

Better Policing, Better Outcomes: changing police culture to prevent domestic violence and homicide

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INTRODUCTION

In many countries across the world, including in Australia, the policing of domestic and family violence has undergone significant changes. In this country, policing of domestic and family violence has changed from being regarded as not 'real' police work to being viewed as 'an Australasian policing priority' (Australasian Police Leaders 2008). Promoting good practice in policing this crime is an issue of critical concern to the Australian Domestic and Family Violence Clearinghouse, to advance victim and community safety, perpetrator accountability for violent behaviour and victim satisfaction with the policing response. To this end, the Clearinghouse organised a national forum in December 2008 to examine some policing models and the consequent outcomes for victims. This paper provides the presentations from that event, profiling policing practice in three very different locations, London (United Kingdom), Victoria and Tasmania, where radical changes have been made to dealing with domestic and family violence.

Australian statistical data from a range of sources, including the *Personal Safety, Australia, 2005* survey (Australian Bureau of Statistics 2006) and *Victorian Family Violence Database (Volume 3): Seven Year Report* (Victims Support Agency 2008), appear to indicate an increase in the number of victims of domestic and family violence who seek assistance from the police. While we know that the number of incidents reported to police remains only a small proportion

of the total number of domestic and family violence cases¹, for those who do choose to report, the police can and should play an important role in enhancing their immediate and long term safety. Gracia, Garcia and Lila (2008) stress that the police response is not only vital for the immediate safety of the victim but also conveys an important social message about the way in which violence against women and children is regarded by society, the level of social tolerance of violence and the criteria for criminal behaviour.

So what is current good practice in policing of domestic and family violence? While there is now broad agreement that the policing of this crime is an important issue, the nature of the police response and various models and strategies employed in different jurisdictions remain contentious (for example, see Braaf & Sneddon 2007; Hovell, Seid & Liles 2006; Paradine & Wilkinson 2006). The three examples of policing practice profiled in this paper display many of the elements of good practice as defined on the Clearinghouse website, as discussed below (http://www.adfvc.unsw.edu.au/good_practice_faq.htm#elements).

¹ For example, the *Personal Safety Australia 2005* survey (ABS 2006, p. 21) found that of women who were physically assaulted by a current partner in the past 12 months, 89% had not reported the incidence to police and of those who were sexually assaulted by their partner, none had reported the incidence to police.

The three models presented here all have clearly defined aims and objectives. They have been built on research, evidence and consultation in order to formulate clear conceptual frameworks. They all use a comprehensive, feminist definition of domestic and family violence, focussing on victim's safety, perpetrator accountability and violence reduction. They also acknowledge cultural diversity. The models are clearly documented and, therefore, able to be replicated in other locations.

The three locations are all characterised by high level support and leadership in government and within the policing agency itself. It was through effective high level political leadership and commitment to policing good practice that changes were able to be made within the policing agencies themselves, and that linkages and integration across other agencies and organisations were able to be made. In particular, senior management commitment to oversee individual policing responses and feedback from senior officers ensures ongoing monitoring and practice improvement. Resourcing the policing of domestic and family violence adequately is also a primary feature of these three models.

The three authors emphasise the importance of training around domestic and family violence for junior, front-line and senior police. They refer to the need for training to be specialised, robust and ongoing to ensure officers familiarity with the relevant legislation and policing policies, and to be able to respond appropriately to incidents.

Elsewhere, Rollings and Taylor (2008), from the Australian Institute of Criminology, have discussed the importance of measuring police performance against a set of criteria, including such things as increased numbers of charges and prosecutions, reduced rates of repeat offending and repeat victimisation, police having effective evidence collection methods, access to high quality information to assist police in their duties and victim satisfaction. The three models discussed in this paper highlight the importance of accountability within policing systems and include provision for monitoring and evaluation.

A key development in policing approaches in recent years has been a shift from models focussed solely on criminal justice responses to those which have a broader capacity to provide referral and support to victims. More recent approaches have seen police agencies achieve various levels of integration with other government bodies and/or community based

services, so that while pursuing a strong criminal justice focus, there is also capacity to ensure that victims are provided with the range of other support services required by them (Reuland *et al.* 2008). In the locations profiled in this paper, the policing response takes place as part of an integrated, whole of government program which allows for cross agency information sharing. This provides a holistic approach aimed at providing the victim with both a criminal justice response and a full range of support services to enable her to make the best possible choices. Rollings and Taylor (2008, p. 2) state, '... there is little doubt that a collaborative, coordinated, interagency approach to addressing family violence is best practice.'

It is critical for police and the wider response system to domestic and family violence to constantly question their approaches and to trial and evaluate new ideas, in order to best serve those affected by violence and address perpetrators' abuse. Experimentation in approaches allows policing agencies to see if they can do better in protecting victims, bringing perpetrators to account and preventing further violence. The Australian Domestic and Family Violence Clearinghouse sees this paper as a timely opportunity to examine what is encompassed by good practice approaches to policing, how changes in practice take place and whether these practices lead to better outcomes for victims, perpetrators and the community.

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TO DO NOTHING IS NOT AN OPTION

DETECTIVE SUPERINTENDENT GERRY CAMPBELL

Metropolitan Police Services, UK

Social context for the London Metropolitan Police Force

The Metropolitan Police Force operates in 32 independent boroughs. Each borough has a local authority or local council, a local mayor and a police command team, as well as crime and disorder reduction partnerships with various agencies. The Metropolitan Police includes 35,000 police officers supported by 12,000 police staff or civilian employees. The recorded population of London is 7.9 million, plus a notable number of un-recorded people; e.g. those with insecure immigration status. Seventy-one per cent of people in London are regarded as being white European, just over 12% of the population is British Asian (i.e. Indian, Pakistani or Bangladeshi) and just under 11% are African Caribbean. Approximately 300 different languages are spoken in London alone, which offer some challenges.

In terms of prevalence, 102,000 different incidents or episodes of domestic violence occurred in London last year. One in eight of those were categorised as grievous bodily harms. Ten per cent of all homicides in London are domestic violence-related. Seventy-five per cent of children on the At Risk Register come from broken homes, with domestic violence backgrounds. Domestic violence represents around 24% of all violent crime in London.

The police response to domestic violence

The Metropolitan Police Force views domestic violence as one of the most pernicious denials of human rights, as it is perpetrated not by strangers but by family members, by people in positions of trust. This view determines how we tackle domestic violence and hold perpetrators responsible for their actions.

Our principle objective is the protection of lives of adults and children and the investigation of all domestic violence incidents, whether or not they are crimes as defined by statute or legislation. The basic 'front line' working definition of domestic violence or domestic abuse in the United Kingdom (UK) is: any incident or threatening behaviour, violence or abuse (i.e. psychological, emotional, financial or sexual) between adults. This includes behaviour between adults aged 18 years or over who are or have been intimate partners or family members, regardless of their gender or sexual orientation. It can also be expanded to include brothers, sisters, mothers, fathers, grandparents, in-laws and stepfamilies. This definition covers physiological, emotional and financial abuse, which are not all necessarily crimes against statute. Another primary objective is to hold perpetrators accountable for their crimes; however, this is not achieved solely by law enforcement and the criminal justice system.

We can only achieve these objectives through effective government and police leadership, which includes giving our staff the correct training, the awareness, education, tools and resources to do the job. We rely on our strategic non-government organisations (NGOs) and operational NGOs to assist us in this process, as they have similar responsibilities such as assisting victims, effective evidence gathering and the preservation of evidence.

Law enforcement primarily involves the adoption of a proactive multi-agency or interagency approach centred on the prevention and reduction of crime. The policies are essentially driven by Scotland Yard's Violent Crime Directorate and are delivered locally. Our positive action policy also includes support for pro-arrest activity. Where an offence has been committed, officers must arrest the suspect when there are reasonable grounds to suspect their involvement in the alleged crime. Failure to do so may be regarded as negligent. Officers must justify any decision not to arrest and clearly document that decision. We have every expectation that when a police officer attends a domestic violence incident, there will be an arrest, where there are reasonable grounds to suspect the perpetrators involvement in the crime.

Accountable and responsible evidence gathering

Police officers need to be accountable and responsible in gathering evidence. Police forces also need effective systems and processes in place, which is part of the leadership and the accountability process.

To ensure an effective and consistent response to incidents we expect our officers to fill out a Book 124D for each incident they attend. Out of the 102,277 domestic violence incidents and episodes last year, we expect 102,277 of these documents to be completed. The document has a number of specific purposes; it acts as an effective aide memoire for the front line cops of what constitutes a quality, effective front line investigation. We do not expect inexperienced officers coming through the system to be the 'jack of all trades' or 'masters of all'. Instead, we need to give them reminders about the focus of the job and their responsibility to effectively gather quality evidence at the crime scenes.

Effective investigation of domestic violence also involves body mapping injuries, photographing injuries and interviewing witnesses. It involves calling on a forensic officer to conduct a crime scene interpretation. It involves ensuring that a very basic statement is taken from the witness or the victim at that time. It means recording witness details so they do not disappear.

The document assists with risk identification, assessment and management, and putting a risk management plan in place. It aids our secondary investigators in making an assessment about further action. Additionally, the document assists officers to support victims: signposting victims to support services and gaining authorisation around information sharing. We do not want to undermine victims' decision making in the process or undermine the confidentiality or the human rights issues surrounding information sharing. We want to ensure that there is proper support in place for a victim who cannot 'see the wood for the trees', who has been involved in a long term, abusive, controlling relationship and needs someone to support her and make some decisions on her behalf. But this does not translate as law enforcement taking control of a woman's life, replacing the controlling perpetrator. The book itself is translated on to the electronic crime reports so our detectives have immediate access to it.

In addition to these initiatives, there are other criminal justice-related strategies in place, focused on domestic violence, such as specialist courts and specialist prosecutors who have specific training in processing and prosecuting domestic violence cases.

There are also domestic violence homicide reviews, which are police-led, multi-agency or inter-agency groups represented across the law enforcement, criminal justice and strategic partner agencies in London. The principal aim of the process is to learn the lessons and ensure we have better inter-agency working relationships. We can do this by analysing the trends, looking at ways to overcome the problems and communicating these to the wider criminal justice and NGO partnerships. Reviews do not apportion blame to failures in one specific service or agency but rather aim to learn from past mistakes that surface during the review process.

Another strategy employed over the last few years has been highly visible advertising, aimed at reinforcing the message that police take domestic violence seriously and that perpetrators will be prosecuted. On occasion, the media messages have been directed at the partners of perpetrators, stressing that their silence would no longer protect the perpetrators. Others were targeted at the perpetrators. One campaign was internal within the police force, with key messages being sent to our police officers and their leaders to reinforce the way the police view and respond appropriately to domestic violence.

Risk management

Risk management is a key part of policing domestic violence. Primarily, it is aimed at the preservation of life and the prevention of serious crime. It involves identification, assessment and management. It aims to prevent homicide, serious grievous bodily harms or serious assaults, serious sexual and other physical assaults, and repeat victimisation. It involves us working collectively to improve quality of life for the victim, and for her children. It also requires police officers to make informed decisions around these specific types of investigations.

Our risk management levels are ranked as standard, medium and high risk, with the vast majority of cases in London sitting between standard and medium risk. Generally in London and in other parts of the UK, we do not refer to 'low risk', as this concept may influence officers' mindsets. Universally in the risk management systems throughout the UK, whether

in the prison service, police service, or other law enforcement agencies, we talk about standard, medium and high risk.

When dealing with risk management, all front line officers are expected to use the basic RARA model: Remove, Avoid, Reduce, Accept. Officers should not and will never accept risks to domestic violence victims. Some form of action will always be undertaken, with or without the support or participation of victim, whether it is high visibility, reassurance policing, a marker on the police communication network about treating all calls to that address as urgent, etc. We will never routinely accept the risks nor the dangers facing a domestic violence victim. Front line police and the secondary investigators, the detectives in the community safety units will always formulate a proportionate but effective risk management plan for every incident.

The Metropolitan Police Risk Management Model, SPECSS Plus, outlines the six high risk factors, and was developed jointly by our own academics and law enforcement agencies at a strategic and operational level. Not surprisingly, separation and child contact are significant high-risk problems, as is generally the case across the rest of the world. Pregnancy and new births are also classed as high risk factors and relate to issues around escalation and the containing of physical and sexual violence. We regard community issues and isolations as high risk factors. These can relate to people whose first language is not English, people who are left to work at home, who are not allowed to be employed, who have insecure immigration status and who may in some cases have untreated mental health problems. It can also relate to people who are lesbian, gay, bisexual, transgender, or who are from newly arrived communities – the list goes on. SPECSS Plus includes additional risk factors, such as strangulation, jealousy, power and controlling behaviour, alcohol and drug abuse, the abuse of children and the abuse of pets. The risk factors included in SPECSS Plus come from our own independent academic research on domestic violence, homicides and serious case reviews.

Another risk assessment and management strategy we have implemented are Multi Agency Risk Assessment Conferences (MARACs). MARACs deal with and manage the risk of high or very high risk domestic violence victims. MARACs allow various domestic violence specialists to exchange up-to-date risk information and combine it with a timely assessment and management process. Each MARAC is chaired by a Police Detective Inspector.

The management process includes children, as well as the perpetrators of the violence. Thirty of the 32 boroughs in London currently have MARAC processes in place and accredited training must be undertaken for all members.

In London, we operate on the basis that by protecting the mother, we are protecting the children as well. If we protect the children in isolation, we leave the mother vulnerable. MARACs aim to promote effective sharing of information, which we believe leads directly to an improvement in the preservation of life, quality of life and wellbeing of the family. The assessment process is also to determine whether the perpetrator poses a significant risk purely in the domestic family environment or in the wider community, as well. Through MARACs an effective but proportionate risk management plan can be formulated with the view to save life, reduce seriousness of the abuse and reduce repeat victimisation.

Interagency cooperation

As tackling domestic violence is not a job for law enforcement alone, effective information sharing and partnership work is truly the only way forward; a 'can do' attitude that has to permeate the wider structure. It involves looking at how we collectively make things happen without hiding behind various items of legislation. Rather than thinking about 1,000 excuses why something cannot be done, we should think of 1,000 reasons why something can be done; and that is the attitude that we expect of police in London.

In London, I believe we have been successful in our working partnerships, particularly with our strategic and operational NGOs, who assist us in maintaining and delivering key policies and activities. A key example of this relates to the employment of Independent Domestic Violence Advisors, who assist all victims. They are employed throughout the London Boroughs and receive accredited training. The domestic violence advisors either work directly inside the community safety units, or are attached to local authorities (or local councils). We actively encourage to the independent advisors work from within their police stations with the domestic violence detectives.

Another point worth mentioning is the improvement of agency accountability. Rather than being based solely on police and policing responsibility, agency accountability involves collective ownership of the

problem. However, while promoting collective ownership we need to ensure that our staff members are supported and provided with the skills, resources and leadership to allow them to make mature and informed decisions. Risk aversion is not viewed as a positive concept and is no longer adopted, as in the past it resulted in the police and others avoiding mature and informed decision making.

The way forward

Risk assessment and management, in relation to domestic violence or the management of violent and dangerous offenders, is a high risk and very difficult business. We need to ensure that all our staff are supported. We need to honour lives and learn from the deaths of the women, children and men who have been killed. We need to look at the issues surrounding these homicides and other domestic violence cases, intrusively examine the issues and give a voice to those who no longer have one.

I would like to think that the reduction of 7,000 in reported domestic violence incidents in the last five years is due to positive prosecution and robust positive action policies. Domestic violence homicides were down from 43 five years ago to 19 last year. This has been matched over the last three years by a commensurate reduction in domestic violence-related grievous bodily harms or very serious assaults.

But there is still much to be done. We need to learn from the mistakes of the past, focus on the areas for improvement and draw out the good practice.

The occurrence of 19 domestic violence homicides last year is still 19 too many, particularly when that number is multiplied by 10, 20 or even 30 to present a realistic idea of the number of primary, secondary and tertiary victims who may have been affected by each homicide. Nevertheless, it is clear we have made significant progress when comparing this figure to the 43 domestic violence homicides that occurred five years ago.

We will continue to focus on training, education and awareness and ensuring that we have a solid foundation in place. We will also plan to improve how we work with, and share information with our partners. We will continue with the eradication of risk aversion, ensuring candour of attitude and ensuring we have joined up processes. We will ensure that we have mutual understanding and respect, while working with our NGOs, whether at the strategic or operational level. When meeting with our NGOs and the other statutory partners, we will sit around the table as equals.

Domestic violence is an ongoing issue for law enforcement agencies and for the joined up partnership. To do nothing is not an option. Our NGOs, our statutory partners, the police, all have quite clear professional responsibility. But allied to that, we all have a moral responsibility to do something. Whether you work in the domestic violence sector, law enforcement, criminal justice or another area, collectively as citizens and as a wider community, we all bear quite a clear moral responsibility to do something.

INVESTIGATING AND RESPONDING TO FAMILY VIOLENCE IN VICTORIA AND CULTURE CHANGE

DETECTIVE SUPERINTENDENT WENDY STEENDAM

Victoria Police Service, Australia

Changes in response to family violence in Victoria

I would like to take you through the journey we have been undertaking in relation to domestic violence in Victoria since 2002. It is not only important to mention the reforms in the police response to domestic violence but also the reforms that have been taking place across government.

There are four areas which are the essential ingredients for cultural change in policing and the response to family violence. I will discuss how we are embedding and consolidating the change, whether or not we have improved our response to domestic violence, how effective we have been, what some of the current challenges are and our future direction in relation to this issue.

Prevalence of family violence

My first focus is on the prevalence of family violence in Victoria. VicHealth, the Victorian Health Promotion Foundation, conducted a study on the burden of disease in 2004, which became instrumental in helping convince the Government that domestic violence is an area requiring attention. The research indicated that it is the leading contributor to preventable death, disability and illness in Victorian women aged 15 to 44 years; these findings were enormously powerful in convincing the Government to take this matter seriously.

Domestic violence is a factor in half of substantiated child protection cases in Victoria and children are present in at least 30% of police attendances of family violence. A 2004 Access Economics report on the cost of domestic violence to the Australian economy indicated that the cost to Victoria in lost

productivity and other harms relating to family violence was over two billion dollars.

When we began this journey in Victoria, we were attending approximately 25 000 – 26 000 domestic violence incidents per year but to say that our methods for responding to these incidents were ineffective would be an understatement. At this time, there was a reliance on services and an effective police response to help stop the violence. However, there were very low recording rates by police and poor outcomes in prosecution rates with respect to criminal matters. The responsibility to take action was often left to the victims and the system was not designed to protect them effectively. We had fragmented responses in terms of service provision and how police engaged with the problem, and a lack of consistency in how children's issues were treated, such as their rights and their needs. We also had a very limited capacity for responding to Indigenous issues and the needs of other diverse groups.

Culture change to reduce family violence

What then, are some of the areas that have helped us in instigating the cultural change to reduce family violence?

Leadership

There were a few essential elements; firstly vision and leadership at all levels was critically important. We were fortunate to have Christine Nixon as our Chief Commissioner of Police, as she set the platform for improving our response to family violence and championed this issue, not only within Victorian Police but across government as well. She provided the mandate for change, internally and externally, and supported the development of the tools and systems that allowed the change to occur. Currently we are in the consolidating phase, embedding the reforms and ensuring that we have continuous improvement in our practices.

Mandate for change

When Christine Nixon began working in the Victoria Police in 2001, she tasked an Assistant Commissioner to undertake a review of family violence and announced publicly that this was a key priority area for reform. I was a part of the team established to undertake the review and witnessed the quite critical feedback from services regarding how the police were dealing with violence against women.

The services were particularly unhappy with our leadership on this issue and very rarely pointed out areas of good practice within our policing response. The review consultation occurred both internally and externally, during which time we produced the *Violence Against Women Strategy*. This document indicated twenty-five areas and recommendations for reform regarding police responses to family violence and sexual assault, setting a foundation for change.

Chief Commissioner Nixon also focused on the evidence required to take police forward by requiring us to draw out what was effective practice. This intelligence led and evidence based analysis was instrumental in helping shape the policy and direction of the reforms. The work and recommendations within the *Violence Against Women Strategy* set up the internal platform for change and the Chief Commissioner's support as an expert and champion on this issue provided the imprimatur for the change. The Chief Commissioner spoke at many forums, at meetings with government and every other opportunity she had to draw attention to the issue. The police also agreed our responses were not appropriate and that we needed to change our methods. The reforms within policing took away the opportunity for services and other parts of the system to say, "It's all the police's fault." The reforms also compelled the services to self-reflect and consider their roles, to ensure they were meeting their obligations in keeping women and children safe.

Policy framework

At this time, work was being conducted in Victoria on the *Women's Safety Strategy*, which provided the policy foundation for this work and government commitment to implementing changes. A key recommendation in the *Women's Safety Strategy* and our strategy was for the establishment of a State-wide Steering Committee to reduce family violence. When we began the consultation for this Committee, we found that the services and individuals we spoke to were keen for police to be a key driver of this particular Committee and to take on a social leadership role, which was quite contrary to the criticisms they had been voicing over police practices.

It was critical that services become involved in the change process. To that end, within the Office of Women's Policy, the Committee that was established involved internal and external stake-holders:

non-government organisations and government agencies, as well police. This provided a basis for producing documents that would inform government of all the key areas of reform.

Funding

For us, the reform document produced by this Committee on the family violence system in Victoria became the rationale for investment by government, generating significant funding in this area. Since 2005, the State Government of Victoria has invested over \$74 000 000 into the family violence service system. The funding was instrumental in producing significant change within the services and in connecting with the police response, reforms to legislation, the courts and a whole range of other processes.

This year, a further \$24 million has been invested:

- \$2 million towards prevention of family violence
- \$9 million towards increasing support and services for women and children, particularly in Indigenous communities
- \$8 million towards accountability and improving the systems in place for male perpetrators of violence
- \$4.2 million towards governance and the regional frameworks for supporting the reforms within Victoria
- \$1.5 million towards a community campaign based on the new *Family Violence Protection Act*, commencing in December 2008.

It may appear that these reforms are siloed. To the contrary, every part is supported through the infrastructure and governance established as part of the reforms. The Police, Department of Human Services and non-government organisations contribute to the Strategy driving all of this work. Although it took slightly more time to establish a working relationship with the Department of Education, it is now a critical partner in the area of prevention.

Governance and leadership

Governance and leadership are fundamental to the reforms taking place within Victoria, and this applies to both the State-wide Steering Committee and the interdepartmental committees that have been set up to support this work. Five Ministers across the Ministerial portfolio have committed strongly to these particular reforms: the Attorney General, the

Minister for Police & Emergency Services, the Minister for Women's Policy, the Minister for Community Services and the Minister for Housing. In addition, regional partnerships and governance frameworks have been set up under the reforms, which are driving the integration in the work at a local level. There are also State Advisory Committees that continue to provide feedback to the Government on what aspects of the reforms are successful and where the problems and gaps are. Running in parallel to this, an *Indigenous Family Violence Strategy, 10 Year Plan* and Partnership Forum have been developed; the Government has provided some investment for this, to ensure the commitment to Indigenous-specific issues is equally supported and worked on in tandem with integrated responses.

Tools for Change

A DVD was produced for the launch of the *Family Violence Code of Practice*, which police also used in some of our training. It was developed to demonstrate to Police members the complexity and dynamics of relationships within family violence incidents and that when entering a domestic violence scene, they may receive conflicting messages from various individuals within a home.

The Code of Practice was one of the key recommendations in relation to the family violence reforms. Prior to the review, the police had a Code of Practice for investigating sexual assault. The new Code has been quite instrumental in bringing about change within police practices, as well as how we engaged with key partners and services. The Code of Practice is a key and fundamental piece of work that needed to occur, as we had some members who would previously not take action when attending family violence incidents. Conversely we also had good practitioners who took appropriate action wherever possible and these examples of good practice were incorporated into the Code of Practice, as well as some new processes. Victoria Police released this document publicly on our website. The purpose of its public availability was to clarify to the services supporting women and those affected by violence how police were now expected to respond. It was also intended that victims, members of the public and services could hold police accountable to the Code, as well as being aware of the actions police might expect them to undertake.

The Code of Practice came into effect in September 2004; time was taken in development to ensure it was robust, and that the training was based on

good practice. In our original analysis, we found that some of our policy and practices were rigid and did not align with the circumstances and varying situations that our members would often confront. Thus, we based the Code on a police options model. In this model taking no action in response to domestic violence is not an option. At a minimum the police must refer a family to an appropriate service. The Code also focuses on the outcomes, the protection of the victims and others affected by violence, holding perpetrators to account, effectively investigating criminal matters and prosecuting. Similar to the UK model, it is based on a pro-arrest and pro-prosecution framework. A formal referral process is contained within the model, as well as an informal referral process. Where criminal charges are laid or an intervention order taken out, there must be a formal referral to a service.

It was important to secure investment from across government, as there was already significant demand on the services prior to the introduction of the Code. The introduction of our practices placed further pressure on that system. It also placed significant focus on treating domestic violence incidents as criminal investigations and ensuring that all action was taken, including reporting, evidence gathering and prosecution where appropriate. In relation to breaches of intervention orders, the term "technical breach" was previously used by some members to justify taking no action. The new Code is explicit in stating that "there is no such thing as a technical breach," and that all breaches need to be investigated.

This framework emphasises strong accountability and supervision. Not unlike the UK model, we have a risk assessment form that informs decision making and helps our members to work through the issues involved in domestic violence incidents. These include the indicators for an escalation of violence, and what the protection needs are. The supervisor is also required to approve each action that is taken by members in an incident. A certain extent of police supervision is also required, ensuring members are attending scenes and dealing with them appropriately.

The work with external agencies has also been important within this framework. Fulltime Family Violence Advisors are placed in each of the policing regions, whose primary focus is to work strategically with their local services. They also work with police in their area to ensure good practice and that work introduced through the Code is being

implemented. A training program in use of the Code was compulsory for all members. Further training has occurred with respect to the introduction of new legislation. We also worked with the Department of Justice on areas within the legislation where we have identified gaps. We have accountability measures in terms of police performance with respect to responses to family violence through our Comstat processes. There is an emphasis on holding managers accountable for what is happening in their area and how they support and implement the Code of Practice.

The whole-of-government reforms have significantly helped with implementation of the Code. During the course of this journey, Victoria Police have experienced significant changes in legislation: holding powers were introduced for police, which meant perpetrators were taken into custody in the first instance, rather than police having to go back for them. The introduction of the new *Family Violence Protection Act 2008* also gave additional powers to police, in the form of Family Violence Safety Notices that put in place protection mechanisms and could exclude perpetrators from their home.

Next steps for improving our response to family violence

So, where are we now? We are in the process of consolidation, embedding and improving our change. We have a constant review and monitoring process, not only from within Victoria Police but across the whole of the system, through the governance frameworks previously mentioned. We have updated our training based on the new legislation, in areas where we think cultural change is still required. It is an ongoing process.

SAFE AT HOME

COMMANDER COLIN LITTLE

Tasmania Police Service, Australia

Safe at Home

The focus of this paper is on the considerable changes that have occurred in the way Tasmania Police respond to family violence. It will also look at what was involved in bringing about those changes. From my point of view, they have been significant and beneficial, and although there are differences in the changes that have taken place in the London and Victorian Police agencies, I think the similarities are probably greater than the differences.

The change came about as a result of the *Safe at Home Family Violence Initiative*, which was a whole-of-government approach to responding to family violence in Tasmania. The Initiative was launched in 2004 by the Tasmanian Premier. Safe at Home involved new legislation in the form of the *Family Violence Act 2004*, as well as new services and practice changes across the three principal agencies involved, the Departments of Police, Justice and Health and Human Services. Although I will focus on the policing aspects of Safe at Home, it is very much an integrated whole-of-government response. This is a critical point. It is not just a police program, as all three government departments have key roles to play. It is also important to emphasise that Safe at Home was and still remains a criminal justice response and an intervention system, which we hope will produce a reduction in the incidence of family violence over the medium to long term.

I will provide you with an overview of the Safe at Home Initiative, so that you can appreciate the changes that have occurred procedurally, operationally and, very importantly, culturally. This will allow you to see what these changes entailed for police and the approach we took that enabled us to cope with the rapidity and magnitude of changes that occurred.

I first became involved when I was appointed as Project Officer for the police service with responsibility for implementing the Safe at Home reforms within the police service and for ensuring their integration with those of other service providers. At that point the broader consultation and framework had been developed. My role

was focused largely on implementation. The Government had provided budget funding, therefore, it was very much a 'done deal' and it was time to make it happen.

Policy consideration – victim safety

Safe at Home was underpinned by a very clear policy consideration that recognised the primacy of safety of the victim as the key consideration. In fact, this is the principal consideration that underpins all decision making in Safe at Home. Importantly, the notion of victim safety is enshrined in our legislation. Section 3 of the *Act* indicates that in the administration of the *Act*, the safety and psychological wellbeing of people affected by family violence are paramount considerations. It is largely reliant on the adoption of interventionist approaches by police; pro arrest/pro prosecution, and prosecuting to the maximum extent that we are able to. It is based on a philosophy of active management of victim risk, information sharing, collaboration with other partners and integrated case coordination, but premised on the notion that the service system should be as seamless as possible.

Treating family violence as a crime

The approach we have taken is one that recognises family violence as a crime. It says that violence within homes can no longer be tolerated. It should be regarded as a criminal offence and prosecuted and responded to by the police in the same way as every other criminal offence. It places responsibility for violence squarely with perpetrators. The *Act* itself and some of the provisions that are contained within it reinforce the criminal nature of family violence. Importantly, it also recognises that victims should not be placed in the position of having to determine what the criminal justice response to family violence should be. This approach is about drawing that line in the sand to say 'this is where it stops,' and that family violence will no longer be tolerated. Police response is very firm and centred around pro-arrest principles.

The new approach recognises that police are in the best position to respond to incidents of family violence where an immediate intervention is required, and that we are the ones who are responsible for bringing about safer circumstances in such situations. It recognises children as victims. One of the guiding philosophies is that victims

should be able to remain in their own homes or allowed to return to their own homes as soon as safety can be guaranteed. The Safe at Home initiative is inclusive of perpetrator programs and is based on 'what works' research. To reiterate, underpinning all of this is the primary consideration of victim safety and providing a seamless service system, with all the players understanding their individual responsibilities and obligations through clear and unambiguous guidelines.

Historical perspective

Historically, police response to family violence has been focused upon assisting victims to leave violent relationships by providing them with emergency accommodation, practical assistance and counselling. Police faced dilemmas when trying to balance victim ambivalence towards proceeding with police matters, and the responsibility to protect vulnerable persons. This approach alone fails to reduce the incidence of family violence and protect those affected.

Things were not good in the past; police officers had a limited appreciation of the dynamics and nature of family violence. I believe we did not fully understand the power relationships at play, the concepts of financial and emotional abuse, or why women might choose to stay in violent relationships. We did not have a good grasp of some of the significant risk issues surrounding family violence. There was a reticence to arrest and prosecute offenders in the face of victims who were unwilling to proceed with charges. So our involvement generally concerned separation of the parties, trying to smooth things over, providing advice and facilitating transport to various safe havens for female victims. Although restraint orders could have been obtained and applied, they were very much seen as a last resort.

Generally a lack of consistency was apparent, with individual officers coming from different backgrounds, having different life experience, different levels of experience in policing and having to make judgement calls on very critical issues without a robust decision-making framework to guide them. Relations between police and our key partners, the counselling services, were characterised by a lack of trust, a lack of understanding and a lack of respect for each other's professional competencies. As a result, communication did not occur at the level necessary to bring about better outcomes for victims. Clients tended to be dealt with in isolation. In the early stages of development

of Safe at Home, it emerged that there were at least three sets of victims: those who were responded to by police, those who were responded to by counselling and support services and those who were known to both these groups of workers, which goes to the heart of the problem.

Impetus for change

Generally, the processes were not working as well as they should; in fact, they were deteriorating. The incidence of family violence was increasing, while at the same time, support services were experiencing increased pressure, increased stress, and dealing with all these factors was becoming difficult for police. Between 2000 and 2003, seven women were murdered by their partners and ex-partners, and coronial inquests highlighted police mismanagement of the intervention opportunities that were available. This was reported extensively in the media, which tends to increase the level of interest from people who may otherwise not have been interested. In addition, as well as the social cost of this violence, a body of research was emerging about the financial cost of family violence, which also draws people's attention. Importantly as well, compelling research was emerging about strong interventionist models that were delivering results. So at this time, there was opportunity for all parties, not only police, to do things considerably better.

On a political level, there was a clear recognition of this opportunity. We had *Tasmania Together*, a broad twenty year plan based on community consultation, about community expectations for the State. One finding that emerged from *Tasmania Together* was that safety was very important to people. The government of the day and certainly the police service took *Tasmania Together* very seriously and its key considerations had the effect of shaping what was important at agency level. Making our community safer by reducing assaults and intervening more effectively in domestic violence issues became a corporate priority for us.

Implementation challenges

At this time, the partnership approach to policing was becoming a popular concept. It was generally recognised as 'the way to do business,' and to do it better, especially in relation to complex issues or problems, such as family violence. I think most people realise that no one agency has the answer to these social problems, and that we are likely to get a better outcome if we work in collaborative ways.

The challenges, however, were significant. Safe at Home required a reshaping of the whole service delivery system and the criminal justice response to family violence. I would like to discuss what this entailed for police in particular. Firstly we had to implement a 24/7, 1800 family violence response line for people seeking information, assistance or referral to family violence services. We wanted a portal through which all persons seeking assistance could be assured of appropriate referral and assistance.

Safe at Home required the resourcing and creation of specialist Victim Safety Response Teams within the police service. As a result of Safe at Home, we were provided with budget funding to create additional police units that were not from our current resource base; Victim Safety Response Teams were planted in each of our police geographic districts. Their main focus was response to family violence, monitoring the response of other police to family violence and engaging collaboratively with other partners in an integrated case management approach.

We also took on additional prosecutors who required training; they are specialist family violence prosecutors who are planted in each of our District Prosecution Services.

We developed a risk assessment tool for application by police in family violence incidents, allowing members to have a better appreciation of the nature and level of risk they were dealing with. This required the police to conduct safety audits and security upgrades and engage in safety planning with victims.

Safe at Home required the development of legislation, the *Family Violence Act 2004*, which introduced a whole raft of enhancements to police powers of arrest and search. It created a presumption against bail unless the victims' safety could be guaranteed and provided the police with the authority to issue police family violence orders, which are essentially preventative orders designed to bring about safety in the first instance.

Safe at Home also entailed the development of the family violence management system (FVMS), an information technology system used by police to record family violence incidents, their response to the incident and the risk assessment. This underpins the case management approach, as other service providers in the Department of Health and Human Services, in Court Support and Liaison Services also have access to the FVMS. These agencies can look online at what action police have taken and what stages matters are at, as well as add their own notes

to the system, so our officers can be provided with feedback from those services. The process involved development of a range of protocols for police response to family violence that had to be integrated with the protocols of other agencies.

These changes had to occur across the State. Tasmania has four geographic police districts that are self supporting and provide services to a population of 500 000 people through 1200 officers in 74 police stations. The changes also involved government agencies who historically may not have worked as closely on the issue as they needed to. Very importantly, it involved the 500 000 people who make up our community.

Making these changes presented police with significant challenges. It would require individuals to radically alter their perceptions of family violence and it would require them to change how they respond to family violence. The challenges required us to overcome the resistance to change associated with the implementation of significantly altered business practices. Cultural and attitudinal change was required of all those engaged in family violence, including the police and the general public, and it was necessary to develop trust between stakeholders in order to support collaborative efforts. Communication and committed leadership very much underpin all of these issues and are integral to achieving the level of change that we needed.

Leadership

In terms of leadership there was high level government support for Safe at Home, which was important. We had committed ministers in Police, Health, Human Services and Department of Justice, who pushed for Safe at Home at every opportunity. Safe at Home was mentioned at many public events, and without the government funding and additional resources this would not have occurred.

It also had broad support from opposition parties, which was not only attributable to the solid research base that underpinned Safe at Home but also to the fact that there are risks involved in being seen as averse to responding to family violence. We had a great deal of agency support to capitalise on that government support. This included support from our Police Commissioner, and Deputy Secretaries (including the Deputy Police Commissioner) of the various agencies involved, formed the Safe at Home Steering Committee and articulated the Safe at Home vision, both within their organisations and publicly, at every opportunity.

Training, education and communication

The Safe at Home Initiative required the development of a significant formal education and communication strategy. Combined agency training was delivered on a regional basis for all practitioners and managers involved in Safe at Home, including police, counsellors and court support liaison people. It involved a range of players from different agencies in the one room undergoing the same training, gaining the same understanding of what was involved and how the system would operate. This assisted in integration and development of the necessary relationships and networks that enabled us to cope with the level of change required.

This process was supplemented by inter-agency facilitated workshops on significant issues, such as co-ordination and integration. There were separate regional training sessions for non-government stakeholders and other special interest groups who were also involved. Importantly, the sessions were always delivered and/or attended, by police, justice and health representatives, which signified commitment and unity from the outset and assisted with the articulation of a consistent message. If there was a question from the audience about a justice response or a human services response that was not strictly within my area of expertise, then my colleagues from those agencies could address it. It was a unified approach that also involved a communication and media strategy utilising high impact messages and vision delivered via media outlets.

It was imperative that Tasmania Police acknowledged our past failings in order for us to be capable of moving on and gaining the respect and the confidence of other stakeholders. This was also necessary for providing an integrated approach and a collaborative relationship, which is the basis of Safe at Home.

The new changes also involved specialist training for police, as we needed to build our credibility and raise our awareness of the various issues involved, including the dynamics of family violence. The syllabus, rather than being developed by police, was developed by consultants who had a great deal of credibility in the human services area; this was an important factor, to provide knowledge and perspective that was derived externally from police. Although it was a specialist program for police officers, there were also positions available

in the course for people from other agencies who were involved in Safe at Home. Again this assisted with the development of integration and the building of trust; people from health, human services and counselling, who are not in the 'hands on' intervention role that police are, could see the issues that police had to deal with and how we operate. The officers who received that high level of training formed the backbone of our Victim Safety Response Teams; they were drawn from across the state and took on an important implementation role as they were involved in the delivery of further district based training and the development of specific operational protocols.

In addition to this, an extensive generalist level of training had to be provided to all front line police officers, as any one of them could be placed in a position where they have to respond to a family violence incident in the first instance. Interestingly, there appeared to be less observable resistance to this type of change within the police than within other agencies, which surprised some. This may be due to the police being based on a traditional, hierarchical, semi-militaristic-type structure, which made resistance less likely than in other agencies.

Management

To implement the changes, accountable managerial approaches were required. This was achieved partly through a high level steering committee comprised of deputy secretaries from various agencies. However, the IDC or Inter Departmental Committee was the engine room that drove the Safe at Home reforms and ensured coordination of effort and integration. We met weekly and throughout the implementation program, there were nine internal police working parties to support me. The officers on those working groups had other liaisons within government and across agency, and were developing particular aspects of an integrated system. The tight timeframe was another element that assisted with the 'roll out'; although this led to a lot of stress at the time, it helped us to build momentum in the implementation of Safe at Home. It was not unlike a steam train; constant launches of various agencies' contribution to different areas, in conjunction with the media program, the communication strategy through newspapers, television, agency newsletters and through a variety of other mechanisms, such as advertising on 'shop-a-dockets' and drink coasters. We publicised Safe at Home at every opportunity.

Lastly, in terms of leadership it is important to have the right people with the appropriate leadership capabilities occupying the key positions. Otherwise, such changes would not be achieved. In Safe at Home this was, in my opinion, epitomised by the woman running the IDC. This person had a high level of knowledge, communication skills and strategic abilities, and was very much able to galvanise people across agencies and bring a real commitment to making Safe at Home work.

Police response

Our policy position is now much stronger than it was. Where the exercise of power of arrest arises as an option, the policy position is that the power of arrest should be exercised unless there are compelling reasons for the exercise of another option and, if no arrest is made, members must be prepared to explain that decision. This is a much stronger position than we had previously, and statistically there is some indication that the changes are having an impact. We are intervening much more than we did pre Safe at Home, and comparisons between January 2004 and January 2005 (post Safe at Home) show that family violence reports to police were up by 52 percent. Also our arrest rate has increased by 136 percent; and as a proportion of incidents attended, the arrest rate increased from approximately 33 percent to 51 percent. Currently approximately

53 - 54 percent of attendances result in arrest. We are implementing more preventative orders than we used to, and the vast majority of orders that are issued in Tasmania now are issued by Tasmania Police, as opposed to the Courts.

With Safe at Home in operation, we fully anticipated an increase in the reporting of family violence, not necessarily reflecting an increase in incidents but rather greater confidence of victims in the police, knowing that police will take a 'firm line' and that there will be positive action from police attending a domestic violence incident. Recently, however, the number of reports has started to trend down slightly so we will wait to see whether this trend continues.

Culture change

Whether or not we have achieved a change in police culture is up to the individual commentators to decide. I certainly believe that we have and this view is reinforced by a recent review of the Act undertaken by a Victorian consultancy. They found that the safety of adult victims of family violence has improved, particularly at the first point of contact with police. The review identified that the most significant change identified by stakeholders has been within the culture and response of Tasmania Police, driven primarily by the new requirements of officers outlined in the legislation, and supported by highly regarded leadership within the police.

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