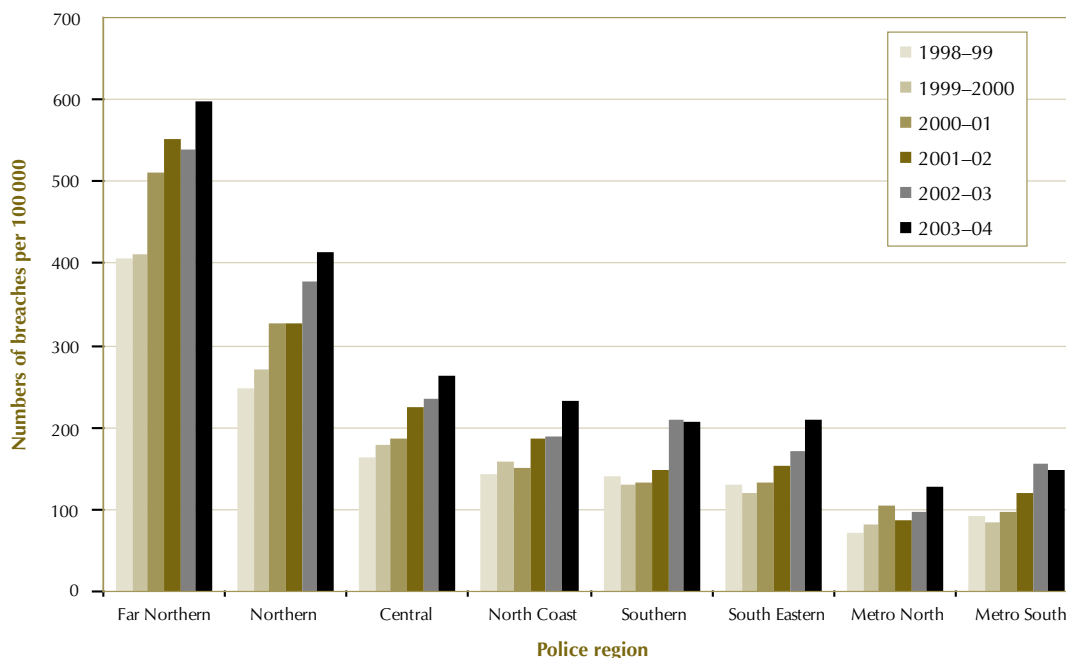
Figure 4.2: Protection orders by type of order, Queensland, 1998–2003



Source: Department of Families (now Department of Communities)

Similarly, this increase is reflected in an increase in reported breaches of protection orders being dealt with by police. Information in Figure 4.3 shows the number of reported breaches per 100 000 population for each police region from 1998 to 2004. It can be seen that the rate of breaches has increased for all police regions. Far Northern and Northern regions continue to record the highest rates of protection order breaches, which reflects the influence of a number of demographic and contextual factors.

Figure 4.3: Protection orders breached per 100 000 population by police region



Source: QPS Statistical Reviews 1998–2003

Information from Figures 4.1, 4.2 and 4.3 illustrates the dramatic increase in domestic violence incidents that are being dealt with by the criminal justice system. Unfortunately, this trend shows no signs of abating and it can therefore be expected that domestic violence will continue to place increasing demands on the criminal justice system.

Rate of domestic violence incidents

All calls for service that are initially dispatched as domestic violence incidents must be recorded in the DV Index. During the six-month period from April to September 2003, police dealt with 20251 jobs initially dispatched as domestic violence. Of these, about 83 per cent (16 751) were verified as domestic violence incidents. Calls that are not verified as domestic violence may be recorded as a disturbance or other type of incident. See Box 4.1 below for a discussion of call downgrading. The impact of this number of incidents on police workload can be assessed in several ways. One way is to assess the rate of confirmed domestic violence jobs per 100 000 population. This type of analysis controls for population and therefore allows for direct comparison across districts of differing size. Another way is to analyse the rate of confirmed domestic violence incidents per police officer. Similarly, this allows comparison between districts with differing numbers of police officers.

Number of confirmed domestic violence incidents per 100 000 population

Figure 4.4 and Table 4.1 (pp. 32, 33) show the rate of domestic violence incidents per 100 000 population for all police districts in Queensland. The statewide average is about 443 domestic violence jobs per 100 000 population, although there is a substantially higher rate in some police districts. Of particular note is the high rate in Mount Isa (2593 per 100 000), Charleville (1089 per 100 000) and Cairns (988 per 100 000). The reason for such high rates in these areas is beyond the scope of this project, but it is surmised that a number of social, economic and geographical factors converge in these locations and thereby increase the risk factors associated with domestic violence. In contrast, metropolitan areas have a lower than average rate of verified domestic violence jobs per 100 000 population (i.e. all districts in Metropolitan North and Metropolitan South regions).

Box 4.1: Call downgrading

When a member of the public calls for police assistance, an operator at the Police Communication Centre (PCC) determines the nature and priority of the call and dispatches a patrol car to deal with the situation. An initial job code is recorded, based on information that the operator receives. This information is not always complete or correct and, consequently, the initial code given to a call for service may not reflect the true nature of the call. Upon arriving at any incident and determining the exact nature of the complaint, police officers inform the PCC of the verified job code. For example, police may be called to a domestic violence incident but once they arrive at the scene and conduct a preliminary investigation it may be obvious that, while some type of disturbance (e.g. neighbourhood dispute, dogs fighting) has resulted in a call to police, it is not a domestic violence job. Thus, a number of reported domestic violence calls are subsequently verified as a disturbance. This phenomenon is referred to as 'call downgrading'.

Call downgrading has been identified as a potential form of work avoidance. An analysis of the proportion of jobs initially dispatched as a domestic incident was conducted on data from two police districts (Redcliffe and Gold Coast). In addition, an analysis was also conducted to ascertain the proportion of jobs initially dispatched as a disturbance but later upgraded to a domestic violence incident. These analyses found that call downgrading is not a significant problem and, in fact, jobs are more frequently upgraded from a disturbance to a domestic violence job.

Figure 4.4: Confirmed domestic violence incidents per 100 000 population, April–September 2003

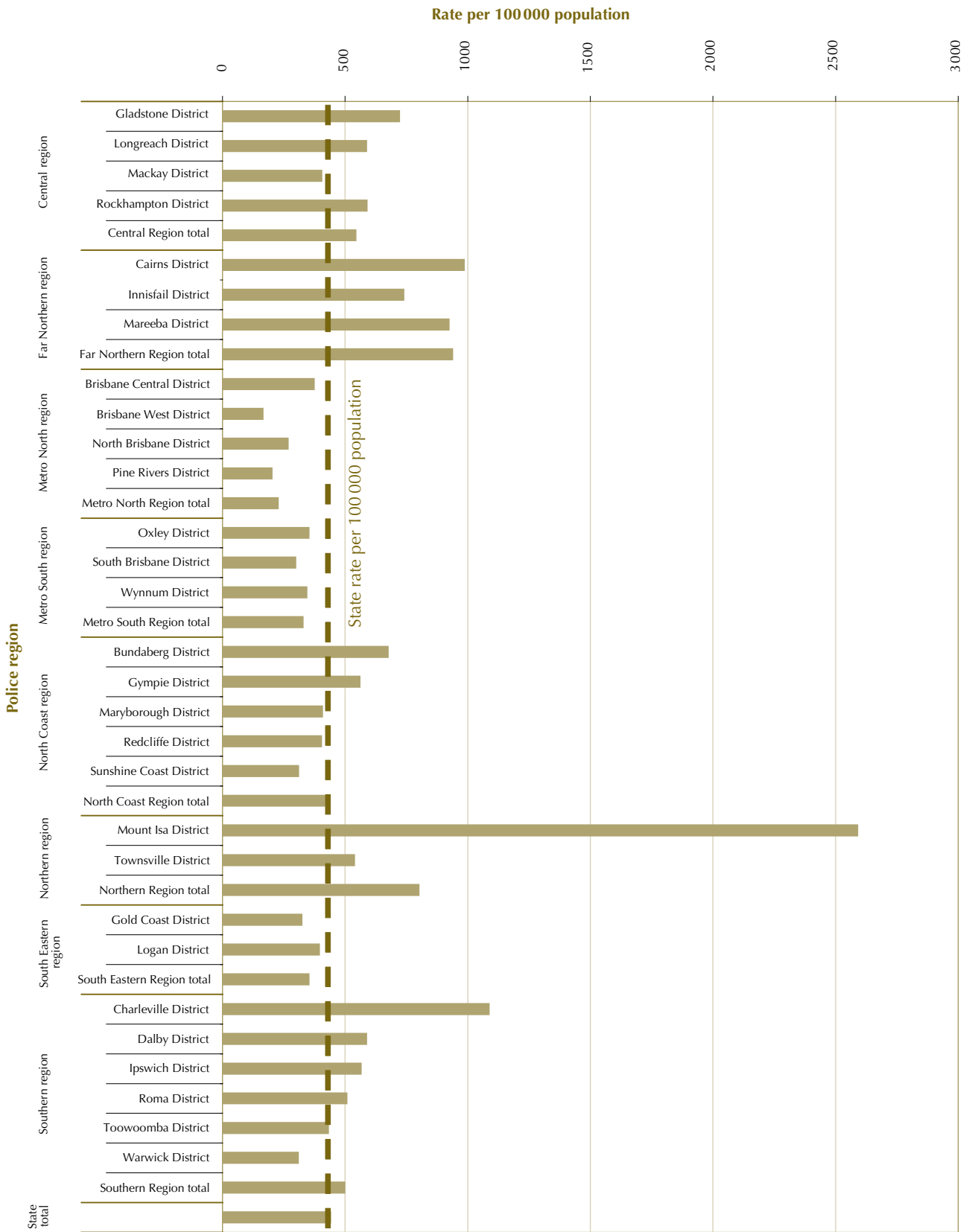


Table 4.1: Confirmed domestic violence incidents per 100 000 population, April–Sept 2003

Region		
District	Jobs verified as DV <i>n</i>	Rate of verified DV jobs per 100 000 population*
Far Northern Region	2 168	940.2
Cairns District	1 519	988.0
Mareeba District	397	926.2
Innisfail District	252	741.7
Northern Region	1 978	802.9
Townsville District	1 166	540.1
Mount Isa District	812	2 592.6
Central Region	1 803	545.9
Gladstone District	452	724.1
Longreach District	72	589.4
Mackay District	515	407.1
Rockhampton District	764	591.7
North Coast Region	2 843	419.7
Bundaberg District	576	677.3
Gympie District	380	562.1
Maryborough District	351	410.1
Redcliffe District	712	405.8
Sunshine Coast District	824	312.5
Metropolitan North Region	1 285	229.2
Brisbane Central District	174	375.6
Brisbane West District	324	167
North Brisbane District	549	269.9
Pine Rivers District	238	203.6
Metropolitan South Region	2 071	330.2
Oxley District	671	355.1
South Brisbane District	758	300.1
Wynnum District	642	345.8
Southern Region	2 173	500.4
Charleville District	102	1 088.8
Dalby District	185	589.4
Ipswich District	917	567.8
Roma District	120	509.3
Toowoomba District	721	433.9
Warwick District	141	311.2
South Eastern Region	2 412	354.5
Gold Coast District	1 317	325.6
Logan District	1 095	396.9
Operations Support Command	15	NA
State Crime Operations Command	8	NA
State total	16 751	442.5

* Estimated residential population for 2003 is based on projections from ABS population data for 2001 and 2002, as provided by QPS.

Source for projections: ABS, Regional Population Growth, 2001–02, No. 3218.0

Number of confirmed domestic violence incidents per officer

Information on police workload based on the number of confirmed domestic violence incidents per officer in each police district is presented in Table 4.2. The highest workload areas during the six-month period were Mount Isa, Bundaberg, Mareeba, Cairns and Gladstone. Mount Isa has a domestic violence workload that is 2.3 times the state average.

Table 4.2: Confirmed domestic violence jobs per police officer by police district (Queensland, April–September 2003)

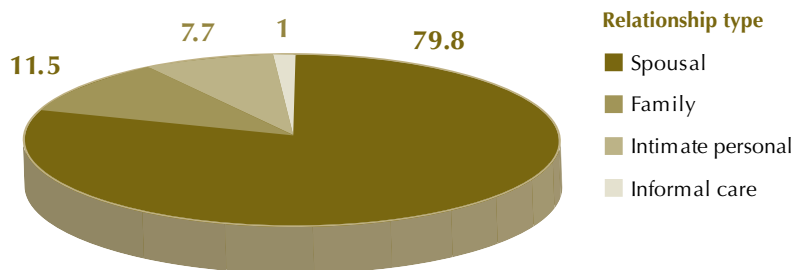
District	Confirmed DV jobs	District officer numbers	Number of confirmed DV jobs per officer
Mount Isa	813	136	6.0
Bundaberg	576	127	4.5
Mareeba	397	93	4.3
Cairns	1 519	365	4.2
Gladstone	452	119	3.8
Innisfail	252	68	3.7
Wynnum	642	190	3.4
Dalby	185	57	3.2
Ipswich	917	308	3.0
Rockhampton	764	258	3.0
Toowoomba	708	233	3.0
Gympie	380	127	3.0
Redcliffe	712	250	2.8
Townsville	1 153	420	2.7
Oxley	671	252	2.7
Logan	1 095	446	2.5
Pine Rivers	238	98	2.4
Maryborough	351	147	2.4
Mackay	515	238	2.2
Sunshine Coast	824	398	2.1
Gold Coast	1 317	637	2.1
North Brisbane	549	275	2.0
Charleville	102	52	2.0
South Brisbane	758	397	1.9
Warwick	141	76	1.9
Roma	120	66	1.8
Brisbane West	324	206	1.6
Longreach	72	47	1.5
Brisbane Central	174	340	0.5
State total	16 751	6 426	2.6

Characteristics of domestic violence incidents

Relationship type

As noted in Chapter 3, the *Domestic and Family Violence Protection Act 1989* was amended in March 2003 and the definition of 'relationship' was expanded from spousal only, to include family, intimate personal and informal carer. DV Index data show that, at the statewide level, spousal relationships (79.8 %) remain the predominant type of domestic violence dealt with under the legislation (see Figure 4.5). Family relationships (11.5%) are the next most common relationship, followed by intimate personal (7.7%) and informal care (< 1%).

Figure 4.5: Relationship types involved in domestic violence incidents (April–September 2003)



Source: QPS DV Index, April 2003 to September 2003

Based on this information, the new relationship categories represent an increase of about 20 per cent in domestic violence calls for service. In the past, police may well have been called to these incidents but would have dealt with them using different legislation. In other words, these calls do not necessarily represent an increase in calls for service per se, but rather an increase in calls that must be dealt with under domestic violence legislation. However, these new relationship categories could increase demands on police resources if domestic violence calls require more police resources (e.g. time to resolve incidents).

Sex of victim and offender

Overall, 78 per cent of victims (aggrieved) are female. In contrast, only 20 per cent of offenders (respondents) are female. Information in Table 4.3 shows that the proportion of aggrieved that are female varies slightly according to the type of relationship. For example, almost one-third of the aggrieved in the category of family relationship are male.

Table 4.3: Sex of aggrieved and respondent by relationship type (n = 1707)

	Sex	Relationship type			
		Spousal% (n)	Family% (n)	Intimate personal% (n)	Informal care% (n)
Aggrieved	Female	80.5 (1009)	67.4 (186)	75.4 (104)	100.00 (2)
	Male	19.5 (244)	32.6 (90)	24.6 (34)	–
Respondent	Female	17.5 (219)	31.2 (86)	23.9 (33)	–
	Male	82.5 (1033)	68.8 (190)	76.1 (105)	100.00 (2)

Source: QPS DV Index

Note: These figures may be influenced by repeat calls for service to the same couple.

This analysis can be taken a step further by examining the sex combinations of cases. When all domestic violence incidents are considered, most involve female aggrieved and male respondents (see Table 4.4). However, when each relationship category is considered separately, incidents are more likely to include different types of sex dyads (see Table 4.5).¹⁸ For example, only 42 per cent of disputes in the family category involve a female aggrieved and a male respondent. The majority of family cases are female/female or male/male, which may bring different dynamics to the dispute and require the matter to be handled differently by police.

Table 4.4: Sex dyads for all domestic violence incidents

Aggrieved sex	Respondent sex	Number of cases	Percentage of cases
Female	Male	1240	72.6
Male	Female	259	15.2
Female	Female	86	5.0
Male	Male	120	7.0
Total		1705	99.8

Note: Percentages do not add to 100% in two cases due to missing data.

Source: QPS DV Index

Table 4.5: Sex dyads by relationship category

	Relationship type			
	Spousal % (n)	Family % (n)	Intimate personal % (n)	Informal care % (n)
Female aggrieved/ male respondent	79.6 (997)	42.0 (116)	61.2 (101)	100.0 (2)
Male aggrieved/ female respondent	16.5 (207)	5.8 (16)	18.2 (30)	–
Female aggrieved/ female respondent	1.0 (12)	25.4 (70)	18.2 (30)	–
Male aggrieved/ male respondent	2.9 (36)	26.8 (74)	2.4 (4)	–
Total	100.0 (1252)	100.0 (276)	100.0 (165)	100.0 (2)

Note: Percentages do not add to 100% due to incomplete data.

Source: QPS DV Index

Indigenous status

Analysis of data from the DV Index showed that the percentage of people identified as Indigenous varied considerably depending on the geographic region examined (Table 4.6). Not surprisingly, police districts within Far Northern and Northern Regions where the proportion of Indigenous residents is higher than in other parts of Queensland, deal with a substantially higher proportion of domestic violence incidents involving Indigenous people than do most other areas of the state. About 23 per cent of domestic violence victims statewide are Indigenous, while 60 per cent of victims in the Far Northern Region and 55 per cent of victims in the Northern Region are Indigenous. Mount Isa and Cairns districts have particularly high proportions of domestic violence calls involving Indigenous people, which may be a consequence of multiple factors such as high unemployment, drug or alcohol problems and other health issues. Mount Isa and Cairns districts also have the highest officer workload for domestic violence in the state (see Table 4.1).

¹⁸ A dyad refers to two people involved in the incidents, e.g. husband/wife, uncle/nephew, same-sex de facto couple.

Table 4.6: Percentage of Indigenous aggrieved and Indigenous respondents

Region			
District	Percentage of Indigenous aggrieved % (n)	Percentage of Indigenous respondents % (n)	2001 Indigenous population as percentage of total population*
Far Northern Region	60.4 (1309)	61.3 (1554)	12.3
Cairns District	64.5 (979)	65.4 (993)	14.1
Mareeba District	60.5 (240)	58.9 (234)	8.7
Innisfail District	35.7 (90)	40.1 (101)	7.4
Northern Region	55.3 (1088)	55.1 (1084)	8.2
Townsville District	40.2 (464)	39.6 (457)	6
Mount Isa District	76.9 (624)	77.1 (627)	20.7
Central Region	21.6 (390)	22.9 (412)	3.8
Gladstone District	12.6 (57)	12.4 (56)	3
Longreach District	23.6 (17)	19.4 (14)	3.7
Mackay District	13.0 (67)	15.9 (82)	3.1
Rockhampton District	32.6 (249)	34.0 (260)	4.9
North Coast Region	10.1 (288)	9.8 (280)	2
Bundaberg District	8.3 (48)	12.4 (56)	2.7
Gympie District	33.7 (128)	31.8 (121)	4.1
Maryborough District	9.1 (32)	8.0 (28)	2.5
Redcliffe District	7.2 (51)	6.7 (48)	2
Sunshine Coast District	3.5 (29)	4.0 (33)	1.1
Metropolitan North Region	5.8 (75)	6.5 (110)	1.2
Brisbane Central District	14.4 (25)	14.9 (26)	1.1
Brisbane West District	3.1 (10)	5.2 (17)	0.7
North Brisbane District	5.6 (31)	5.3 (29)	1.6
Pine Rivers District	3.8 (9)	5.0 (12)	1.2
Metropolitan South Region	7.1 (148)	8.1 (168)	1.5
Oxley District	9.2 (62)	11.6 (78)	1.8
South Brisbane District	5.5 (42)	8.4 (64)	1.2
Wynnum District	6.9 (44)	4.0 (26)	1.5
Southern Region	18.2 (396)	19.1 (414)	3.2
Charleville District	68.6 (70)	62.7 (64)	11.7
Dalby District	22.7 (42)	27.0 (50)	3.4
Ipswich District	12.8 (117)	14.4 (132)	2.9
Roma District	40.0 (48)	41.7 (50)	6.8
Toowoomba District	14.7 (104)	15.1 (107)	2.6
Warwick District	10.6 (15)	7.8 (11)	2.4
South Eastern Region	4.4 (105)	4.6 (111)	1.4
Gold Coast District	1.7 (22)	1.7 (23)	0.9
Logan District	7.6 (83)	8.0 (88)	2.2
State	22.7 (3805)	23.2 (3888)	3.1

* Total Indigenous people 2001 are based on ABS Census 2001 first release, as provided by QPS.
Source: QPS DV Index data, April–September 2003

Action taken by police

Officers attending domestic violence incidents undertake a number of actions that vary with the situation. Once dispatched to a domestic violence call, officers must record details of the incident on the DV Index database, even if preliminary investigation determines that the matter reported does not constitute domestic violence (OPM, section 9.11.1). In these circumstances, the officer records 'No DV' as the action taken. This procedure has arisen largely because of inadequate responses by some police in the past to domestic incidents, where numerous calls for service to an address resulted in no action and there was therefore no record of domestic violence at the address. By recording all jobs initially dispatched as a domestic violence incident on the database, police managers are better able to track demands for service and the outcome of police attendance at a particular address over time. This information can then be used to develop strategies to deal with repeat offending and victimisation.

If preliminary investigation determines that the incident involves domestic violence, the officer may determine that no action is warranted. The number of 'no actions' recorded by officers is closely monitored by police management, as it is a commonly held view that 'no action' may be indicative of a failure of officers to act appropriately and may reflect an officer's propensity to avoid domestic violence jobs. Failure to act appropriately can sometimes place the safety of the victim at risk if the situation escalates to a more serious offence. However, officers would assert that some of the jobs identified as domestic violence were minor verbal arguments, or had little likelihood of happening again. Therefore, taking no action as defined by domestic violence policy can be a valid and proper response.

If the attending officer believes that domestic violence has been committed and a person or their property is at risk, they then have the option of detaining the respondent for up to four hours for the purposes of making an application for a protection order (OPM, section 9.6.6). Alternatively, if the respondent is not present at the time of police arrival at the scene, an application for a protection order by way of a summons can be made. If a protection order is already in place, this constitutes a breach, in which case a criminal charge should be laid and an entry made in the crime reporting database (Crime Reporting Information System for Police or CRISP).

Information in the first column of Table 4.7 shows the action taken by police at calls to verified domestic violence incidents during the study period. As the table indicates, more than one-third of domestic violence jobs resulted in no action by attending officers, 16 per cent of calls led to the detention of the offender, and about one-quarter resulted in an application for a protection order by way of a summons.

While there is a high proportion of no action responses, this must not be judged on face value. A 'no action' response may be quite valid and appropriate in particular circumstances. The high proportion of summons probably reflects that, in many instances, by the time police arrive at the scene the respondent has fled and cannot be located. If there is reason to believe domestic violence has occurred and the victim requires a protection order, this is then initiated by the summons process.

A breakdown of action taken by police, overall and according to Indigenous status of the respondent, is also shown in Table 4.7. The main difference is in breach rates, with a higher proportion for Indigenous respondents than for non-Indigenous. A possible reason for this could be that more of the Indigenous respondents had previous dealings with police and there was therefore a protection order in place, or it may be that the nature of the breach was more violent and thus police had evidence on which to base the breach.

Table 4.7: Action taken by police: overall and by Indigenous status of respondent

Action type	Total % (n)	Indigenous % (n)	Non-Indigenous % (n)
Breach	21.2 (3 556)	26.2 (1 018)	19.5 (2 467)
Detention	16.0 (2 690)	15.1 (586)	16.5 (2 085)
No action	35.4 (5 927)	32.4 (1 260)	36.3 (4 592)
Summons	27.3 (4 578)	26.3 (1 024)	27.8 (3 523)
Total	100 (16 751)	100 (3 888)	100 (12 667)

Source: QPS DV Index data, April–September 2003

The type of action taken by police was then examined in terms of the type of relationship between the aggrieved and respondent. Table 4.8 reveals the high rate of detentions (23%) and low rate of breach actions (9%) for respondents in family relationships. This may reflect the different sexes of parties and the different nature of disputes within the family category. For example, domestic violence in the family category tends to involve more male/male dyads (see Table 4.5) and as a result the violence may often be more physical and the parties may still be agitated when police arrive. Hence, an effective policing strategy in these types of situations might be for police to detain at least one of the parties to defuse the situation.

Table 4.8: Action taken by police by type of relationship

Action type	Spousal % (n)	Family % (n)	Intimate personal % (n)	Informal care % (n)
Breach	23.7 (3 166)	8.8 (170)	16 (205)	25 (5)
Detention	15.4 (2 061)	23.1 (445)	13.7 (176)	15 (3)
No action	35.4 (4 726)	29.1 (562)	39.3 (504)	45 (9)
Summons	25.5 (3 411)	39.0 (752)	31.0 (397)	15 (3)
Total	100 (13 364)	100 (1 929)	100 (1 282)	100 (20)

Source: QPS DV Index data, April–September 2003

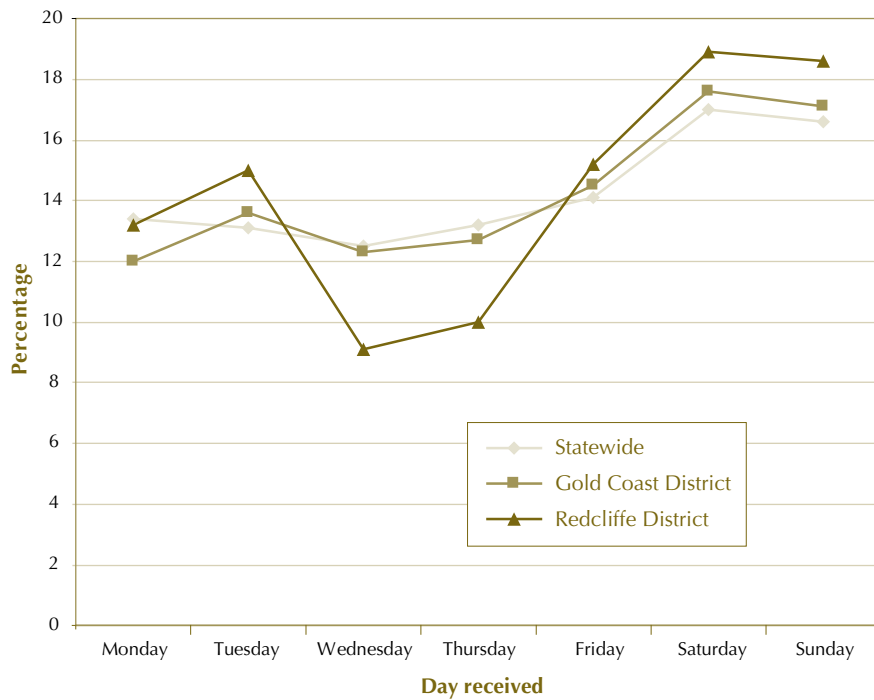
Police workload: a snapshot

During this study, a consistent concern expressed by police officers was the extensive time required to attend to a domestic violence job. They believe that, on average, each job takes about three to four hours and takes a high proportion of their time overall. This section first examines the time and day that police are most frequently called to attend to domestic violence, then analyses of data from the DV Index and calls for service databases, to examine the average time taken to finalise a domestic violence matter. Finally, data from calls for service databases are analysed to determine the proportion of police officers' workload that is spent dealing with domestic violence incidents.

Distribution of workload

This subsection examines the distribution of domestic violence calls for service in terms of day of the week and time of day. Analysis of statewide data from the DV Index shows that the highest percentage of domestic violence incidents occurred on Friday, Saturday and Sunday. This is consistent with the results of a similar analysis of calls for service data from two police districts (Figure 4.6).

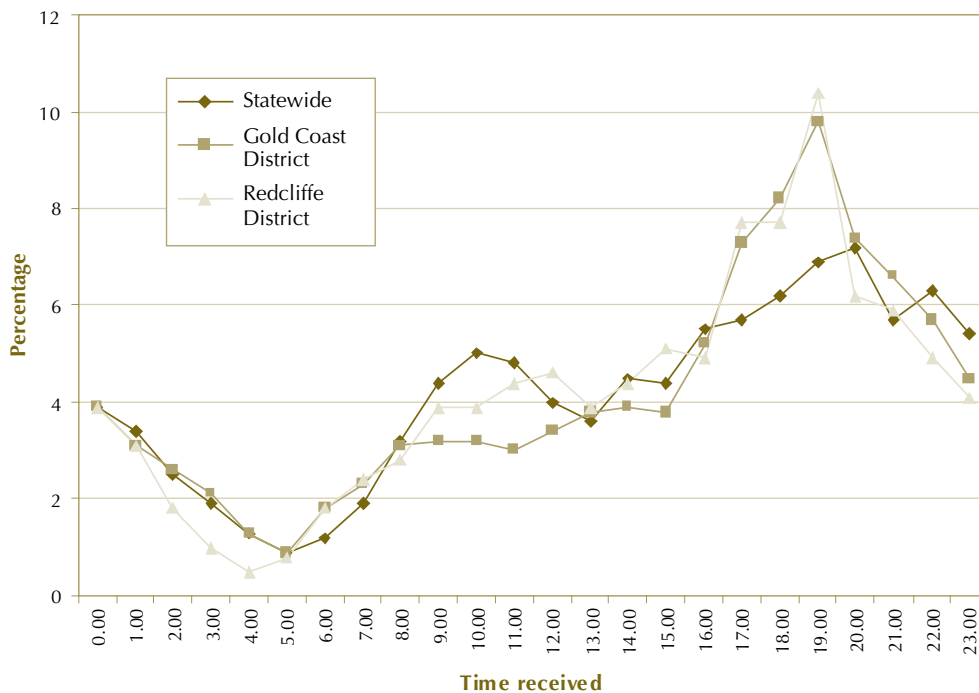
Figure 4.6: Verified domestic violence incidents by day of the week: statewide, Gold Coast District and Redcliffe District



Sources: QPS DV Index , Gold Coast CAD and Redcliffe IMS data April–September 2003

Figure 4.7 shows that, according to data in the DV Index, most incidents occur between the hours of 4 pm and 11 pm, with a peak occurring from 7 pm to 8 pm. Analysis of calls for service data from Gold Coast and Redcliffe Districts shows a similar distribution, with most incidents occurring between 4 pm and 10 pm, and a peak at 7 pm.

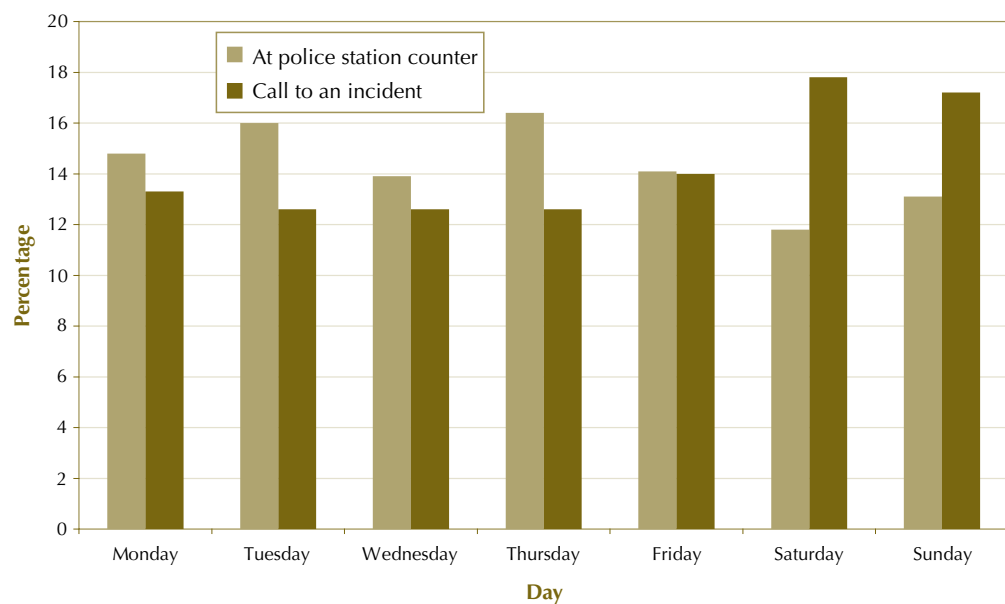
Figure 4.7: Time of day of police attendance at domestic violence jobs: statewide, Gold Coast District and Redcliffe District, April–September 2003



Sources: QPS DV Index, Gold Coast CAD and Redcliffe IMS data April–September 2003

Calls for assistance come by telephone, requiring police attendance at the scene of the incident, or by a citizen — usually the victim — attending a police station to report a matter (over the counter). An interesting observation from the DV Index data is that a higher proportion of incidents are reported over the counter on Monday to Thursday, and a higher proportion are reported by telephone on Saturday and Sunday (Figure 4.8). This may reflect the nature of complaints and the motivation for making the complaint. On Saturday and Sunday, which are the two busiest days for police attendance at domestic violence incidents, victims are probably calling urgently for police to attend a matter in progress. In contrast, victims choosing to report their complaint at the police station are often reporting behaviour after the fact, and therefore do not require the urgent assistance of police to ensure their immediate safety.

Figure 4.8: Origin of complaint: call to an incident or attendance at a police station counter



Source: QPS DV Index data, April–September 2003

Time spent responding to domestic violence incidents

The DV Index requires officers to record the total number of hours spent attending to an incident, including the period at the job address and completion of all paperwork and computer entries. Consequently, information recorded in the DV Index provides an opportunity to assess how long police actually spend responding to domestic violence.¹⁹

Analysis reveals that, on average, attending to a domestic violence incident takes 1 hour 57 minutes, although this varies according to the action taken by the officer (e.g. summons, detention). As can be seen in Table 4.9, detention is the most time-consuming action (2 h 55 min), followed by acting by way of a summons (2 h 19 min) and dealing with a breach (2 h 17 min).

The information provided in Table 4.9 also shows the average time spent on a domestic violence job if a crime report is completed. A crime report (CRISP) is completed if a criminal offence occurred. The data show that a crime report increases the time taken to deal with an incident by about 40 minutes.

¹⁹ The reliability of data contained in the DV Index is of some concern; thus these results should be interpreted with caution.

Table 4.9: Average time spent attending to confirmed domestic violence incident by action type

Action taken	Average time spent	Average time spent if CRISP taken	Average time spent if no CRISP taken
Breach	2:17	2:20	2:07
Detention	2:55	3:15	2:53
No action	1:04	2:07	1:02
Summons	2:19	2:54	2:14
All DV calls	1:57	2:27	1:48

Source: QPS DV Index, April–September 2003

Another source of information on time taken by officers at domestic violence incidents is the calls-for-service database. This database records all information relating to the dispatch of officers to a job, including the time at which officers arrive at a call and the time they log off or finish at the scene and are available for dispatch to other jobs. It does not include time spent completing administrative tasks, which may be attended to later in the shift. Analysis of calls-for-service data from the Gold Coast found that the average time spent dealing with a domestic violence incident from arrival at the scene until the job was completed was about two hours (Table 4.10).²⁰ The same analysis was conducted for Redcliffe and revealed an average of one hour. It is important to note the potential range of time taken on domestic violence jobs, with large standard deviations of one to one-and-three-quarter hours. Many jobs in the database took police less than half an hour to deal with, and many took police more than four hours to deal with. This reflects the variety of situations facing police when they attend a domestic violence job, from the very simple to the very complex.

For comparison, analysis was also conducted on the time taken for officers to deal with other offences against the person.²¹ The results shown in Table 4.10 reveal that this took substantially less time than did domestic violence incidents.

Table 4.10: Average time taken to deal with domestic violence and other offences against the person, Gold Coast and Redcliffe

	Time taken – DV	Time taken – other offences against the person
Gold Coast	2 h 01 min (SD 1:42 h)	1 h 19 min (SD 1:16 h)
Redcliffe	1 h 00 min (SD 1:08 h)	– *

*A reliable analysis of time taken to deal with other offences against the person in Redcliffe District was not possible.

Source: Gold Coast CAD and Redcliffe IMS data, April–September 2003

²⁰ The longer time taken attending a domestic violence call at the Gold Coast compared to Redcliffe may be due to a number of factors:

- The types of jobs may be more complex at the Gold Coast.
- The jobs may result in a higher proportion of detentions at the Gold Coast and therefore a higher average call time.
- The Gold Coast may have a policy (either formal or informal) that encourages detentions, thereby increasing the time spent on jobs.
- Gold Coast officers may not be as efficient as those at Redcliffe.
- The Gold Coast may have more accountability and compliance mechanisms, which increase the time on the job.

²¹ Offences included: assault, serious assault, threats against person, offences against children, wilful exposure, malicious calls, rape, indecent assault, abduction, indecent assault, stalking, abduction, indecent acts, homicide, sexual offences — unspecified.

Proportion of police time spent attending to domestic violence calls

Time spent dealing with domestic violence can also be examined in relation to the time spent on other types of calls for service. During the period April–September 2003 the Gold Coast District recorded a total of 28 814 calls for service, with 3.6 per cent ($n = 1038$) of these jobs being identified as a domestic violence incident. Police officers spent 21 796 hours attending to all calls for service during these six months. Approximately 11 per cent ($n = 2352$ hours) of this time was spent attending to domestic violence jobs. These figures demonstrate that, while domestic violence represents 3.6 per cent of the jobs to which police respond, they represent approximately 11 per cent of police officer time. This suggests that domestic violence is taking a disproportionate amount of police time.

Overview

Domestic violence takes a considerable amount of police officer time, with a number of police districts having a workload that is substantially higher than the state average. The new categories of relationships provided by domestic violence legislation have increased the number of domestic violence jobs dealt with by police by about 20 per cent. Nonetheless, the majority of domestic violence jobs that police attend are between people in spousal-type relationships and involve female victims and male perpetrators. The busiest times for calls for service for domestic violence are between 4 pm and 10 pm on Fridays, Saturdays and Sundays. The amount of time taken to deal with a domestic violence incident is extremely variable, ranging from less than half an hour to more than four hours. On average, however, the time taken to deal with domestic violence incidents is substantially greater than the time taken to deal with other offences against the person.

5

Officers' decisions

The decisions police officers make in response to domestic violence incidents have significant implications for the safety of victims and consequences for perpetrators. While officers' decisions are generally shaped by legislative and policy guidelines, a range of contextual factors can have an influence. This chapter explores officers' decision-making regarding domestic violence incidents and, in particular, officers' decisions to seek protection orders and/or lay criminal charges. Information is drawn from focus groups and the survey of operational police officers.

Reasons for applying for a protection order

Police in Queensland are required to investigate an allegation of domestic violence. If they reasonably believe that the person is a victim and there is sufficient reason to take action, the officer **is to** apply for a protection order (OPM, section 9.6.1). While the direction to act is clear, there may be other contextual factors or perceptions held by officers that influence their decision-making. This section examines which factors are given more weight when officers apply for a protection order. Factors that influence officers' decisions not to apply for a protection order are also considered.

Officers surveyed were asked to indicate their level of agreement with a number of statements relating to their decision whether or not to apply for a protection order. The response options ranged from 'strongly disagree' to 'strongly agree'.²² The results relating to the decision to apply for a protection order are reported in Table 5.1 and Figure 5.1.

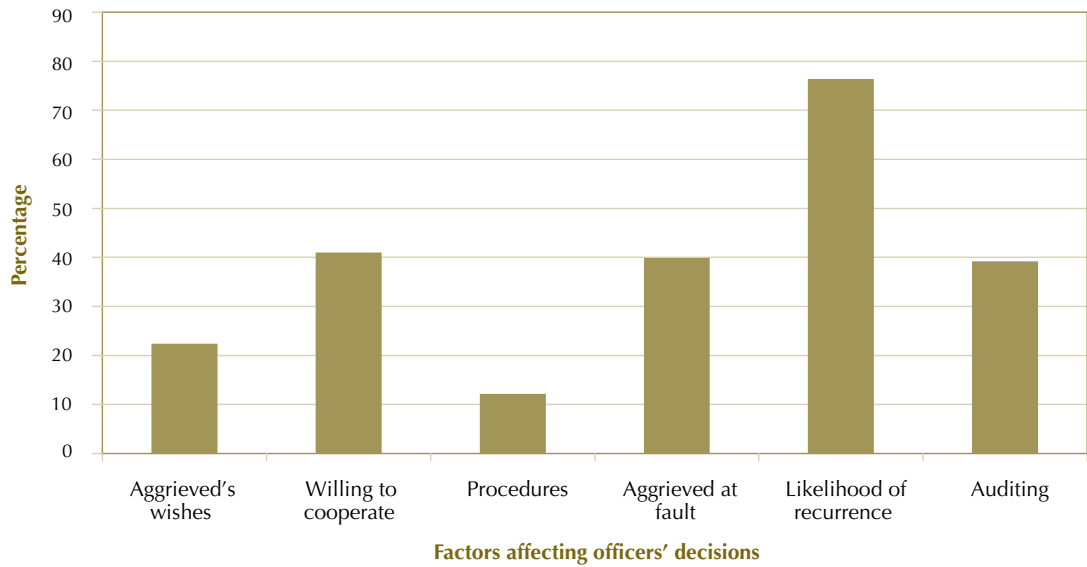
Table 5.1: Factors related to officer decisions to apply for a protection order

	Strongly agree (%)	Agree (%)	Neither agree nor disagree (%)	Disagree (%)	Strongly disagree (%)
The aggrieved's wishes	2.4	20.0	18.0	51.2	8.2
The aggrieved's willingness to cooperate	5.1	35.9	18.3	37.0	3.8
The number of indexes/procedures to complete	4.2	10.0	13.8	52.6	19.4
The aggrieved is as much at fault as the respondent	6.7	33.2	23.4	31.6	5.1
The likelihood of DV occurring again	24.7	51.7	8.5	12.2	2.9
The introduction of auditing/monitoring processes	8.9	30.3	20.9	28.7	11.1

Source: CMC police officer survey

²² Response options: 1 = strongly disagree; 2 = disagree; 3 = neither agree nor disagree; 4 = agree; 5 = strongly agree.

Figure 5.1: Percentage of officers who agree or strongly agree that these factors are related to their decisions to apply for a protection order



The results show four key factors that influence officers' decisions: the likelihood of violence occurring again, the victim's willingness to cooperate, perceptions that the victim is at fault, and the monitoring of officer actions.

Likelihood of violence recurring

More than three-quarters (75.4%) of officers surveyed indicated that the likelihood of the violence recurring influenced their decision to apply for a protection order. These results are consistent with QPS operating procedures, and legislation that directs officers to take action given risks for revictimisation in domestic violence cases. While it is encouraging that such a high percentage of officers were influenced by this factor, it is expected that all officers should apply for a protection order if they believe violence may recur.

Victim's willingness to cooperate

Approximately 40 per cent of officers agreed or strongly agreed that the aggrieved's willingness to cooperate with police influenced their decision to apply for a protection order. This is in spite of QPS operational procedures and legislation making it clear that the wishes of the victim should not be a determining factor in an officer's decision to seek a protection order. The removal of the victim from the decision-making process was a conscious focus of legislative reform in response to the potential risk of further violence to the victim if the decision was theirs alone. Victims may not be willing to cooperate because they are fearful of the repercussions if their abuser believes they are assisting the police. Consequently, police may need to be reminded that they do not require the cooperation or support of the victim in proceeding with the application process.

Perceptions that the victim is at fault

Officers were also influenced by their perception that the victim was as much at fault as the respondent. This was contrary to the view expressed by officers during focus groups in which they indicated that they might not choose to apply for a protection order in cases where both parties were acting in an aggressive and uncooperative manner. In these cases it can be very difficult to determine the aggressor and it can appear that the alleged victim is equally at fault.

Monitoring and auditing of officers' actions

An additional factor was the introduction of auditing and monitoring processes. The question on monitoring was developed in response to comments made by officers during focus groups that the operational performance review (OPR) process had increased the auditing and monitoring of officers' actions. Due to concerns that officers may not be responding appropriately to domestic violence matters, the Commissioner of Police has increasingly focused attention on this issue. For example, one of the performance measures discussed at an OPR is the proportion of domestic violence jobs that result in a 'no action' response from attending officers. As discussed earlier in this report, there is concern that a high proportion of no action responses may indicate that police are not taking appropriate steps to deal with the incident and ensure the safety of the victim. This inaction may be placing victims at risk.

In response to this concern, auditing mechanisms have recently been established in all police districts to ensure that police are making appropriate decisions on domestic violence. The effect of monitoring on behaviour can vary. On one hand, the OPR is intended to address performance and motivate officers to improve their response to calls for service for all matters, not just domestic violence jobs. If, in response to this increased monitoring, officers take domestic violence jobs more seriously and fulfil all their obligations, this is a constructive outcome. If, however, officers feel that they have to take action as an automatic process in order to avoid scrutiny, and not as a considered process to ensure the safety of the victim, it may have some detrimental consequences.

In general, officers in focus groups believed that increased managerial monitoring of their actions at domestic violence jobs limits their discretion and directs them to take action. In reality, there is still room for officers' discretion when dealing with a domestic violence matter, but they must be prepared to justify their decision. Officers indicated that they found it easier to move forward with an application, rather than be concerned they would be disciplined for not doing so. They were not confident in their ability to justify their decision. In many instances, officers took action not because they believed it was the best way to secure the safety of the victim, but rather to satisfy managers and to 'cover their butt'. Consequently, officers are making decisions based on administrative requirements, rather than on victim safety.

In my opinion, police officers now have little option other than to take action due to the high level of scrutiny and adverse comment when failing to take action at even the most minor of incident. (Police survey participant #450)

I don't think it has improved options, but rather taken away an officer's discretion in many incidents to provide different assistance, such as referral to counselling agencies without police action. I think police being placed under an obligation to take action in certain circumstances can inflame disputes. (Police survey participant #313)

Despite officers in focus groups indicating that they believed increased monitoring influenced their decision to take action, the results from the survey on this issue were mixed. Approximately 40 per cent of participants indicated that they agreed or strongly agreed that police were more likely to take action at a domestic incident with the introduction of an auditing or monitoring process. Equally, however, another 40 per cent of participants indicated that they disagreed or strongly disagreed with this statement.

Reasons for not applying for a protection order

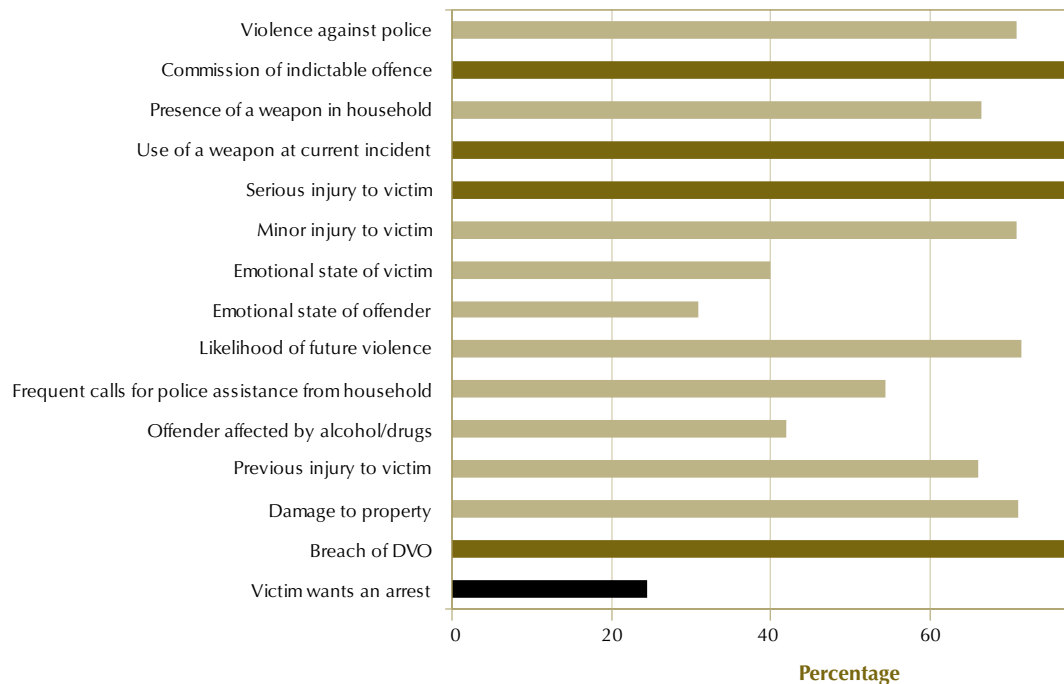
The majority of officers indicated that the factors listed did not influence their decision not to apply for an order. However, the results shown in Table 5.2 and Figure 5.2 reveal three key factors that did influence the decisions of some officers not to apply for a protection order: amount of paperwork; time taken to deal with a domestic violence incident; and proximity to the end of a shift.

Table 5.2: Factors associated with officers' decisions not to apply for a protection order

	Strongly agree (%)	Agree (%)	Neither agree nor disagree (%)	Disagree (%)	Strongly disagree (%)
Amount of time taken to attend a DV incident	8.5	18.5	14.5	44.9	13.6
Potential for violence	0.9	1.6	6.0	59.7	31.8
Amount of paperwork involved	12.5	22.5	10.9	40.0	14.1
Changes to domestic violence legislation	5.1	13.8	19.0	47.1	15.0
When a call comes towards the end of a shift	6.7	19.9	16.1	43.5	13.8

Source: CMC police officer survey

Figure 5.2: Percentage of officers who agree or strongly agree that these factors are related to their decisions not to apply for a protection order



Paperwork

It is clear, from analysis of both the survey and the focus groups, that a number of police are extremely frustrated with the time it takes to fulfil all the administrative responsibilities of a domestic violence call. Approximately one-third (35%) of survey participants agreed or strongly agreed that the amount of paperwork involved in processing a domestic violence application made it less likely that they would take action. In particular, officers in focus groups indicated that the apparent duplication of data entry and the lack of information technology capabilities

caused frustration among officers. For example, officers have to log in and log out of numerous indexes (e.g. DV Index, Custody Index, CRISP, Weapons Index) to input the same information repeatedly.

Time taken

Just over a quarter (27%) of survey participants agreed or strongly agreed that the time taken to attend a domestic violence incident was a factor in their decision not to apply for a protection order. Focus group discussion revealed that attending to administrative elements of the process created most frustration, as it often took more time than actually dealing with the parties involved in the incident.

Call near the end of a shift

Similarly, one-quarter of survey participants (27%) agreed or strongly agreed that if a call to a domestic violence incident came towards the end of a shift, police might be less likely to take action because the job could take three to four hours to complete. However, most officers emphasised that, while they might be reluctant, they did not actively avoid the call. In addition, some officers said the problem of getting overtime approved influenced their willingness to attend a domestic call late in a shift. Police managers interviewed disputed this claim and contended that legitimate needs for overtime were accommodated.

Charging the offender with an offence

Domestic violence includes a range of behaviours that can be addressed through civil legislation (e.g. a protection order). However, some acts of domestic violence, such as physical assault, wilful damage to property or stalking, do constitute criminal offences and can be dealt with under criminal legislation. That is, police are able to lay criminal charges in addition to applying for a civil protection order. This section describes the results of a survey of police officers' decisions to charge the offender with an offence as defined by the Criminal Code.

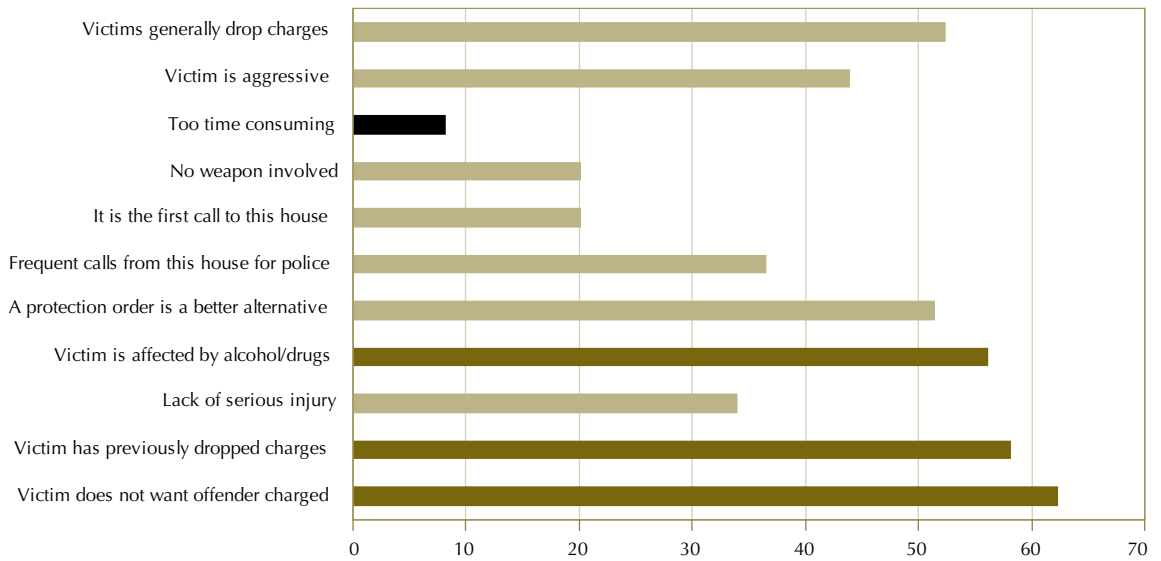
Officers surveyed were asked to indicate the importance of a range of factors in influencing their decision to proceed with criminal charges at a domestic violence incident. Additionally, participants were asked to indicate the importance of a number of factors in influencing their decision NOT to proceed with criminal charges. The response options ranged from very unimportant to very important.²³ The results are reported in Figures 5.3 and 5.4.

More than 80 per cent of officers indicated that serious injury to the victim, the use of a weapon, or the commission of an indictable offence were important or very important factors influencing their decision to proceed with criminal charges. The breach of a protection order was also an influencing factor. In general, these findings are consistent with previous research (Dolon et al. 1986). The victim's desire for an arrest was the least influential factor for most officers.

Figure 5.4 shows that one of the most important factors influencing an officer's decision *not* to proceed with criminal charges is that the victim does not want the respondent charged. More than 60 per cent of officers indicated that the victim's desire not to have the offender charged was important or very important in their decision not to proceed with criminal charges. This is in direct contrast to the results shown in Figure 5.3 which indicate that the least important factor influencing an officer's decision to arrest is the victim's request for the offender to be arrested.

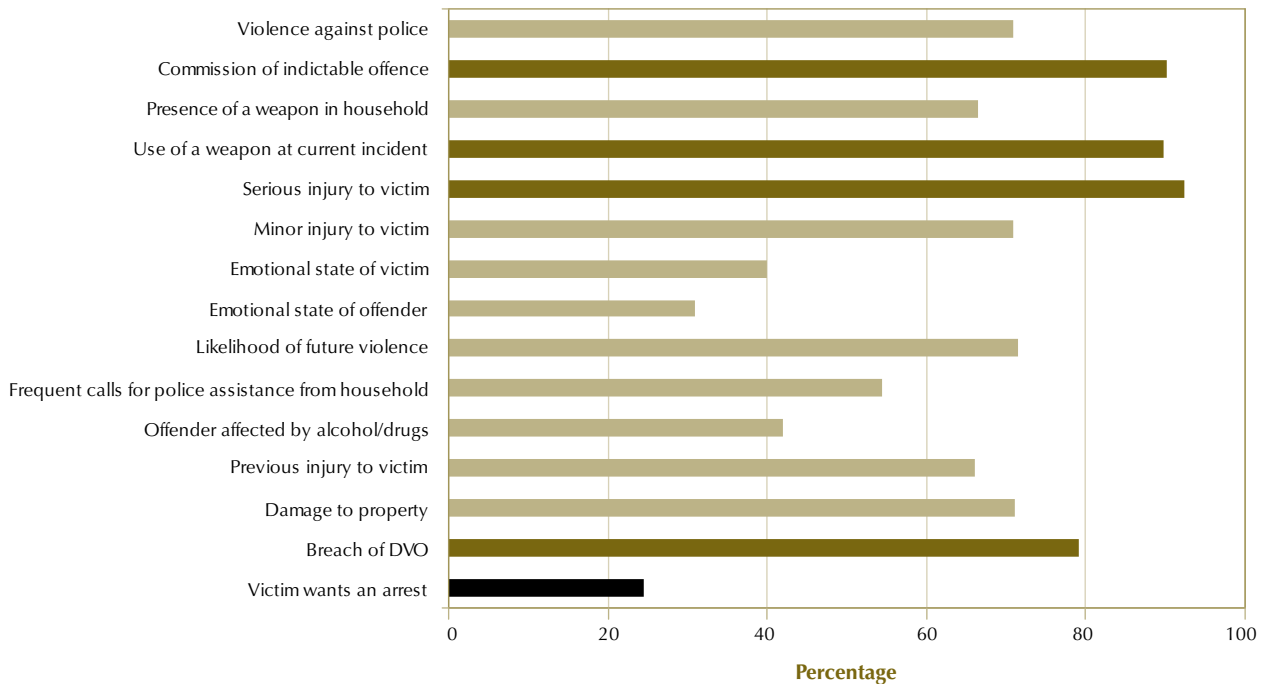
²³ Response options: 1 = very unimportant; 2 = unimportant; 3 = neither important nor unimportant; 4 = important; 5 = very important.

Figure 5.3: Percentage of officers who rated factors as important or very important to their decision not to proceed with criminal charges



Source: CMC police officer survey

Figure 5.4: Percentage of officers who rated factors as important or very important to their decision to proceed with criminal charges



Source: CMC police officer survey

Over half of officers indicated that their decision was affected if the victim had previously dropped charges or was under the influence of alcohol or drugs. Other factors that officers considered important or very important in their decision not to charge a domestic violence offender included a belief that victims generally dropped charges or a protection order was a better alternative.

Comparison of factors influencing officers' decisions whether or not to proceed with criminal charges, reveals some interesting differences. For example, factors that influence decisions to charge tend to be tangible ones, such as injury, use of a weapon and violence against police. In contrast, factors that influence the decision not to arrest tend to be centred on the behaviour or perception of victims.

These results are consistent with views expressed by officers in the focus groups. There was a reluctance to lay criminal charges for simple assault if they believed the victim would withdraw from the prosecution or refuse to give evidence against the offender. Officers believe that, without victim testimony, a criminal case will be unsuccessful. However, if there has been serious injury resulting in an indictable offence, officers are more likely to proceed with criminal charges. This may be because serious injuries mean a greater likelihood of tangible evidence being presented in court.

These findings show that, unless there is clear evidence of injury or serious assault, police officers do not place great importance on the victim's desire to have the offender charged. In fact, a victim's desire for their abuser to be arrested is the least important factor influencing an officer's decision to proceed with criminal charges. Conversely, officers place high importance on variables associated with the behaviour or frame of mind of the victim in deciding not to charge the offender. This emphasises the perceived role of the victim in securing a successful outcome on a criminal matter. Without the victim, officers believe there is no case. The finding that police are strongly influenced against laying criminal charges in cases where the victim has previously dropped charges is consistent with the finding that the victim's desire for arrest is not an important factor in officers' decision-making processes. Even if the victim requests that an arrest be made, the fact that they have dropped charges previously will have a greater impact on the officer's decision to charge or not. Dolon et al. (1986) argue that this may reflect a perception by police that, if victims are not willing to help themselves, the police will not be motivated to act.

Assessing differences by officers' gender or rank

Comparisons of participant responses based on the gender and rank of officers was undertaken. No statistically significant differences were observed between the responses of male and female officers. However, some differences were observed across officer rank for the following items: the commission of a serious/indictable offence ($F = 3.353$, $p < .05$) and whether the aggrieved wants an arrest ($F = 3.642$, $p < .05$). In both cases, constables viewed these issues as more important in determining whether they would proceed with criminal charges. This may indicate that more experienced officers (i.e. senior constables and sergeants) do not place much importance on the victim's wishes, due to experience leading them to believe that the victim will change his or her mind and not support a charge.

Domestic violence history: impact on the police response

A domestic violence scenario was included in the officer survey. There were three versions of the scenario, reflecting different histories of police calls for service to a specified address, and each officer participating in the survey received one version. The purpose of the varying versions was to assess the impact of different

circumstances on officers' decisions. The first version stated that there had been three previous calls to the address regarding a disturbance but there was no current protection order. Version 2 stated that there had been no previous calls to the address and there was no current protection order. Version 3 stated that there had been three previous calls for service regarding a disturbance and there was a current protection order against the male at the address. The complete scenario is provided in the box below and shows the three alternative situations.

Survey participants were randomly selected to receive different versions of the scenario. There were 900 officers in the sample, who were divided into three groups of 300, each of which received one version of the scenario.

Scenario

You and your partner are working a 2 pm – 10 pm shift in Ferny Grove.

You receive a call requesting that you attend a domestic violence job at 45 Letters Street, Ferny Grove. A Mr David Cally has called to say that he has overheard his neighbours, the Hamilton's, having another one of their huge fights. On this occasion he heard the arguing escalate and the sound of smashing glass.

Information from the Communications Centre operator indicates that:

- (1) there have been three previous calls to the address regarding disturbances but there are no current protection orders
- (2) there have been no previous calls to this address regarding disturbances, and there are no current protection orders
- (3) there have been three previous calls to this address regarding disturbances and there is currently a domestic violence order against Mr Hamilton.

You separate the parties and talk to each individually. Mrs Hamilton confirms that they have just had a fight and Mr Hamilton slapped her across the face. She is adamant that though they yell a lot this is the first time he has hit her and she is sure it won't happen again — it had just been a very stressful week and they were both really upset over money problems. Mr Hamilton admits to losing his temper and is very embarrassed and sorry about what he has done.

The first question relating to the scenario was whether they believed domestic violence had occurred. The response options ranged from 'strongly disagree' to 'strongly agree'.²⁴ Those participants that responded either strongly disagree or somewhat disagree were not required to answer the other four questions relating to the scenario.

The majority of officers (> 85%) agreed that domestic violence had indeed occurred. A chi-square test showed no significant variance between responses of officers to different versions of the scenario.²⁵ Additionally, there were no significant differences based on gender of officers, region or rank.

Officers were then asked how likely they would be to: take no action, take out a protection order application against the male in the house, advise the female that she could lay criminal charges against the male, or refer the female to support services. The response options ranged from very unlikely to very likely.²⁶

²⁴ Response options included: 1 = strongly disagree; 2 = somewhat disagree; 3 = somewhat agree; 4 = strongly agree.

²⁵ Proportion of officers who somewhat or strongly agreed domestic violence had occurred: version 1, 89.9 %; version 2, 86.3%; version 3, 85.9%; $\chi^2 = 12.246$.

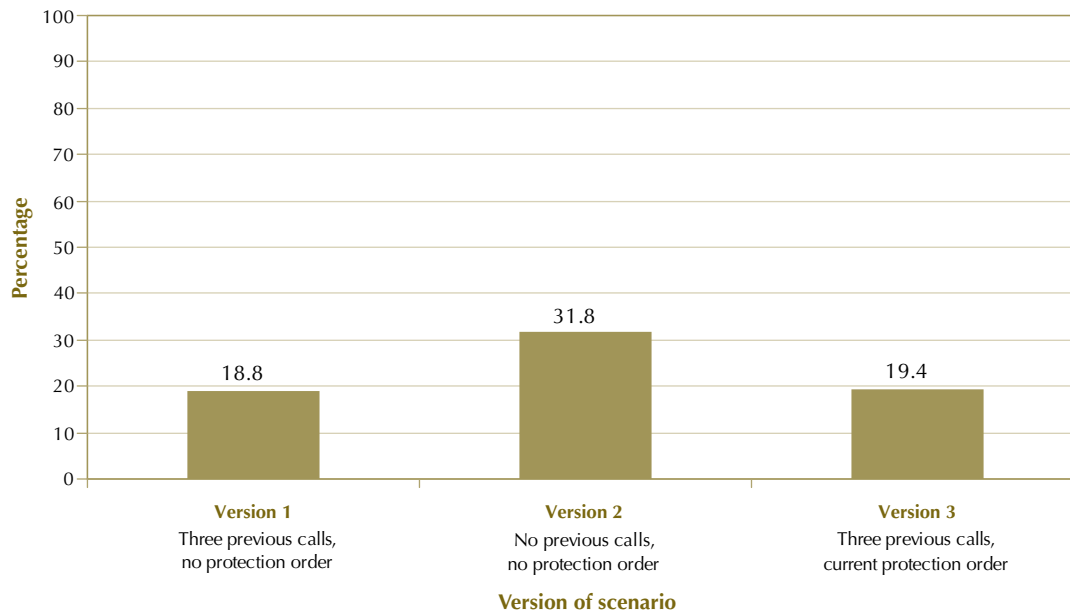
²⁶ Response options included: 1 = very unlikely; 2 = somewhat unlikely; 3 = somewhat likely; 4 = very likely.

The likelihood of taking action was significantly different between officers responding to different versions of the scenario ($\chi^2 = 14.847, p < .05$). Approximately 20 per cent of participants responding to versions 1 and 3 (1 = three previous calls, no order; 3 = three previous calls, order) indicated that, despite their belief that domestic violence had occurred, they would not take action (see Table 5.3, Figure 5.5). More than 30 per cent of officers responding to version 2 (no previous calls, no order) indicated they would not take action. Since version 2 had no prior calls to this residence, officers might have believed that, although the current incident did constitute domestic violence, there was little likelihood of its occurring again and it was not necessary for them to take action. That is, if police were called to an address for the first time, they were unlikely to take action even if they believed domestic violence had occurred.

Table 5.3: Likelihood of taking no action: comparison of three versions of a scenario

	Very unlikely % (n)	Somewhat unlikely % (n)	Somewhat likely % (n)	Very likely % (n)
Version 1 (n = 133) Three previous calls, no protection order	48.1 (64)	33.1 (44)	12.8 (17)	6.0 (8)
Version 2 (n = 132) No previous calls, no protection order	37.1 (49)	31.1 (41)	25.0 (33)	6.8 (9)
Version 3 (n = 129) Three previous calls, current protection order	51.2 (66)	29.5 (38)	10.1 (13)	9.3 (12)

Figure 5.5: Percentage of officers who indicated they would be somewhat likely or very likely to take no action

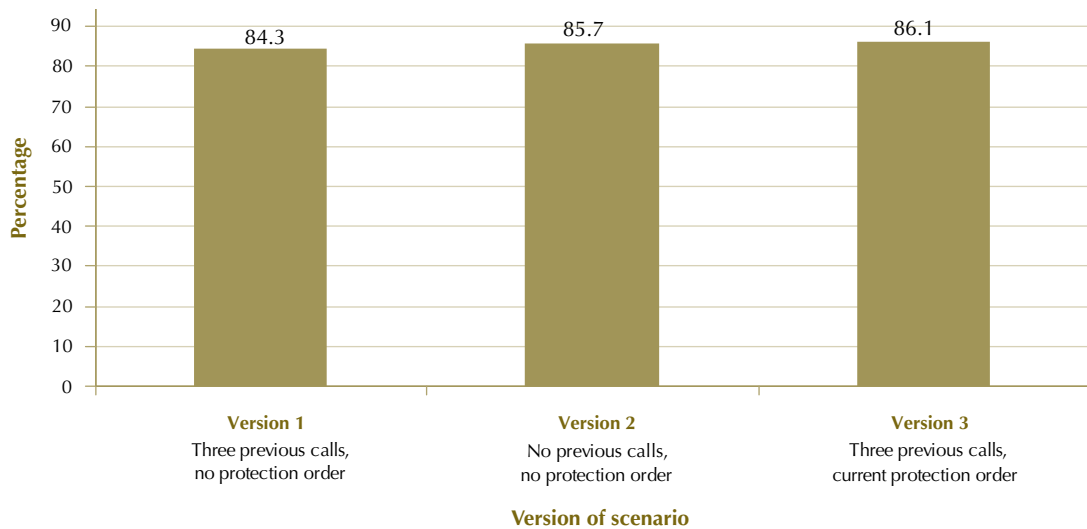


Officers were then asked to indicate the likelihood of their advising Mrs Hamilton that her husband could have criminal charges laid against him. The majority of officers (about 85%) responding to all three versions of the scenario indicated that it was somewhat likely or very likely they would advise her about criminal charges (Table 5.4, Figure 5.6). However, for the third situation, where there had been three previous calls to that address and there was a current protection order against the husband, a higher proportion of officers indicated they would be 'very likely' to mention criminal charges, with only one or two being 'very unlikely' to do so ($\chi^2 = 12.905, p < .05$).

Table 5.4: Likelihood of advising the aggrieved that criminal charges could be laid: comparison of three versions of the scenario

	Very unlikely % (n)	Somewhat unlikely % (n)	Somewhat likely % (n)	Very likely % (n)
Version 1	7.5 (10)	8.3 (11)	41.4 (55)	42.9 (57)
Version 2	4.5 (6)	9.8 (13)	40.2 (53)	45.5 (60)
Version 3	1.6 (2)	12.4 (16)	28.7 (37)	57.4 (74)

Figure 5.6: Percentage of officers who indicated they would be somewhat likely or very likely to advise the aggrieved that criminal charges could be laid



The likelihood of officers making an application for a protection order against Mr Hamilton was analysed only for the responses to versions 1 and 2 of the scenario (because in version 3 a protection order was already in place). The majority of officers responding to both situations said they would be likely to make an application for a protection order (Table 5.5). However, as expected, officers were more likely to apply for a protection order when there had been previous calls to the address.

Table 5.5: Likelihood of applying for a protection order: comparison of two versions of the scenario

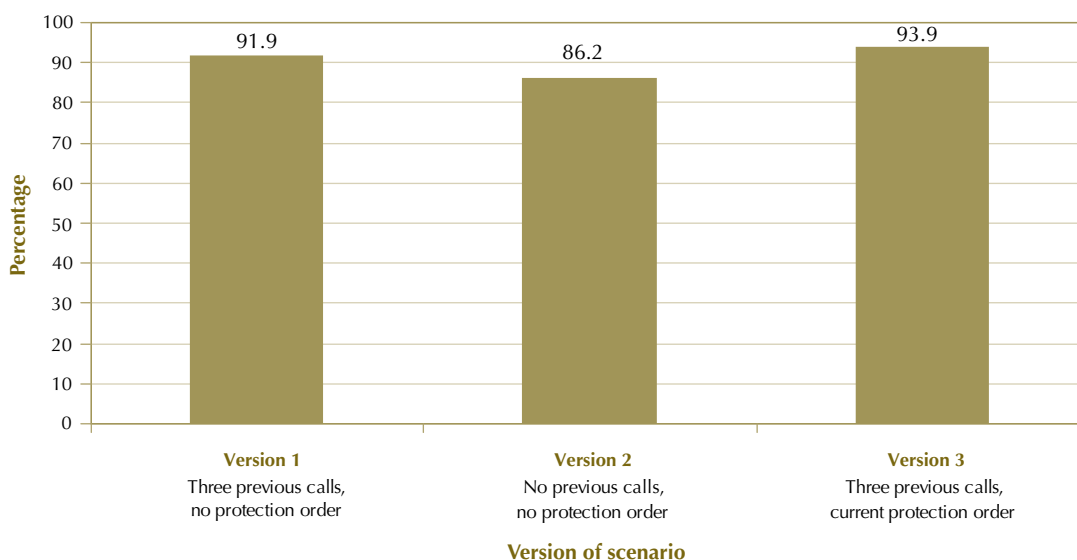
	Very unlikely % (n)	Somewhat unlikely % (n)	Somewhat likely % (n)	Very likely % (n)
Version 1 (n = 133) Three previous calls, no protection order	4.5 (6)	9.8 (13)	27.1 (36)	58.6 (78)
Version 2 (n = 132) No previous calls, no protection order	7.5 (10)	16.5 (22)	29.3 (39)	46.6 (62)

Finally, the likelihood of officers referring Mrs Hamilton to support services was assessed. The results show that most officers *would* refer her to support services, irrespective of the history of domestic violence (Table 5.6, Figure 5.7). The likelihood of referral increases with the severity of the scenario, though this increase is not significant.

Table 5.6: Likelihood of referring the aggrieved to support services: comparison of three versions of the scenario

	Very unlikely %(n)	Somewhat unlikely %(n)	Somewhat likely %(n)	Very likely %(n)
Version 1 (n = 133) Three previous calls, no protection order	3.4 (5)	4.7 (7)	31.8 (47)	60.1 (89)
Version 2 (n = 132) No previous calls, no protection order	3.3 (5)	10.5 (16)	33.3 (51)	52.9 (81)
Version 3 (n = 129) Three previous calls, current protection order	0.7 (1)	5.4 (8)	28.4 (42)	65.5 (96)

Figure 5.7: Percentage of officers who indicated they would be somewhat likely or very likely to refer the aggrieved to support services



Overall, the analysis shows that the history of domestic violence influences officers in their decisions whether or not to apply for a protection order, to advise the aggrieved that criminal charges could be laid, or to refer the aggrieved to support services. In particular, officers are significantly more likely to advise the aggrieved that criminal charges could be laid if there is a history of domestic violence. Officers are significantly less likely to take action if it is the first time police have been called to deal with a domestic violence incident involving a particular couple.

Overview

This chapter has explored a number of factors that influence officers' decisions when they respond to domestic violence incidents. Officers' decisions to apply for a protection order are most strongly influenced by the likelihood that violence will recur, by a perception that the victim is willing to cooperate with police, and by the increased monitoring of their actions in relation to domestic violence. At the same time, officers indicate that frustration with the amount of paperwork and the time required to deal with domestic violence jobs are adversely affecting their willingness to take action.

Factors strongly influencing officers in favour of charging domestic violence offenders with a criminal offence are the seriousness of injuries to the aggrieved, the use of a weapon, and the fact that an indictable offence (i.e. a serious criminal offence) has been committed. However, officers are less likely to proceed with charges if the aggrieved does not want the offender charged or is believed to have dropped charges in the past. The results emphasise the important role the victim plays in decisions to proceed with criminal charges. Even if an individual victim indicates a desire to have her partner arrested, an officer's past experience with victims who withdraw charges is likely to result in the officer disregarding their wishes. However, the research also showed that officers were more likely to take action where there was a history of domestic violence.

6

Officers' perceptions of role and specific challenges

Police officers fulfil a number of roles when they attend domestic violence incidents. They ensure the safety of the victim, conduct an investigation, enforce the law, and provide support and advice. The nature of these roles depends both on the circumstances of the situation and on operational procedures, as directed by internal policy. This chapter examines how police officers perceive their role in relation to domestic violence and assesses the impact of recent changes to domestic violence legislation. Additionally, the challenges that police face in performing their roles are discussed.

Officers' perceptions of role

The role of police attending domestic violence incidents was an issue that generated considerable debate during focus group discussions with operational police. Similarly, while this question was not specifically addressed by the police officer survey, many officers eagerly volunteered their opinion in the open-ended section of the survey, on what they believed should be the role and responsibility of officers attending the scene of a domestic incident.

For the most part, discussion surrounded the distinction between criminal matters, which officers identify as police responsibility, and civil matters, which some officers believe are not necessarily a police responsibility. Officers tend to classify domestic violence as a civil matter governed by civil legislation, which should be dealt with by the government department with ownership of that legislation (i.e. the Department of Communities). Officers believe that most domestic violence involves non-physical, verbal arguments that usually arise due to a range of social factors such as unemployment, poor relationship skills, alcohol or drugs, and history of abuse. Therefore, they feel that the continual focus on improving the police response to domestic violence fails to acknowledge the limited impact that police can have on such a complex social problem. Officers argue that other government agencies need to embrace a more front-line role in responding to domestic violence.

Police are becoming arbiters of the family. We are often talking about normal family disagreements that suddenly need regulating by police. These are a social worker's task, not ours. Parenting and marriage counselling should be more widely available and encouraged. (Police survey participant #231)

A common theme to emerge during focus groups is that many jobs police deal with are 'black or white' — either the behaviour is lawful or it is not. In contrast, many officers consider domestic violence to be a 'grey' area, in which it is difficult to know the best way to handle a situation, particularly when the behaviour is unacceptable but falls within the law (e.g. verbal argument). Officers are also acutely aware that they are often criticised by domestic violence agencies for not responding adequately. Officers expressed interest in having workers from these agencies attend calls with them to see for themselves how difficult these situations

can be to resolve. The difficulty is exacerbated when neither the victim nor the offender wants police involved, and when sometimes they can be openly hostile towards a police presence.

In summary, many officers believe that the majority of domestic violence calls for service do not involve criminal behaviour, but rather consist of low-level persistent arguments that are a result of poor relationship skills and socioeconomic factors. Police also believe they have a limited capability to deal effectively with these behaviours, and that other government and non-government agencies need to provide more direct assistance to police so that chronic domestic violence can be effectively addressed.

Widening the scope of domestic violence legislation: impact on police workload

In the focus groups, some officers viewed quite favourably the broadening of domestic violence legislation to incorporate additional categories of relationships. These officers claimed that, before family relationships were included in domestic violence legislation, it was difficult to act in cases where adult children were repeatedly abusing their parents. Previously, the only option was to lay criminal charges, if warranted by the evidence. Such a decision was rarely supported by the parents. Consequently, police were repeatedly being called to disputes and were unable to apply effective solutions to the problem. Now, in these types of situations, police can apply for a protection order without the consent of the victim (parent) and can charge offenders with a breach of the protection order if the abuse continues.

New amendments to the legislation now allows a broader range of options and possible action at incidents involving family members. It gives the parties involved protection and a more 'comfortable' way for police to take some form of action when criminal complaints are likely not to proceed. (Police survey participant #257)

This issue was also examined in the officer survey. Police officers participating in the survey were asked their level of agreement with the statement: 'Recent changes to domestic violence legislation have improved your options/tools/alternatives to deal with a domestic disturbance.' The response options ranged from 'strongly disagree' to 'strongly agree'.²⁷

Nearly half (48%) of the participants strongly or somewhat disagreed that legislative amendments had given them better options for dealing with domestic disturbances (see Figure 6.1, next page). In comparison, approximately one-quarter of participants somewhat or strongly agreed with the statement. An analysis of differences by gender revealed that female officers were significantly more likely to agree that changes to domestic violence legislation had improved the range of options to deal with a domestic violence incident ($t = -2.617, p < .01$). No statistically significant differences were found between the responses of officers from different ranks.

Officers were also asked if they believed that changes to domestic violence legislation had increased their workload.

Figure 6.2 (next page) shows that approximately 80 per cent of participants believed that their workload had increased. Only 5.7 per cent of participants disagreed with this statement. There was no difference between the perceptions of male or female officers, or officers of different ranks.

²⁷ Response options: 1 = strongly disagree; 2 = somewhat disagree; 3 = neither disagree nor agree; 4 = somewhat agree; 5 = strongly agree.

Figure 6.1: Officers' perceptions that changes to legislation had given them better options for dealing with domestic violence

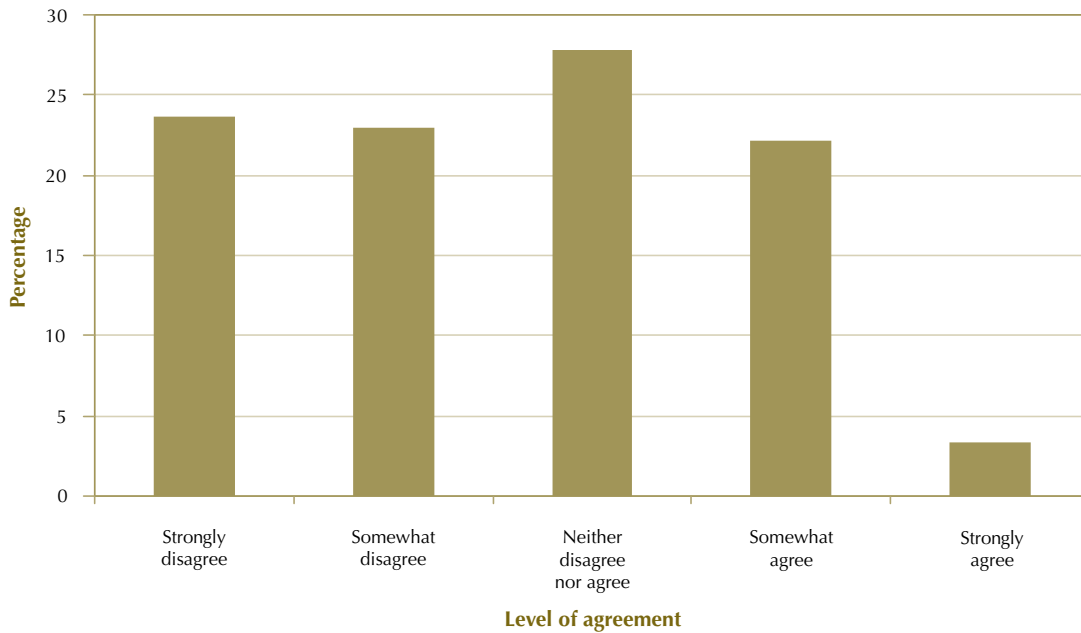
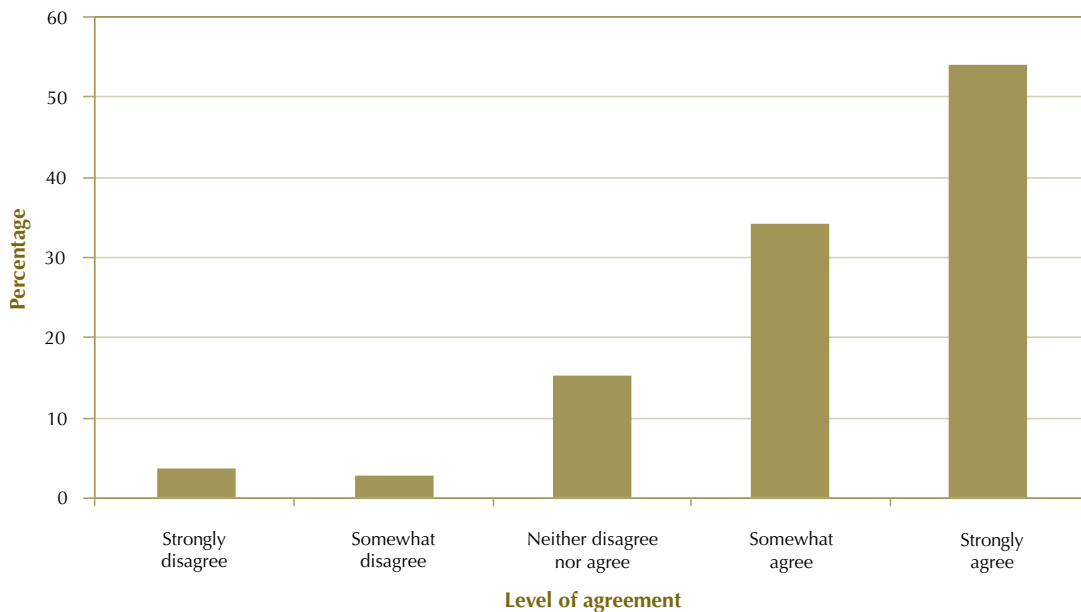


Figure 6.2: Officers' perceptions that changes to the domestic violence legislation had increased their workload



Almost one-fifth (19%) of survey participants thought more than 50 per cent of domestic violence calls involved new relationship categories. The analysis of workload in Chapter 4 shows that in reality this proportion is only 20 per cent. A large proportion of officers in the focus groups also voiced their concern that introduction of additional categories of relationships to domestic violence legislation would increase their workload.

I honestly believe that the new changes to the DV Act will create an insurmountable amount of work for general duties police. The recent changes mean that dealing with DV incidents will become more and more prevalent in the average shift of a general duties officer. It appears the changes have been implemented without proper consideration as to how much work will be created for, in many cases, overworked and understaffed police districts. (Police survey participant #167)

Police in both focus groups and surveys overwhelmingly indicated that operational police were not consulted and did not have any input into the amendments. There was a general feeling that policymakers in the Department of Communities (previously Department of Families) had limited understanding of constraints under which police must act, and of the continually increasing workload. The dissatisfaction with expanding domestic violence legislation to include relationships other than spousal was amplified in areas with a high Indigenous population, due to the nature of family relationships among Indigenous people.

Previous legislation [is] more than adequate for domestic violence matters. New legislation has been introduced with NO consultation with operational police. Family relationships under this Act create RIDICULOUS workload increases for police in ATSI communities where nearly all previous disturbances between 'Cousins' or 'Brothers' are now DV. Police are either going to be tied up with DV applications for just about every family member or get roasted by CMC for taking no action. (Police survey participant #89)

In summary, while police can see some benefits to including relationships other than spousal under domestic violence legislation, most perceive that this has significantly increased their workload.

Challenges for police

Discussion with police officers in focus groups and examination of information contained in the DV Index identified a number of challenges for police officers attending domestic violence incidents. Police are often called repeatedly to incidents involving the same couple, resulting in significant use of police time and frustration for officers. As Chapter 4 of this report has shown, the number of applications for protection orders and the number of breaches of these orders is increasing. Officers identified components of the protection order process that they believed reduced their efficiency and effectiveness in responding to domestic violence. Finally, consultation with domestic violence agencies identified dissatisfaction with how officers respond to reports of breaches of protection orders.

Chronic repeat calls for service

One of the primary challenges for police is that domestic violence, by its very nature, often means police are called to an address or couple on multiple occasions. This is in contrast to the typical police job, which involves a response to a single incident rather than trying to address an ongoing pattern of behaviour in which the victim is repeatedly abused by the same offender. In the focus groups, officers discussed the difficulty that repeat calls for service present, and the frustration they feel when they are unable to resolve a recurring matter. Repeat calls for service can also be viewed as a failure of police to take appropriate action in the first instance. Not only does this mean the victim's safety may not be addressed, but it also means that considerable police time is spent responding repeatedly to the same family.

In order to understand the nature of chronic repeat calls for service, a review was undertaken of cases in which there had been 10 or more calls to the same couple during a six-month study period. There were 12 couples who recorded more than 10 incidents for this period on the DV Index. All of these cases involved spousal-type relationships. In 10 cases, the victim was female and the offender was male. In five of the cases, both the male and female had protection orders issued against them. In seven cases, the victim was Indigenous. To illustrate the circumstances of these types of chronic repeat cases, one of the case studies is discussed in detail in Box 6.1.

Box 6.1: Case study

This case involves a spousal relationship between a 27-year-old female victim and a 39-year-old male offender. A current protection order was in place against the offender, issued before the study period. Both parties identified as Aboriginal. Eighteen calls for police assistance were made over a 23-week period, and this took about 42 hours of police time. In nine of the incidents, police were called to the home address, and in the other nine incidents police were called to public locations such as the local shops or roadside. In only five incidents was the offender still at the scene when police arrived. In four instances a breach of a protection order was recorded.

Date	Police action	Precis
1. 07/04/03	No action	Verbal argument only, offender not at the scene, victim stated they were no longer together and they had argued at the local store, no injuries.
2. 10/04/03	Breach	Police called to house, victim reports that offender had been at her place earlier in the day and thrown her clothes out of the house, victim not cooperative, offender not at scene but subsequently found and arrested and charged with a breach, bail condition includes no contact with victim.
3. 11/04/03	No DV	Victim called police from shops, she had seen the offender walking along the street and mistakenly thought he was breaching his protection order, police transported her home.
4. 02/05/03	No DV	Call from shop owner reported dispute in store. Victim said they had verbal argument but no threats or violence.
5. 04/05/03	No action	Police attended regarding the victim cutting her knee on a window, she stated she had fallen, police supervisor called to attend, no further action was taken.
6. 29/05/03	No action	Police called by social worker from government agency as the victim was refusing to leave, victim stated that the offender had pushed and grabbed her the previous night, no visible marks, she refused to make a statement. Offender denies.
7. 12/06/03	No DV	Victim enters store and asks staff to call police, victim alleges offender followed her down the street, no signs of injury, victim would not provide a statement.
8. 12/06/03	No action	Victim seen on the street and tells police she is scared to go home, offender had not been violent and there were no injuries, victim wanted temporary accommodation.
9. 23/06/03	No action	Police called to bus depot by victim, no specific complaint made, police went to house and spoke with male who states they argued, she pushed and scratched him and he threatened her with a brick, conflicting versions of story by victim and offender, police took victim back to house to collect belongings and transported her to accommodation.
10. 22/07/03	No DV	Disturbance reported at service station, police locate victim nearby, offender not found, victim states verbal argument only and does not want police assistance.
11. 30/07/03	No action	Police called by government agency, victim had made allegations of DV, when police attended victim indicated she was fine and staff misunderstood her, she didn't know where partner was.
12. 09/08/03	Breach	Police called to complaint of man trying to enter premises, victim states he entered through window and they talked, she was concerned about him coming back, victim is 7 months pregnant.
13. 10/08/03	Breach	Victim says she was punched in stomach by offender, refused to give statement but conversation recorded on tape, victim uncooperative, respondent denies allegations.
14. 15/08/03	No DV	Victim wanted offender moved on, no DV had occurred and he had not entered premises.
15. 18/08/03	No action	Victim called police, when police arrived victim and offender were in bed, victim alleges offender pushed her, conflicting versions.
16. 19/08/03	Breach	Offender refused to leave house, knocked victim down, ripped jumper and pushed on her stomach, aggrieved signed a notebook statement, offender not located.
17. 17/09/03	No DV	Victim says offender was loitering outside her house earlier that day, respondent not at scene.
18. 18/09/03	Breach	Attended shopping centre after report of a violent assault, victim confirms there had been a physical altercation, blood on victim's hand, offender not at scene, while police were following up with aggrieved at her home later in day they observed offender who ran from police, unable to locate offender.

This case illustrates some of the difficulties that face police when responding to this type of domestic violence:

- There were a number of incidents where ‘no action’ was taken.
- Police calls were frequent (over one 10-day period police were called five times; on another occasion police attended twice in one day).
- Analysis of DV Index information shows that it took police about 42 hours of time to deal with these matters.
- Often the offender was not at the scene when police arrived.
- The victim was usually reluctant to assist, even though she called police.
- On several occasions there was no argument or other domestic violence occurring — rather, the victim had called police to arrange for accommodation or because she had seen the offender in public areas.
- The protection order contained only the standard conditions and did not preclude contact between the couple. Neither the victim nor the offender seemed to understand the terms of the protection order, which was explained to them on numerous occasions.
- There was increasing physical violence towards the pregnant victim.

Some of the police reports indicate that the victim was mentally challenged; and not long after the final incident described in this case study she was admitted as an inpatient in a mental health facility. Further investigation also found that the offender had suffered memory loss due to brain injury, thus partially explaining the difficulty for both parties to understand the situation.

In this case study, and in a number of the other chronic repeat cases examined, responding officers appear to have acted appropriately and with justification at each separate incident. However, there is no evidence of officers taking a more proactive, problem-solving approach to address the problem as a whole, rather than treating it as a series of separate, unconnected events.

Issuing a summons

Often, when police attend a domestic violence incident, the respondent has already left the scene and police are unable to detain the person for the purposes of completing a protection order application. When this occurs police are required to complete a summons and have it signed by a Justice of the Peace [OPM, section 9.9.1 (ii)]. See Box 6.2.

Box 6.2: OPM, section 9.9.1, Application for a Protection Order (DV1)

ORDER

When an officer has carried out investigations into a complaint of domestic violence and an application for a protection order is to be made, that officer is to then:

- (i) complete an Application for a Protection Order (DV1) and, if necessary, the attached summons. It is not necessary to prepare a summons to the respondent if the respondent has been taken into custody under the provisions of section 69 of the Domestic and Family Violence Protection Act (see s. 9.9.4: ‘Application for a domestic violence order as a result of detention’ of this chapter); and
- (ii) if it is necessary that the summons attached to the Application for a Protection Order (DV1) be issued, present the summons to a Justice of the Peace (Qualified or Magistrates Court) and advise that justice of the next suitable time and date when the magistrates court will convene.

The fact that police are required to have a JP sign the summons attached to the protection order was one of the most consistently nominated problems identified by officers as hindering an efficient application process. As domestic violence often occurs at night and/or on weekends, police can have difficulty locating a JP. This problem is exacerbated in rural areas where the availability of a JP may be limited. Once police have served the respondent with the application for a protection order they are required to complete an Oath of Service and again find a JP to sign this document. The unanimous opinion of operational police, prosecutors and domestic violence liaison officers (DVLOs) is that the requirement for a JP signature seems to serve no useful purpose, and can add considerable time to the application process.

... removing the need to find a JP at 3 am in the morning would be great when an oaths act declaration would achieve the same result. (Police survey participant #47)

Having to get orders JP'd is time wasting considering we are trusted enough to write notices for indictable offences. (Police survey participant #229)

This problem was recently acknowledged by the QPS and has been nominated as a priority for action by the Domestic Violence Working Group and the Commissioner's Reference Group.

Administrative tasks and paperwork

Another concern raised by operational officers is the amount of paperwork and number of operational indexes necessary to record their involvement at a domestic violence incident. 'Too much paperwork' is a common complaint from officers, but an examination of the requirements associated with a domestic violence job and other police matters does seem to indicate that the system is far too time-consuming. Not only are QPS systems cumbersome to use, but there also seems to be an unnecessary amount of redundancy in the information that has to be entered into numerous databases. For example, every time an officer changes database (e.g. CRISP to Custody Index to DV Index) the incident and/or personal details must be re-entered. This is time-consuming, and increases the likelihood of error. This problem is partly due to the lack of integration of QPS computer systems. It was originally identified during a 1995 internal review of the police response to domestic violence which found that: 'The whole process established by the DVFPA²⁸ and the internal police procedures makes policing domestic violence complaints difficult, complex and time consuming' (QPS 1995, p. 152).

The clear message provided by operational police is that the systems and paperwork associated with attending a domestic violence incident are more cumbersome and resource intensive than for other criminal offences. The quote below epitomises the opinion of many of the operational police consulted during the research project.

Why is it harder to commence action for a DV application than proceed against an offender for a serious indictable offence? A procedure similar to a Notice to Appear and QP9 could be utilised for police. Leave the current DV application for private use, but a form such as that need not be used by Police. Instead of the current DV Index, information could be added to QPS systems through CRISP. The facility to check names and addresses already exists in this system, why couldn't it be also utilized for DV queries? (Police survey participant #153)

Complaints were repeatedly made by officers about the database used to enter information on all domestic violence incidents (i.e. DV Index). This is a relatively new system, which was introduced at the same time as the recent legislative

²⁸ Domestic Violence and Family Protection Act

amendments. Overall, officers find this system difficult to use, particularly to extract information about the history of a domestic violence job they have been called to. A new version of the DV Index was developed and implemented in March 2004. This modified version appears to have addressed a number of the concerns that operational officers have with the system. However, follow-up contact with several officers in early 2005 does indicate that the DV Index still fails to allow officers to quickly and easily establish the current status of a protection order.

Officers also made a number of suggestions on how the process could be made more efficient and user-friendly. For example, being able to print an application form for a protection order directly from the DV Index would remove the need to fill out the application form manually. Another suggestion was to have information entered into the DV Index by CRISP operators, as is currently done for other crime reports.

Generate a CRISP style phone system where the incident is entered by a trained operator. Information entered on a database is able to be accessed statewide. DV forms can be automatically generated and all computer indexes completed at the same time. (Police survey participant #334)

The QPS is currently undertaking a number of projects relating to the capability of its information technology systems, which should improve the efficiency of entering and accessing information in databases.

Counter applications

While the most common means by which police receive a complaint is a telephone call for attendance at the scene of a current domestic violence incident (85.4%),²⁹ the victim may sometimes attend the counter of a local police station to make a complaint. This often occurs some time after the actual incident has occurred, for a number of reasons, including opportunity, fear at the time of the incident, or the time it takes for the victim to reach a point where they are confident enough to come forward with the allegations.

Counter applications were identified by a number of focus group participants as presenting some problems for police. For example, because the aggrieved may be reporting an incident that happened several days earlier, there may be little physical evidence of abuse, other than her statement that domestic violence occurred. Police officers feel generally reluctant to take the complaint and move forward with an application if it is based on such limited evidence. In these cases, many officers believe the matter would be better dealt with by referring the aggrieved to a local domestic violence service or courthouse for assistance in making a private application.

Aggrieved who attend police stations days or weeks later and in no imminent danger should be able to be referred to support persons/courthouse to make private application. Too time consuming for police to take out order when it could be done by aggrieved at no risk of injury or harm. (Police survey participant #281)

The courthouse and Family Services should also be made to carry the weight for non-urgent applications. In this Division, only the police take out or assist applications, it needs to be shared around. (Police survey participant #171)

Although referral to a support service or courthouse was frequently suggested as an appropriate course of action by operational police, it is generally not considered by police management to be an adequate response. A number of districts in

²⁹ From analysis of DV Index data April to September 2003

Queensland have established operating procedures that specifically direct officers not to refer an aggrieved who reports an incident at the counter to court assistance services. Domestic violence agencies also agree that referring someone on to another service is often not the best action, as it can take considerable courage for an aggrieved to finally come forward with allegations of abuse. They need to have their situation validated, not 'flicked' on to another service. On the other hand, some agency workers felt comfortable with police sending the aggrieved with non-urgent applications to them for assistance, as they believed they had the capability and time to provide support and a better quality application. In NSW, for example, police are able to refer victims who present at the station counter to a chamber magistrate who provides information about legal options and can help mediate the problem or assist in the application process.

In court

All victims of domestic violence involved in police-initiated applications are represented in court by the police prosecutor. If the application is a private application, the aggrieved may engage the services of a Legal Aid worker or private solicitor to represent them. If they do not have representation, a police prosecutor usually appears on their behalf. In Queensland, most are assisted by police prosecutors.

Interviews with prosecutors, domestic violence agency workers and the survey of victims of domestic violence identified a number of challenges for prosecutors in representing a victim in applications for a protection order or in bringing breach charges before the court.

Prosecutors and domestic violence workers considered the workload of prosecutors to be an area of major concern. Prosecutors report that they rarely have time to prepare for a hearing, and often will be given the file as they appear before the magistrate.³⁰ This has led to the impression among some domestic violence agencies that domestic violence is not considered important by prosecutors. Some court support workers acknowledge the goodwill of their local prosecutors but believe that their heavy workload means they are too busy to have time to properly prepare a case and talk to the aggrieved. While several court support workers highlighted the constructive partnerships they have developed with their local prosecutor, the majority of comments regarding the attitude of prosecutors towards victims and court support workers were negative.³¹ For example, some court support workers felt that prosecutors were dismissive of their presence and ignored issues that were raised.

However, as with operational police, it seems that satisfaction with prosecutors is based largely on individual personalities. During the course of this research, several examples of police providing exceptional support for victims were brought to the CMC's attention. For example, in one district a police officer has been allocated the role of assisting at court on all domestic violence matters. This role involves attending court every morning and preparing all documentation and briefs for the prosecutor, and ensuring affidavits are in order. The police officer also meets with the court support worker and discusses the caseload for the day. The police

³⁰ This is consistent with concerns expressed in the NSW Law Reform Commission review (2004), which noted that the concerns regarding the quality of representation by prosecutors is largely due to high workloads and an inability to review complaint files before appearing in court.

³¹ A court support worker usually is provided by the local domestic violence service to attend court with the aggrieved and provide support and sometimes advocacy during the court process.

officer then talks to respondents to ensure they understand the court process, the likely outcomes and the seriousness of domestic violence.

The presence of the domestic violence police officer at the court serves two important purposes. First, they provide assistance to both victim and respondent. Second, they ease the workload of the prosecutor, who is assured of having all relevant information ready for the case to be presented to the magistrate. One of the magistrates who presides in this particular district commented that the quality of applications has improved, and respondents are better informed and less likely to be resistant to instructions of the court. Several other districts are also providing similar services, through establishing designated positions for police officers to assist at court during hearings for domestic violence matters.

Quality of applications

A complaint raised by a number of police prosecutors is that they are being given cases by operational police that do not meet the standard of proof or the criteria for domestic violence. Consequently, there is a strong possibility that these cases will be dismissed by magistrates. The increase in low-quality applications is believed to be occurring due to increased managerial direction to operational police to 'take action' at domestic incidents. This is consistent with comments made by some operational police that the increase in monitoring of domestic violence jobs and a more directive policy is resulting in a perception that they MUST take action. Consequently, some police report that their decision to apply for a protection order is sometimes based on avoiding scrutiny, rather than on actual safety concerns for the victim. However, sometimes these 'borderline' applications do not adequately meet magistrates' criteria and are dismissed. Not only does this waste police time, but it can also create unnecessary stress for the family.

Some police prosecutors note that the problem of 'borderline' applications is more likely to occur in cases involving the new relationship category of 'family'. For example, disputes between family members, while meeting the criteria of domestic violence, are less likely to occur again, and often do not involve ongoing fear based on power and control. In many of these cases, the aggrieved does not wish to proceed with charges or an application for a protection order and there appears to be no benefit to proceeding with these matters.

Police prosecutors are also required by QPS policy to assist an aggrieved who has made a private application for a protection order. In general, prosecutors interviewed would prefer not to represent private applications. Reasons given included the feeling that private applications were often based on insufficient evidence, and that little time was available to meet with an aggrieved to prepare a case. This limited their ability to provide strong representation before the magistrate.

Magistrates

Police officers in focus groups raised the concern that magistrates had inconsistent documentation requirements for protection orders. Individual magistrates determine what documentation they consider necessary for moving forward with an application for a protection order. Consequently, some magistrates require only a completed application form, while others require an application form, affidavits and statements from all parties.

The problem is exacerbated when magistrates within one courthouse have different requirements. Officers may even engage in what they call 'court shopping', in order to have their application heard by a magistrate who has less demanding requirements.

Officers responding to the survey were asked to indicate whether the magistrate in their district required an affidavit. Approximately 25 per cent of participants indicated that an affidavit was required, 45 per cent indicated that an affidavit was not required, and a further 9 per cent were not sure. This can be confusing for officers who transfer between districts.

This problem was previously identified in the QPS (1995) review of the police response to domestic violence. A recommendation was made at that time to consult with the Department of Families (now Department of Communities) and Department of Justice and Attorney General to standardise court proceedings. This issue has also been brought to the attention of the QPS Domestic Violence Working Group. However, the difficulty in resolving this problem appears to be that judicial independence requires magistrates to be free from directives or influence from others regarding how they do their job.

Responding to breaches of protection orders

During consultation with domestic violence services and legal agencies the failure of police to respond appropriately to breaches of protection orders was consistently raised. There is a strong perception among some staff working in the services and agencies that police do not conduct adequate investigations of reported breaches and do not charge respondents with a breach unless serious physical harm has occurred. This is not a new problem, with lack of appropriate police response to breaches identified in previous reviews of police operations in Australia (cf. NSW Ombudsman 1999; NSW Law Reform Commission 2004; WA Ombudsman 2003).

Understandably, victims and their advocates expect police to respond vigorously when called to a breach matter. Much of the strength of a protection order rests with the threat of consequences if the offender engages in behaviour that has specifically been prohibited in the order. However, there is a perception that police are not utilising their powers to the fullest extent in these matters. This not only leaves victims disillusioned and frustrated, but also potentially keeps them in unsafe situations. Lack of police action also sends a message to offenders that they can get away with anything, and that the victim is still within their control. If this is the case, the ability of a protection order to deter future violent offending is diminished.

If the police do not enforce the law when there is a breach, this sends a message to perpetrators that they are above the law, thereby leaving the victims less safe. (NSW Law Reform Commission 2004, p. 57)

In response to this criticism, police in focus groups claim that the low breach rate is due to the difficulty in gathering sufficient evidence to support a successful case in court. When applying for a protection order the police officer has only to believe that domestic violence is occurring 'on the balance of probabilities'. However, when a protection order is breached, police must shift from a response shaped by civil legislation to one based on the criminal code. Specifically, a breach of the protection order is a criminal act and police may arrest (or alternatively give a notice to appear or summons) in order to have the offender appear before the court to answer the criminal charge. These charges must be based on evidence that reaches the standard of 'beyond reasonable doubt'. Officers contend that in many instances the occurrence of the breach is difficult to confirm, and there is often

little reliable evidence to support a charge. For example, if the offender drives by the victim's house and she is the only witness to the behaviour the only evidence they have is her testimony. Therefore, even if they were to charge the respondent with a breach, police believe it is likely that prosecution would fail.

The frustration expressed by police in Queensland is consistent with the opinion of NSW police who were recently consulted during the NSW Law Reform Commission's review (2004) of apprehended violence orders. In response to claims that police fail to act on breaches, police state that 'there is often insufficient evidence to substantiate a criminal charge for breach, or the victim does not want to proceed, and the prosecution will fail without her evidence' (NSW Law Reform Commission 2004, p. 57–58).

While the limitations of evidence may be a valid challenge for police in responding to breaches, failure to actively pursue breaches may also reflect a lack of understanding and a tendency to perceive breaches as minor issues. Approximately 35 per cent of police officers who participated in the survey agreed or strongly agreed that if the aggrieved consented to the order being breached this would influence their decision to take action.³² In these instances, the aggrieved is perceived as being inconsistent in their action towards the respondent and as much at fault in allowing the violence to occur. This is frustrating for police and they are less likely to support the aggrieved. However, the NSW review of protection orders determined that consent should not be relevant in determining whether to act on a breach and should not be used as a defence by the defendant (NSW Law Reform Commission 2004).

While beyond the scope of this project, the perceived failure of the courts to impose tough sanctions on respondents who breach protection orders was also an issue of concern raised by domestic violence service providers and police officers during this project. These groups expressed particular discouragement at the weak sentences given to respondents who had breached multiple times, with little apparent sanction by the court. Encouraging the police to take a strong approach to breaches will not address the needs of victims if the courts are reluctant to follow through with appropriate penalties. Not only is the respondent not held accountable for past behaviour (e.g. the breach), but they are also unlikely to be deterred from committing further acts of domestic violence. This may be an area where further research is required.

Overview

Police officers believe domestic violence is a complex social issue that they cannot deal with effectively without direct assistance from other agencies. Some police see the new legislation in Queensland as providing better options for dealing with family disputes. The majority of officers, however, believe that the inclusion of non-spousal relationships in domestic violence legislation has substantially increased their workload and has been implemented without adequate consultation with police.

Police officers face a number of challenges in dealing with domestic violence. Some of these challenges, such as managing repeat calls for service, the use of

³² The term 'consent to a breach' refers to the circumstances in which the aggrieved invites or otherwise actively encourages the respondent to break the terms of the protection order. This most commonly occurs when there is a 'no contact' order stipulating that the respondent must not come near the aggrieved or home of the aggrieved. There may be reconciliation between the parties, and despite a 'no contact' order being in place, the aggrieved invites the respondent over to the house.

summons, administrative requirements and the workload of prosecutors, are internal organisational issues. Others, such as the needs of individual magistrates, require negotiation with external stakeholders. Police are strongly criticised for their perceived failure to respond appropriately to breaches of protection orders. Police say this is usually due to the fact that there is insufficient evidence to support a successful prosecution, particularly if the victim is not willing to cooperate. However, police need to understand the importance of acting on all breaches, even if they appear to be minor, as it may be part of a pattern of behaviour that is intimidating to the aggrieved and may progress to a more serious crime. In this way, respondents are held accountable for current behaviour and may be deterred from committing further acts of domestic violence.

7

The client's perspective

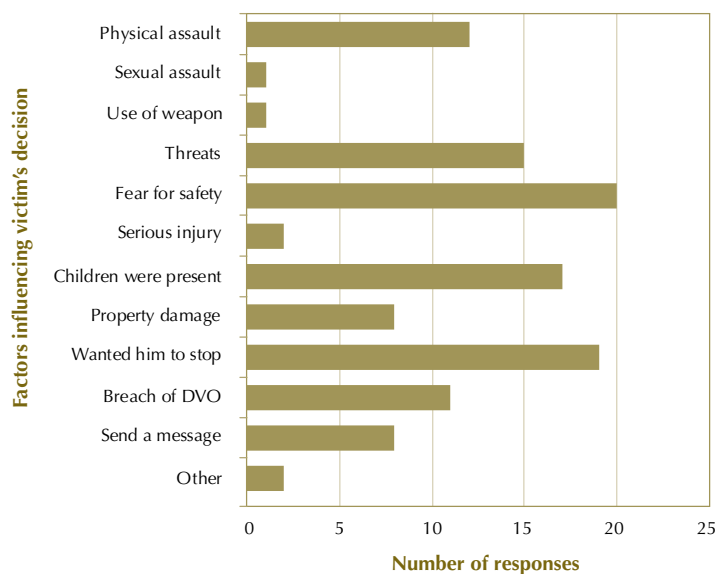
When police officers respond to a domestic violence incident it may be the first time the victim has revealed their situation to anyone outside the home. Therefore, the response and treatment they receive from officers can influence their willingness to seek future assistance. This chapter examines the issue of domestic violence from the perspective of victims. The perceptions and experiences of victims were gathered through a survey distributed by a number of domestic violence services across Queensland. Of particular interest were victims' direct experiences with police.

Calling for assistance

Domestic violence reported to the police significantly under-represents the incidence of domestic violence in the community (see ABS 1996, 2002; Carcach & James 1998). There are a number of reasons why victims do not call the police, including fear of retaliation or past negative experiences with police (Wolf et al. 2003). Among other things, the CMC victim survey examined the factors which influenced the victim's decision to call the police and, conversely, the factors that reduced the likelihood of their calling for police assistance. Of the sample of victims who completed the survey, approximately 68 per cent ($n = 36$) indicated that police had attended their most recent incident of domestic violence.

Of the 36 victims who had their most recent incident attended to by police, 64 per cent ($n = 23$) indicated that they had called the police themselves because they feared for their safety and they wanted the abuser to stop (Figure 7.1).

Figure 7.1: Factors influencing victim's decision to request police assistance

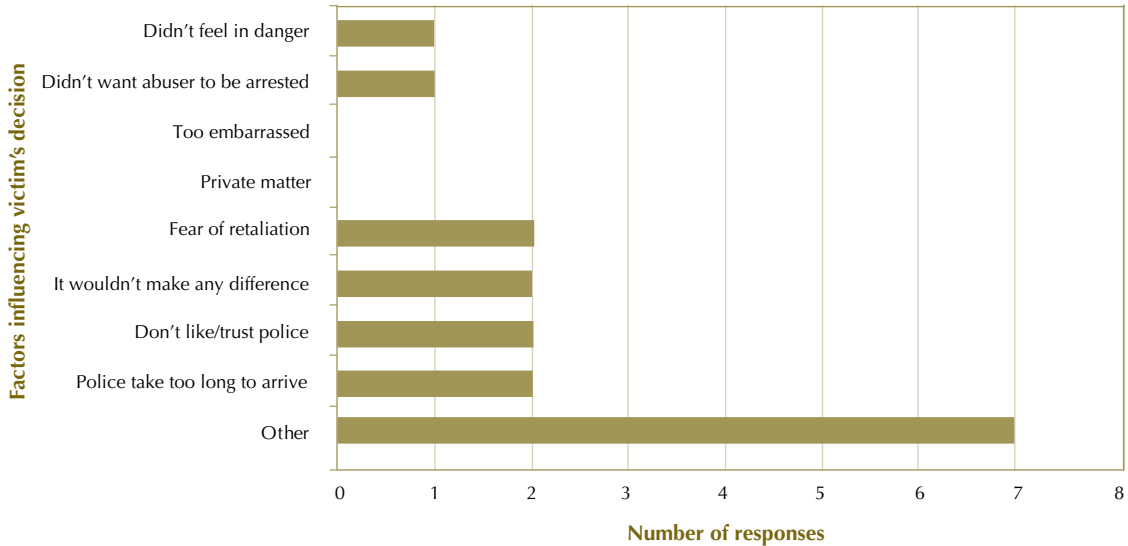


Source: CMC victim survey 2003

Note: Participants could nominate more than one factor.

In contrast, 14 victims did not call the police.³³ Their decision was influenced by a lack of trust in the police, fear of retaliation, and a belief that police attendance would make no difference, or the police would take too long to arrive (Figure 7.2). Seven victims indicated there were other reasons for not calling police. Primarily, these victims did not call police because they were physically prevented from doing so by their abuser.

Figure 7.2: Factors influencing victim's decision not to request police assistance (n = 14)



Source: CMC victim survey 2003

Note: Participants could nominate more than one factor.

Satisfaction with the police response

Participants who had police attend their last incident of domestic violence were asked to respond to additional questions about their satisfaction with the police response. These participants were asked to think about the most recent incident of abuse and indicate their level of agreement with seven statements, using a five point scale ranging from 'strongly disagree' to 'strongly agree' (see Table 7.1).

Most survey participants thought that officers were helpful (64.7%) and acted in a professional manner (67.6%). However, slightly more than half of the participants indicated they were not satisfied with the time police took to arrive or they believed that the officer who attended did not take their complaint seriously. Approximately one in five victims felt the police were incompetent and only half of the victims were satisfied with the police response.

Survey participants were able to nominate their reasons for dissatisfaction. They were provided with a list of statements and asked to choose as many as applied to their situation. The results are shown in Figure 7.3.

³³ In these cases, a family member, friend or neighbour called the police.

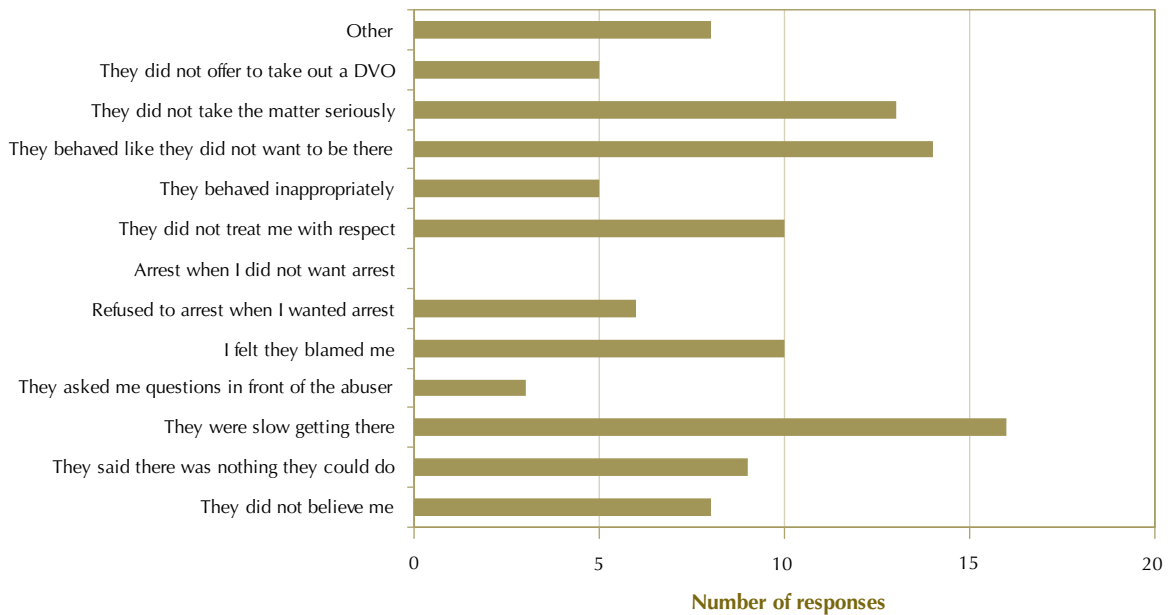
Table 7.1: Victims' satisfaction with the police response to their domestic violence incident (n = 53)

Items	Strongly disagree % (n)	Somewhat disagree % (n)	Neither disagree nor agree % (n)	Somewhat agree % (n)	Strongly agree % (n)
I was satisfied with the time it took for the police to arrive	35.3 (12)	17.6 (6)	14.7 (5)	23.5 (8)	8.8 (3)
I felt that the officer did not take my complaint seriously	16.7 (6)	16.7 (6)	11.1 (4)	19.4 (7)	36.1 (13)
I felt that I was dealt with compassionately and with respect	18.9 (7)	10.8 (4)	16.2 (6)	29.7 (11)	24.3 (9)
The officers who attended were helpful	14.7 (5)	11.8 (4)	8.8 (3)	44.1 (15)	20.6 (7)
The officers who attended acted in a professional manner	5.9 (2)	14.7 (5)	11.8 (4)	44.1 (15)	23.5 (8)
The officers who attended were incompetent	35.3 (12)	20.6 (7)	23.5 (8)	8.8 (3)	11.8 (4)
Overall I was satisfied with the police officers who attended	27.8 (10)	13.9 (5)	8.3 (3)	33.3 (12)	16.7(6)

Source: CMC victim survey 2003

Note: Responses may not add to 53 due to missing data.

Figure 7.3: Reasons that victims were not satisfied with the police response to their domestic violence incident (n = 37)



Source: CMC victim survey 2003

One of the main reasons for dissatisfaction with police was that they were slow getting to the job (43.2%) and this was reflected in comments provided by victims. For example:

On the whole, knowing that the police are very busy, I still think that they could have responded a lot quicker and taken the abuser away. (Victim survey #26).

Other factors that generated dissatisfaction among victims related to the attitude of police officers. For example, some police were perceived by victims as behaving as if they didn't want to be there (37.8%), and not taking the matter seriously (35.1%).

Over one-quarter of the participants felt that police blamed them and did not treat them with respect. Despite the QPS prioritising domestic violence at a strategic level, there may still be some officers who do not consider it a priority or 'real police business'. This is problematic because, if victims have negative experiences with police, they may become reluctant to call for assistance if further abuse occurs.

I don't feel that they take each individual case on its own merit or take domestic violence seriously. There have been many repeat breaches of DVO — not taken seriously. Respondent was never charged for assault — although I was hospitalised for 6 hours in casualty & sedated. When trying to pursue what was happening with police — I have been fobbed off. (Victim survey #53)

These officers were slow to respond, made me feel threatened & disbelieved to a point I was afraid to ring for help the next time I needed help. (Victim survey #33)

Because this had been an ongoing & prolonged problem with Domestic & Family Violence the police threatened to arrest us all if they had to come out again. Police didn't believe me, my children were too afraid to speak up against their father. My husband would not let me leave with any children. I wanted to protect them so I stayed. (Victim survey #20)

However, a number of participants were very satisfied with how police dealt with them and offered positive comments:

They [the police] were most caring & very professional in their manner as well as sympathetic. (Victim survey #28)

I found that the response time was quick and that everything was explained to me and they tried to put me at ease & [were] sympathetic to my needs. (Victim survey #47)

It is clear from the survey results that it is very important to victims for an officer to have the right attitude at the scene. Domestic violence agency workers interviewed for this project also noted that, while most officers were respectful and professional, there were still some officers whose attitude towards victims only added to the distress of the situation and decreased the likelihood of their calling for assistance in the future.

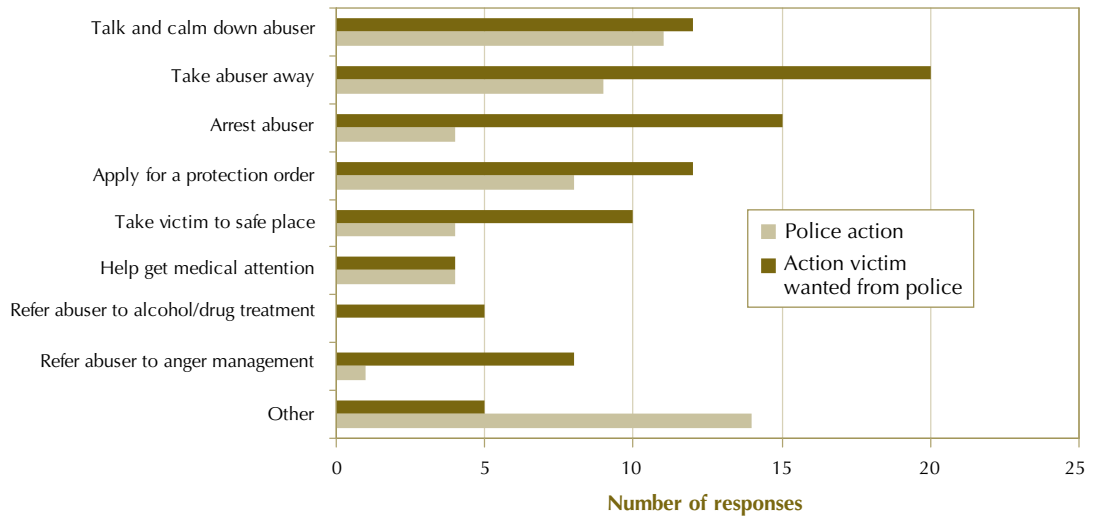
Victims' expectations of the police response

Victims may have certain expectations of what police will do when they attend a domestic violence incident. This may or may not be consistent with what police actually do, and this dissonance between the expected and actual response can result in feelings of dissatisfaction for victims. If police do not respond in the way victims expect, or otherwise fail to provide a solution, victims may feel further disempowered and have an increased sense of hopelessness about their situation.

To examine this issue, victims were asked what they *wanted* police to do and also what police actually *did* when they arrived. This possible disjunction between expectation and actual experiences can be a significant source of frustration for victims. The results are displayed in Figure 7.4.

The results reveal that what victims want police to do and what police actually did rarely corresponded. It is particularly interesting to note that about 42 per cent ($n = 15$) of survey participants indicated they wanted their abuser arrested, but only 11 per cent ($n = 4$) reported that police actually arrested the offender. Similarly, over half of victims ($n = 20$) said they wanted police to take the abuser away, but only 24.3 per cent ($n = 9$) reported that police actually did this. Victims would also have liked the police to refer the abusers to counselling services, but this rarely happened.

Figure 7.4: A comparison of actions that victims wanted police to take at the domestic violence incident with the actions that police actually took (n = 36)



Source: CMC victim survey 2003

Most victims reported that they felt safer after police attended (61.8%). However, this means that at least one-third of victims did not feel safer after police had attended. This may be because, even though a number of victims wanted their abuser taken away or arrested, this did not occur. A high proportion of victims indicated that they would call the police again if a similar incident occurred (88.6%). Some typical comments made by victims in this regard included:

I felt the police handled this very well. The DVO has been a deterrent to my husband and although it is no guarantee that he won't assault me again I feel I would have the back up of the police. Our address is flagged on the computer and I would like to believe that if I called the police the response would be good. (Victim survey #14)

I would recommend any women in the same situation to call the police. I wish I had done it years ago but was afraid I would not be believed, not because I doubted the integrity of the police but because my husband can be so charming to other people, as he was when the DVO was served on him. My children and myself will always be grateful to the police for the way they handled the situation, for believing me and in that unquestioning belief for the vital part they played in giving me the courage to leave my violent husband. (Victim survey #27)

These types of comments highlight that, when police believe the victims and thereby validate their experiences and fears, it can play a very important role in helping them feel safe and eventually live without violence.

Victims' satisfaction with police prosecutors

All victims who have protection order applications initiated by police will be represented in court by a police prosecutor. A proportion of victims with private applications will also be represented by a police prosecutor if they do not have private legal representation or a Legal Aid lawyer. The CMC survey found that police prosecutors were involved in 56.6 per cent of cases (n = 30). Of those 30 survey participants, 10 were current police applications for a protection order, 13 were current private applications and 7 were participants who had been represented on previous occasions. Approximately 40 per cent of victims were satisfied with the way in which the prosecutor handled their case or dealt with them personally, but only 14 (4%) were satisfied with the level of contact with the prosecutor (Table 7.2). Only five victims had contact with the prosecutor before they appeared in court.

Table 7.2: Victims' satisfaction with police prosecutors (n = 28)

Questions	Very satisfied % (n)	Satisfied % (n)	Neither satisfied nor dissatisfied % (n)	Dissatisfied % (n)	Very dissatisfied % (n)
How satisfied were you with...					
the level of contact with the police prosecutor?	3.6 (1)	10.7 (3)	53.6 (15)	21.4 (6)	10.7 (3)
how the prosecutor handled your case?	14.3 (4)	25.0 (7)	42.9 (12)	14.3 (4)	3.6 (1)
the way the prosecutor dealt with you personally?	10.7 (3)	32.1(9)	32.1 (9)	17.9 (5)	7.1 (2)

Source: CMC victim survey 2003

The dissatisfaction with the amount of contact between the victim and prosecutor before appearing before the magistrate was also raised by a number of domestic violence agency workers who felt the workload of prosecutors was such that domestic violence cases were often not given adequate preparation. Consequently, they believed that the needs of victims were not fully understood, and there was little attempt by prosecutors to discern the specific safety needs of individual clients. Magistrates also noted that prosecutors rarely seemed to have sufficient time to prepare, and literally were given case files as they entered the court.

The attitude of prosecutors towards court assistance workers and victims was also nominated by domestic violence agencies as being problematic in some locations. Specifically, court assistance workers and victims perceived that domestic violence was considered 'unimportant' work by prosecutors and not given the attention required to ensure the best outcome. Prosecutors were also perceived as not being respectful of the role of community workers, and this has in some cases resulted in strained relationships.

However, it is important to note that this negative perception of prosecutors is not shared by all domestic violence workers. Court support workers from two regional centres are very impressed with how police, and in particular prosecutors, are working in cooperation with them to achieve very good outcomes for domestic violence victims in their area. For example, in one regional court the prosecutor endeavours to interview every victim and respondent before going to court and, where appropriate, refers them to dispute resolution.

Breaches of protection orders and criminal charges

When a respondent to a protection order engages in behaviour prohibited by the order, they are considered in breach and can be criminally charged if police determine there is sufficient evidence to do so. Approximately half of victim survey participants who had police attend their last incident (45.9%, n = 17) indicated that there was a current protection order against the offender. In theory, this could mean that any breach of the conditions on the order could result in a charge against the offender. Only four participants (11.4%) reported that the abuser had actually been charged with a breach. That is, only four of the 17 offenders with protection orders were charged with a breach. However, some caution should be exercised when drawing a conclusion from this finding. It is based only on the view of victims, and we do not know the conditions in these current protection orders, nor if the behaviours that resulted in police being called constituted a breach in that particular case.

Nevertheless, this does add weight to the belief consistently expressed by domestic violence and legal agencies that police do not aggressively pursue breaches against protection orders, and that this failure to act is leaving victims feeling frightened, frustrated and unsafe. In general, they believe that many police have a casual attitude towards breaches and often fail to conduct adequate investigations or collect evidence in relation to breaches. Consequently, they are unable to charge the offender. Agency workers acknowledge that it is much harder to collect evidence of a breach that does not involve physical violence (e.g. sitting outside the house, phone calls), but if police dismiss it outright or make no attempt to investigate, it sends a strong message to both the aggrieved and the respondent. The victim receives the message that their problem is not important. The perpetrator receives the message that they can get away with their behaviour, and may continue the abuse.

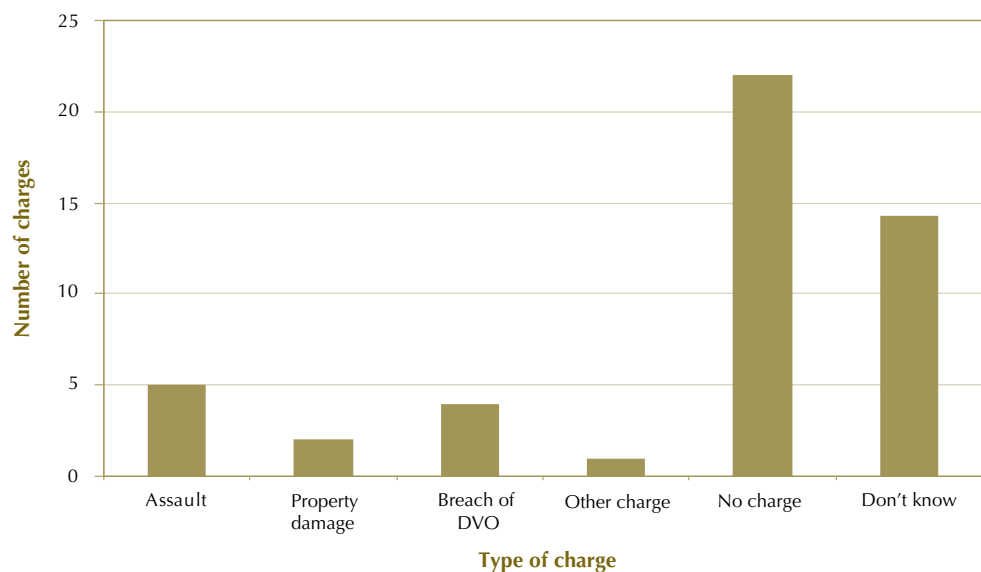
QPS are reluctant to pursue breaches & criminal charges, I have had to push & push QPS to get any outcomes. (Victim survey #10)

Police have not taken any action about breaches reported to them. I have taken witnesses to the police but they [the police] don't want to talk to them. Police are not taking my complaints seriously. (Victim survey #32)

Generally, agency workers feel that police fail to act because they do not understand the fear and intimidation that is experienced by the aggrieved, even in response to non-violent breaches. Harassing behaviour in isolation may seem relatively minor and non-threatening, but, taken in the context of years of intimidation and abuse, the behaviour is serious and can cause great fear.

More than half of all victims participating in the survey experienced physical assault during the last incident of domestic violence ($n = 31$ or 58%). Twenty-four participants who had physical injuries had police attend the incident and, of these, 17 sought medical attention for their injuries. Only 11 survey participants reported that criminal charges were laid against the perpetrator (Figure 7.5). Of these criminal charges, five were assault charges, two were property-related charges and four were breach charges. The perpetrator was arrested in only three of these cases.

Figure 7.5: Types of criminal charges laid against domestic violence perpetrators



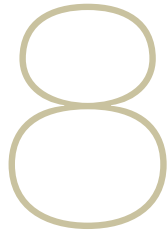
Source: CMC victim survey 2003

Note: Participants could nominate more than one factor.

Since this information has been gathered from victims' reports, it is difficult to know the exact circumstances of each incident. Police may have responded appropriately and with justification at each incident. Nevertheless, the finding that the offenders were charged with assault in only five of the 17 cases where women sought medical attention for their injuries suggests that police rarely lay criminal charges in relation to domestic violence matters, even when there appears to be medical evidence to support an assault charge.

Overview

Only half of victims of domestic violence who responded to the survey were satisfied with the response they received from police. Victims reported dissatisfaction with the time police took to respond to their call for assistance and, when they did arrive, felt officers did not take the matter seriously and were not sympathetic to their needs. There was considerable dissonance between victims' expectations of police and their actual experience with them. In particular, a number of victims wanted police to arrest the offender but this did not occur; and this may partially explain the finding that some victims continued to feel unsafe despite police attendance. In addition, despite a number of victims experiencing physical assault that required medical attention, very few offenders were charged with a breach of a protection order or any other criminal offence.



Future directions: moving towards best practice

This project focused on how police officers consider and respond to domestic violence in Queensland. Research included a detailed examination of the police response, and of the challenges that hinder police from acting in an efficient and effective way. The historical trend for increasing numbers of domestic violence incidents to come to the attention of the police and the courts in Queensland has been magnified by the expanded categories of domestic relationship dealt with through domestic violence legislation. This trend is likely to continue into the future.

Police who attend domestic violence calls are often faced with volatile situations, and decisions must be made in the context of a complex family environment. Frequently, police find they are required to return to the same family on multiple occasions. It is not surprising, therefore, that many officers find this to be one of the most challenging and frustrating types of incident to deal with.

The challenges facing police have been examined from various points of view, including those of senior police managers, operational officers, domestic violence agencies and victims. Understandably, these different perspectives often diverged; however, there were also many points of agreement. All stakeholders want police to initiate swift action that provides support and safety for victims, and deters offenders from future acts of violence and abuse.

Barriers to best practice

Findings from the review have led to the identification of four key factors that hinder police from responding to domestic violence in ways that are as effective and efficient as they would wish.

Reliance on civil processes

There are a number of organisational processes and an organisational culture that emphasise officers' reliance on civil processes, without appropriate investigation of associated criminal charges. Police in Queensland tend to consider domestic violence as a family matter that is dealt with primarily through civil legislative processes such as protection orders. Police performance in relation to domestic violence is largely measured by performance indicators that relate to police applications for, and breaches of, protection orders. In addition, officers' belief that victims will not support charges against their abuser, nor be willing to testify in court, tends to limit their investigation of potential criminal charges.

Incident-by-incident response

Domestic violence is rarely an isolated event and frequently involves a pattern of ongoing abuse that may escalate over time. Thus, the traditional incident-based response employed by police may not take into account the history of abuse. It can therefore fail to address underlying problems and identify effective solutions. Consequently, police may be repeatedly called to deal with the same people and the same problem over time. In addition, people experiencing ongoing abuse may

need the assistance of other agencies and professionals to break the cycle of abuse. Police are often the first, and possibly only, agency to respond to domestic violence and thus may be required to take a lead role in managing inter-agency cooperation.

Inefficient administrative procedures and processes

The processes involved in applying for a protection order can be very time-consuming and were criticised by officers as inefficient. For example, administrative requirements can involve entering the same information into multiple databases. In addition, the procedural requirements for serving a respondent with an application for a protection order can be time-consuming.

Increased police workload

Increases in domestic violence and new reporting systems have increased the workload of specialist domestic violence positions within the QPS. The State Domestic Violence Coordinator has many responsibilities that are stretching the position's capabilities and resulting in some functions not being achieved. District Domestic Violence Liaison Officers are often restricted in the amount of proactive community work they can achieve, due to the focus on monitoring and auditing information systems. In contrast, Regional Domestic Violence Coordinators have no formalised role or function, so their level of involvement in the management of domestic violence varies across the state.

The way forward

In this final chapter, each of these challenges or barriers is discussed, with a view to developing ways for the QPS to achieve a more effective response to domestic violence.

Investigating domestic violence

There needs to be a system that allows police to get on with the civil process of a protection order, but at the same time encourages them to proceed with associated criminal charges where appropriate.

Domestic violence includes different types of behaviours, ranging from verbal abuse through to serious physical violence. Many of these behaviours do not constitute criminal offences, yet still cause significant trauma and harm to families. For the many incidents of domestic violence that do involve criminal offences, police officers have the responsibility to act accordingly and use their powers to protect victims and hold offenders accountable.

Police in Queensland rely heavily on the use of civil protection orders as the primary response to incidents of domestic violence. The Commission supports the QPS in its continued focus on providing domestic violence victims with protection and support through civil options under the *Domestic and Family Violence Protection Act 1989*. However, the Commission also strongly believes that civil options should not be used in lieu of criminal action where sufficient evidence exists to proceed with an arrest and criminal charge.

While there is no doubt that formal police policy recognises domestic violence as a serious criminal matter, this is not always reflected in the operational policing environment. For example, recent research conducted in Queensland found that in only 9 per cent of cases did officers lay criminal charges, and while witnesses were available in 40 per cent of instances, statements were often not taken. (O'Leary et al.) It is important that senior management have the capacity to

assess whether policy is applied in practice. There is strong evidence that officers' decisions to arrest and/or charge offenders are influenced by their reliance on victims' testimony as their primary (if not only) source of evidence. In placing the victim central to their decisions, officers are often failing to conduct thorough investigations in which other evidence is collected and substantiated. Evidence such as photographs of injury or property damage, statements from neighbours or other family members, medical reports and records of utterances by the offender at the scene can and should be collected.

In no way is this recommendation advocating a mandatory arrest and charge policy but rather a strong policy, which ensures that officers are aware of their responsibilities to investigate criminal offences connected with domestic violence, just as they do for other crimes against the person (see QPS OPM s. 2.5). Such a policy sends a message to police officers that domestic violence is a crime and should be responded to as such. It should be emphasised that this recommendation does not prevent officers from using options afforded by the *Domestic and Family Violence Protection Act*, such as applying for a protection order on behalf of the victim. It does, however, clearly emphasise the often criminal nature of domestic violence and attempts to place equal importance on both civil and criminal options for police.

This policy also sends a message to victims that police will actively respond to their calls for assistance, and will use the full range of their powers and authority to stop the violence. An emphasis on investigating and collecting evidence with a view to charging offenders does not suggest that officers should ignore the wishes of victims. Rather, it is about ensuring that operational police undertake a comprehensive investigation; they will then have sufficient information to make better decisions, in cooperation with victims, about whether offenders should be charged and prosecuted for their actions.

A strong criminal justice response can have specific deterrent effects when individual offenders are faced with potentially serious consequences for their actions (Sherman 1992; Sherman & Berk 1984). At a community or state level, general deterrence may be possible as the message is sent to the community that domestic violence will not be tolerated.

Importantly, the adoption of policy emphasising full investigation and collection of evidence should be supported by training for all officers, from recruit through to prosecutor, to overcome any cultural barriers that reinforce attitudes and practices of treating domestic violence as a private matter. Officers must understand the importance of investigating potential criminal behaviour, particularly when there is indication of significant physical injury.

Another consideration relates to performance management. Performance in relation to domestic violence is primarily measured by assessing actions taken by police, and particularly applications for, and breaches of, protection orders. An emphasis on proceeding with criminal charges where appropriate will require the development of performance measures to determine the outcomes of police investigations and criminal proceedings.

Many international and national jurisdictions have implemented policies and procedures to support a criminal justice approach to domestic violence incidents. The models and mechanisms used by police vary between departments, and may include the establishment of specialist domestic violence units or changes to legislation. In August 2004 the Victoria Police released a Code of Practice for the Investigation of Family Violence, in response to a recommendation arising from *The Way Forward: Violence Against Women Strategy 2002*.

The Victoria Police Code of Practice is an excellent example of leading practice for police responding to domestic violence in Australia. In particular, the Code of Practice provides operational officers with several options of action and clear guidance for selecting which option is most appropriate.

Similarly, Tasmania's Family Violence Act 2004, which commences on 30 March 2005, promotes the arrest and detention of domestic violence offenders with a presumption against bail. The new legislation also adds 'economic abuse' and 'emotional abuse or intimidation' as offences, with penalties of a fine not exceeding 40 penalty units or imprisonment for a term not exceeding two years.

The Commission believes it would be advantageous for the QPS to investigate the merits of these models for Queensland.

Recommendation 1

That the Queensland Police Service develop policies and procedures that specifically direct officers responding to domestic violence incidents to investigate and collect evidence with a view to proceeding with criminal charges where sufficient evidence exists.

Managing repeat calls for service

A case management approach that uses problem-solving strategies, allocates responsibility, promotes partnerships with other agencies and proactively targets repeat cases may achieve constructive outcomes in terms of both victim safety and use of police resources.

Domestic violence rarely occurs as an isolated incident. It is often an ongoing pattern of behaviour in which the victim is abused repeatedly over time. An escalation of violence can occur, sometimes with fatal consequences.

Failing to identify and seek solutions to persistent domestic violence can result in multiple calls for police assistance and continued risk to victims and other family members. Effectively dealing with repeat calls for service presents a challenge for police, particularly when the type of behaviour may not be criminal and the causes of the violence are complex, often involving mental health problems, drug or alcohol dependence or socio-cultural factors. Placing greater priority on addressing chronic domestic violence cases will result in a range of benefits, including improved overall effectiveness and efficiency.

In general, responding to each incident as a single event fails to take into consideration the history and the risk of revictimisation. Therefore, police must move beyond treating each incident as a unique or isolated event. In order to minimise the risk of future violence, police officers need to understand the history and nature of the violent context. A case management approach, which encourages officers to take responsibility for the case from the point of view of both the victim's safety and the use of police resources, may be helpful. Such an approach may involve working proactively with other government and non-government agencies to determine the most appropriate responses.

The Commission recognises that some districts have strategies in place that focus on repeat calls for service. However, a structured approach that is consistently used across the state is desirable. There are many examples of effective case management procedures, and the Commission encourages the QPS to develop an approach that is comprehensive and demonstrably useful. At a minimum, the approach adopted should include the following stages:

- problem identification (including regular audits of the DV Index to identify repeat calls for service families)

- recording of relevant information (victimisation history, previous action taken by officers, and involvement of other agencies)
- allocation of a case management officer
- problem-solving (using the SARA model [Scan, Analyse, Respond, Assess] to identify problems and develop strategies to solve them)
- partnerships (with other government and non-government agencies that can provide specialist skills and additional resources)
- monitoring and review.

Recommendation 2

That the Queensland Police Service implement a case management approach that incorporates strategies to address chronic repeat calls for service for domestic violence.

Streamlining protection orders

Ideally, the delivery of an effective and efficient response to domestic violence needs to include the capability for police to issue an order that provides immediate protection for victims and their families.

A consistent theme emerging during this project was that operational police view many of the procedural and administrative issues associated with domestic violence as a major source of frustration and unproductive use of their time. The research revealed that administrative procedures associated with responding to a domestic violence incident take a considerable amount of officers' time and involve unnecessary duplication of data entry.

The Commission is aware that there are a number of projects currently being undertaken by the QPS and the Department of Justice and Attorney-General (e.g. Integrated Justice Information Systems project) that should significantly streamline some of the processes involved in responding to domestic violence.³⁴ In particular, being able to transfer information between police and the courts electronically will make it easier to apply for protection orders, and a new information management system that incorporates all current QPS databases will ease the administrative burden on operational police. The Commission acknowledges these reforms and encourages the QPS to continue to advance its information management capabilities in connection with domestic violence.

In addition to inefficiencies resulting from internal databases and reporting requirements, officers raised particular dissatisfaction with the requirement for a summons to be signed by a JP when they serve an application for a protection order on a respondent.

Some Australian jurisdictions have considered this problem and undertaken reform to achieve a more efficient process. For example, the Tasmanian Family Violence Act 2004 will give police officers of the rank of sergeant or above the authority to issue a Police Family Violence Order (PFVO) and serve this to the offender at the time of the offence if they are satisfied that the person has committed, or is likely to commit, a family violence offence. The Tasmanian PFVO may contain a number

³⁴ Planning is currently under way for IJIS Stage 2, which will include domestic violence systems. While plans for this stage are yet to be finalised, the types of advances that may be implemented include: electronic transfer of domestic violence documentation (e.g. DVO applications) between police and the courts, and automatic entry of information across all QPS databases (no need to re-enter the same details in each database). These changes could dramatically reduce the time spent by police in processing domestic violence matters.

of conditions, including the need for the offender to: not enter premises, surrender weapons, and/or have no contact with the victim. Unless the PFVO is revoked, varied or extended, it remains valid for up to 12 months. However, the police, offender or victim may apply to the court to have the PFVO varied or revoked.

Similarly, a review of police practice by the Western Australia Ombudsman (2003) identified cumbersome procedures as a major obstacle for police officers. The Ombudsman concluded that these procedures deterred officers from implementing immediate protection strategies for the aggrieved. It was recommended that police 'be provided with the power to issue some form of notice to offenders which restrains them re-offending' (WA Ombudsman 2003, p. 42).

The Police Association of New South Wales has recently released its report on the role of police in the application and enforcement of domestic violence orders (Police Association of NSW, 2004). This report recommends that legislation be amended to give police officers of the rank of inspector or above the ability to issue a protection order if they are satisfied on reasonable grounds that the person in need of protection requires the intervention of an order. In response to concerns that this power will undermine the rights of the defendant, the recommendations include two critical components. First, that this power is to be restricted to high ranking officers and second, that the defendant will always have the right to appeal the matter in court. Therefore, legal avenues that enable the protection order to be contested, amended or revoked are available to the defendant.

Providing police officers with the ability to issue temporary or full protection orders as an immediate response at the time of the incident has a number of benefits. For example:

- the police officer attending the incident has the power to initiate immediate protection for the victim
- the offender is served with the PFVO while in custody — police do not need to later locate the offender to serve a summons to appear before the courts and fewer unserved orders can be expected
- immediate police action sends a strong message to the offender and the community that domestic violence will not be tolerated and that police will act swiftly to secure the safety of the victim
- victims may be more likely to report domestic violence if they believe the matter will be dealt with quickly and without the need to go to court
- officers are likely to feel a greater level of job satisfaction when they have the authority to undertake action that immediately contributes to the safety of victims and their families
- courts will not have to process uncontested matters, which could reduce workloads.

Recommendation 3

That the Queensland Police Service undertake a comprehensive review to fully consider the merits of police-issued protection orders. The review should have particular regard to ensuring that legal mechanisms allowing a protection order to be contested, amended or revoked are in place.

Improving organisational structures

It is critical that the administration and management of the police response to domestic violence be properly positioned and resourced. A strong centralised focus on strategic direction and policy development is required, with operational responsibility for the police response to domestic violence devolved to regions.

The necessity for appropriate accountability and performance management mechanisms for domestic violence, as well as the overall increase in domestic violence incidents, has increased police workload. In particular, new domestic violence reporting systems have had an impact on the roles of the State Domestic Violence Coordinator and District DVLOs.

In the past, the role of state coordinator has been limited in its ability to engage in training, policy development and strategic planning. Rather than committing this position to numerous and varied tasks, it appears more beneficial to narrow its focus and range of responsibilities. In the Commission's view, a major refocusing of the role and function of this position to provide a much greater emphasis on policy development, strategic coordination and inter-agency liaison is required.

The position of Regional Domestic Violence Coordinators is currently not a formalised role, with most officers who fulfil this position having other full-time, substantive responsibilities. There appears to be scope for regional positions to be formalised and for these officers to be provided with greater responsibility for the operation and performance management of police responses to domestic violence across regions. This will include taking an active leadership role, assuming responsibility for managing regional performance, supporting and supervising District DVLOS, and ensuring that officers are adequately trained and resourced. It is unlikely that such a role can be adequately undertaken on a part-time basis and to fulfil these responsibilities, the regional coordinator should preferably be a dedicated full-time position.

There are a number of potential benefits in developing operational coordination and support for police regions. First, relieved of these operational responsibilities, the state coordinator will be able to achieve a stronger strategic focus and ensure that the QPS forms strong partnerships with government departments. Second, regions will be able to assess and distribute appropriate levels of resources for managing domestic violence responses. In short, stronger leadership at the regional level should foster a better coordinated response within regions. Importantly, district DVLOs will have increased localised support and guidance but continue to have responsibility for monitoring the effectiveness of the response in their district, providing advice, direction and guidance to officers, and building partnerships with the local community and government agencies.

Recommendation 4

That the Queensland Police Service review the role and function of the State Domestic Violence Coordinator. The review should also consider the level of the position, to ensure that the rank of the State Coordinator is commensurate with the position's responsibilities.

Recommendation 5

That the Queensland Police Service review the role and function of Regional Domestic Violence Coordinators.

Closing comments

The police in Queensland face many challenges in responding effectively and efficiently to domestic violence incidents. Domestic violence is an increasingly complex social problem, and identifying the key issues associated with effective police service delivery is important. In uncovering many of the issues, this assessment required the cooperation of many police officers, community agencies and victims. Without their commitment and keen insights, the report would have been severely limited in its ability to identify the range of challenges and risks associated with domestic violence in Queensland.

This report offers recommendations to address the four major challenges faced by police. The challenges are not unique to the police in Queensland — similar issues have been identified in other Australian reviews. Neither are they exhaustive of all areas of specific concern; but they do provide a means to shape police service delivery in connection with domestic violence in material ways.

An ethos where domestic violence is seen as a private matter, and a reliance on civil processes, have overshadowed the use of appropriate criminal charges. Consequently, there is a need for policy and guidelines that direct police to treat a domestic violence investigation as they would any other crime.

Managing repeat offending and victimisation is a matter of concern in many areas of crime, but has particular significance for domestic violence. Unlike many other forms of offending, domestic violence can evolve and escalate towards more serious crimes, sometimes with fatal consequences. Understanding that particular families are at risk of revictimisation is especially important for anticipating and preventing future offending. Effective responses by police to situations of repeat victimisation can minimise risks for victims, but can also come in the way of opportunities to identify appropriate services and support for victims and other family members. For police to respond effectively to repeat domestic violence victimisation, they will need to assume a problem-solving approach and work in partnership with community agencies to reduce recidivism.

Procedural and administrative requirements associated with policing domestic violence continue to be a major source of frustration and concern by operational police officers. Some of these concerns should be allayed by the existing commitment of the QPS to the introduction of new data management systems. The facility for police to initiate and issue protection orders at the time of the incident should make it possible for officers to take swift action and reduce risks to victims.

An effective organisational response to domestic violence by the police needs to be bolstered by the appropriate balance between specialist and generalist skills and responsibilities. General-duty police officers need to be equipped with a range of skills to be effective; appropriately responding to domestic violence is only one of their many responsibilities. This reinforces the view that specialist knowledge about domestic violence and the appropriate police response is required.

The findings from this assessment illustrate the need for appropriately organising the mix of specialist domestic violence resources across Queensland. There is an important role to be played by the state coordinator, particularly in overall strategic direction and coordination, and in high-level inter-agency liaison across government and community-based agencies. Queensland police regions are very large organisational units, each with unique challenges. There is therefore an important role to be played at the regional level to ensure that the police response to domestic violence is informed by specialist knowledge and commitment.

Domestic violence is a complex social problem for the community, and will probably continue to place increasing demands on the police, various government departments and community agencies. Police organisations are uniquely placed to help improve circumstances for victims. While the police are only one part of an overall criminal justice system response to domestic violence, their role is crucial because they are the initial pathway into the system and a range of affiliated government services. It is a shared responsibility for the government, the CMC and the community to support the role of the police in responding effectively and appropriately to domestic violence in Queensland.

Appendix 1

Consultations and interviews

Aboriginal and Torres Strait Islander Women’s Legal Service
Brisbane Advocacy Service
Caboolture Regional Domestic Violence Service
Cairns Regional Domestic Violence Service
Department of Families — Violence Prevention Unit
Domestic Violence Court Assistance Network
Domestic Violence Court Support Network
Domestic Violence Service Gold Coast
Innisfail Court Support
Legal Aid Queensland
Logan Perpetrator Program
Mackay Domestic Violence Centre
Mount Isa Domestic Violence Service
Nawamba House Mount Isa
Regional Sunshine Coast Domestic and Family Violence Service
Townsville Regional Domestic Violence Service
Women’s Legal Service

Appendix 2

Demographic characteristics by police region

	Far Northern	Northern	Central	North Coast	Metro North	Metro South	Southern	South Eastern	State
Total participants (n)	44	34	42	64	69	66	58	69	446
Gender (%)									
Male	74.4	73.5	76.2	79.7	76.8	69.7	80.7	71.0	75.2
Female	25.6	26.5	23.8	20.3	23.2	30.3	19.3	29.0	24.8
Age group (%)									
21–25	7.0	14.7	23.8	7.8	5.8	12.1	12.1	11.6	11.1
26–30	39.5	47.1	23.8	35.9	29.0	36.4	20.7	23.2	31.2
31–35	27.9	11.8	23.8	18.8	26.1	21.2	15.5	26.1	22.0
36–40	14.0	2.9	11.9	15.6	20.3	15.2	20.7	17.4	15.6
41+	11.6	23.5	16.7	21.9	18.8	15.2	31.0	21.7	20.0
Rank (%)									
Constable	61.4	79.4	59.5	54.7	72.5	66.7	46.6	52.2	61.3
S/constable	22.7	11.8	19.0	34.4	17.4	16.7	37.9	31.9	25.1
Sergeant	15.9	8.8	19.0	7.8	10.1	16.7	13.8	10.1	12.9
QPS tenure									
<1 year	11.4	11.8	16.7	9.4	11.6	10.6	5.2	10.1	10.4
1–2 years	2.3	20.6	9.5	12.5	13.0	15.2	19.0	11.6	12.9
2–5 years	40.9	38.2	31.0	26.6	46.4	33.3	17.2	24.6	31.8
5–10 years	18.2	14.7	9.5	28.1	4.3	16.7	13.8	27.5	17.3
>10 years	27.3	14.7	33.3	23.4	24.6	24.2	44.8	26.1	27.6
Time at current station									
< 6 months	11.4	20.6	26.2	25.0	20.3	21.2	12.1	23.2	20.7
6–12 months	22.7	23.5	9.5	20.3	15.9	13.6	25.9	15.9	18.0
1–2 years	25.0	23.5	23.8	14.1	21.7	19.7	6.9	11.6	17.6
2–5 years	31.8	29.4	26.2	23.4	34.8	39.4	37.9	29.0	31.6
>5 years	9.1	2.9	14.3	17.2	7.2	6.1	17.2	20.3	12.2

Source: CMC police officer survey

Note: Figures may not add up to totals, due to missing data on some surveys.

References

- Abrams, ML, Belknap J & Melton, HC 2001, *When domestic violence kills: the formation and findings of the Denver Metro domestic violence fatality review committee*, Denver Metro Domestic Violence Fatality Review Committee, Denver.
- ABS, see Australian Bureau of Statistics.
- Alexander, R 2002, *Domestic violence in Australia: the legal response*, Federation Press, Sydney.
- Australian Bureau of Statistics 1996, *Women's safety survey*, Catalogue No. 4128.0, Australian Government, Canberra.
- Australian Bureau of Statistics 2002, *Crime and safety survey*, Catalogue no. 4509.0, Australian Government, Canberra.
- Bagshaw, D, Chung, D, Couch, M, Lilburn, S & Wadham, B 1999, *Reshaping responses to domestic violence*, University of South Australia, Adelaide.
- Belknap, J & Hartman, JL 2000, 'Police responses to woman battering: victim advocates' reports', in *Domestic violence: global responses*, pp. 159–177.
- Berk, RA, Fenstermaker, S & Newton, PJ 1988, 'An empirical analysis of police responses to incidents of wife battery', in GT Hotaling, D Finkelhor, JT Kirkpatrick & MA Straus (eds), *Coping with family violence: research and policy perspectives*, Sage, Newbury Park, CA, pp. 158–168.
- Berk, SF & Loseke, DR 1980, ' "Handling" family violence: situational determinants of police arrest in domestic disturbances', *Law and Society Review*, vol. 15, pp. 317–346.
- Berliner, L 2003, 'Introduction: making domestic violence women testify', *Journal of Interpersonal Violence*, vol. 18, pp. 666–668.
- Bolger, A 1991, *Aboriginal women and violence*, Australian National University North Australian Research Unit, Darwin.
- Breedlove, RK, Sandler, DM, Kennish, JW & Sawtell, RK 1977, 'Domestic violence and the police', in *Domestic violence and the police: studies in Detroit and Kansas City*, Police Foundation, Washington, DC, pp. 22–33.
- Breci, MG & Simons RL 1987, 'An examination of organizational and individual factors that influence police responses to domestic violence', *Journal of Police Science and Administration*, vol. 15, no. 2, pp. 93–104.
- Brown, S 1984, 'Police response to wife beating: neglect of a crime of violence', *Journal of Criminal Justice*, vol. 12, pp. 227–288.
- Buzawa, ES & Austin, T 1993, 'Determining police response to domestic violence victims: the role of victim preference', *American Behavioral Scientist*, vol. 36, no. 5, pp. 610–624.

- Buzawa, ES & Buzawa, CG 1996, *Domestic violence: the criminal justice response*, 2nd edition, Sage, Thousand Oaks.
- Carcach, C & James, M 1998, *Homicide between intimate partners in Australia*, Trends and Issues in Crime and Criminal Justice, no. 90, Australian Institute of Criminology, Canberra.
- Carlson, MJ, Harris, SD & Holden, GW, 1999, 'Protective orders and domestic violence: risk factors for re-abuse', *Journal of Family Violence*, vol. 14, no. 2, pp. 205–227.
- Carrington, K & Phillips 2003, *Domestic violence in Australia: an overview of the issues*, <www.aph.gov.au/library/intguide/SP/Dom_violence.htm>, viewed 20 September 2003.
- Coulter, ML, Kuehnle, K, Byers, R & Alfonso, M 1999, 'Police-reporting behaviour and victim-police interactions as described by women in a domestic violence shelter', *Journal of Interpersonal Violence*, vol. 14, no. 12, pp. 1290–1298.
- Dolon, R, Hendricks, J & Meagher, MS 1986, 'Police practices and attitudes toward domestic violence', *Journal of Police Science and Administration*, vol. 14 no. 3, pp. 187–192.
- Douglas, H & Godden, L 2002, 'The decriminalisation of domestic violence: examining the interaction between the criminal law and domestic violence', *Criminal Law Journal*, Dec 2002
- Easteal, PW 1993, 'Killing the beloved: Homicide between adult sexual intimates', Australian Studies in Law, Crime and Justice, *Australian Institute of Criminology*, Canberra.
- Eigenberg, HM, Scarborough, KE & Kappeler, VE 1996, 'Contributory factors affecting arrest in domestic and non-domestic assaults', *American Journal of Police*, vol. 15, pp.27–54.
- Fagan, J 1996, 'The criminalization of domestic violence: Promises and limits', *National Institute of Justice Research Report*, Washington.
- Feder, L. 1998, 'Police handling of domestic and nondomestic assault calls: is there a case for discrimination?', *Crime and Delinquency*, vol. 44, no. 2, pp. 335–349.
- Ferrante, A, Morgan, F, Indermaur, D & Harding, R 1996, *Measuring the extent of domestic violence*, Hawkins Press, Sydney.
- Ford, DA 2003, 'Coercing victim participation in domestic violence prosecutions', *Journal of Interpersonal Violence*, vol. 18, no. 6, pp. 669–684.
- Ford, DA & Regoli, MJ 1993, 'The criminal prosecution of wife assaulters: Process, problems, and effects', in N Zoe Hilton (ed.), *Legal responses to wife assault: Current trends and evaluation*, Sage, Newbury Park, CA, pp. 127–164.
- Friday, P, Metzgar, S & Walters, D 1991, 'Policing domestic violence: Perceptions, experience, and reality', *Criminal Justice Review*, vol. 16, no. 2, pp. 198–213.
- Garner, JH & Maxwell, CD 2000, 'What are the lessons of the police arrest studies?', *Journal of Aggression, Maltreatment and Trauma*, vol. 4, no. 1, pp. 83–114.
- Gwinn, CG & O'Dell, A undated, *Stopping the violence: the role of the police officer and the prosecutor*, <www.stopdv.com/cgi-bin/articles/article01.htm>.

- Hanmer, J, Griffiths, S & Jerwood, D 1999, *Arresting evidence: domestic violence and repeat victimisation*, Police Research Series Paper 104, Policing and Reducing Crime Unit, Home Office, London.
- Hickman, LJ & Simpson, SS 2003, 'Fair treatment or preferred outcome? The impact of police behavior on victim reports of domestic violence incidents', *Law and Society Review*, vol. 37, no. 3, pp. 607–603.
- Holder, R 2001, *Domestic and family violence: Criminal justice interventions*, Issues Paper 3, Australian Domestic and Family Violence Clearinghouse.
- Holder, R & Mayo, N 2003, 'What do women want? Prosecuting family violence in the ACT', *Current Issues in Criminal Justice*, vol. 15, pp. 6–25.
- Holmes, W 1993, 'Police arrests for domestic violence', *American Journal of Police*, vol. 12, no. 4, pp. 101–125.
- Homant, RJ & Kennedy, DB 1985, 'Police perception of spouse abuse: A comparison of male and female officers', *Journal of Criminal Justice*, vol. 13, pp. 29–47.
- Hoyle, C 1998, *Negotiating domestic violence: police, criminal justice, and victims*, Clarendon Studies in Criminology, Oxford University Press, Oxford.
- Hoyle, C & Sanders, A 2000, 'Police response to domestic violence: From victim choice to victim empowerment?' *British Journal of Criminology*, vol. 40, pp. 14–36.
- Kennedy, D & Homant, R 1993, 'Attitudes of abused women towards male and female police officers', *Criminal Justice and Behavior*, vol. 10, pp. 391–405.
- Klinger, DA, 1995, 'Policing spousal assault', *Journal of Research in Crime and Delinquency*, vol. 32, pp. 308–324.
- Laing, L 2002, *Responding to men who perpetrate domestic violence: Controversies, interventions and challenges*, Issues paper 7, Australian Domestic & Family Violence Clearinghouse, University of New South Wales, Sydney.
- Laing, L & Bobic, N 2002, *Economic costs of domestic violence*, Australian Domestic & Family Violence Clearinghouse, University of New South Wales, Sydney.
- Lehmann, P & Rabenstein, S 2002, 'Children exposed to domestic violence: Impact, Assessment, and Treatment Issues', in AR Roberts and G Greene (eds), *Resource guide for social workers*, Oxford University Press, New York.
- Maxwell, CD, Garner, JH & Fagan, JA 2002, 'Research policy and theory: the preventive effects of arrest on intimate partner violence', *Criminology and Public Policy*, vol. 2, no. 1, pp. 51–80.
- Mills, L 2003, *Insult to injury: rethinking our response to intimate abuse*, Princeton University Press, Princeton.
- Mouzos, J 2001, 'Homicide in Australia 1999–2000', *Trends and Issues in Crime and Criminal Justice*, no. 187, Australian Institute of Criminology, Canberra.
- Mouzos, J 2002, *Homicide in Australia: 2000–2001 National Homicide Monitoring Program (NHMP) annual report*, Research and Public Policy Series, no. 40, Australian Institute of Criminology, Canberra.

- Mouzos, J & Rushforth, C 2003, 'Family homicide in Australia', *Trends and Issues in Crime and Criminal Justice*, no. 255, Australian Institute of Criminology, Canberra.
- Murray, D 2002, *Research report: legal studies in policing*, Queensland Police Service, Brisbane.
- New South Wales Law Reform Commission 2004, *Apprehended violence orders*, Report no. 103, NSW Law Reform Commission, Sydney.
- New South Wales Ombudsman 1999, *Policing domestic violence in New South Wales*, NSW Government, Sydney.
- New South Wales Police Association 2004, *Apprehended violence orders: Review of the role of police in the application and enforcement of domestic violence orders*, New South Wales Police Association, Sydney.
- O'Leary, P, Richards, J, Chung, D & Zannettino, L 2004, *Project Safer: evaluation of Southport pilot program*, University of South Australia, Adelaide.
- Pate, AM & Hamilton, EE 1992, 'Formal and informal deterrents to domestic violence: Dade County experiment', *American Sociological Review*, vol. 57, no. 5, pp. 691–697.
- Queensland Police Service 1995, *Queensland Police Service annual report 1994–95*, QPS, Brisbane.
- Queensland Police Service 1995a, *It's only a domestic*, QPS, Brisbane.
- Queensland Police Service 1999, *Queensland Police Service annual report 1998–99*, QPS, Brisbane.
- Queensland Police Service 2003, *Queensland Police Service annual report 2002–03*, QPS, Brisbane.
- Robinson, AL & Chandek, MS 2000a, 'Philosophy into practice? Community policing units and domestic violence victim participation', *Policing: An International Journal of Police Strategies and Management*, vol. 23, no. 3, pp. 280–302.
- Robinson, AL & Chandek, MS 2000b, 'The domestic violence arrest decision: Examining demographic, attitudinal, and situational variables', *Crime and Delinquency*, vol. 46, no. 1, pp. 18–37.
- Saunders, D & Size, P 1986, 'Attitudes about woman abuse among police officers, victims, and victim advocates', *Journal of Interpersonal Violence*, vol. 1, pp. 25–42.
- Schollum, M 1997, 'Police officers' response to the family violence policy in New Zealand', *Criminology Aotearoa/New Zealand*, vol. 7, pp. 7–9.
- Sherman, LW 1992, *Policing domestic violence: experiments and dilemmas*, The Free Press, New York.
- Sherman, LW & Berk, RA 1984, 'The specific deterrent effects of arrest for domestic assault', *American Sociological Review*, vol. 49, pp. 261–272.
- Stalans, LJ & Finn, MA 1995, 'How novice and experienced officers interpret wife assaults: normative and efficiency frames', *Law and Society Review*, vol. 29, pp. 287–321.

Taylor, EA 2002, 'Report to the Churchill Fellowship Trust', unpublished report.

Trimboli, L & Bonney, R 1997, *An evaluation of the NSW Apprehended Violence Order Scheme*, NSW Bureau of Crime Statistics and Research, <<http://www.lawlink.nsw.gov.au/>>.

Wemmers, J 1996, *Victims in the criminal justice system*, Kugler, Amsterdam.

Western Australia Ombudsman 2003, *An investigation into the police response to assault in the family home*, Ombudsman Western Australia, <<http://www.ombudsman.wa.gov.au/publications/index.htm>>.

Wolf, ME, Ly, U, Hobart, MA & Kernie, MA 2003, 'Barriers to seeking police help for intimate partner violence', *Journal of Family Violence*, vol. 18, no. 2, pp. 121–129.

Women's Justice Center 2002, *The Maria Teresa Macias case*, <http://www.justicewomen.com/macias_settlement.html>, viewed 3 March 2003.

Worden, RE 1989, 'Situational and attitudinal explanations of police behaviour: a theoretical reappraisal and empirical assessment', *Law and Society Review*, vol. 23, no. 4, pp. 667–711.



Domestic violence is a serious, complex issue that affects the lives of many families in Queensland. Police often provide the first official response to a domestic violence incident, and consequently have an important role in ensuring the immediate safety of the victim and facilitating access to other services that can help stop the violence.

The report looks at the challenges that confront police and identifies potential strategies to improve their effectiveness and efficiency.

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