

**Submission
No 19**

COERCIVE CONTROL IN DOMESTIC RELATIONSHIPS

Organisation: Tasmania Police

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SUBMISSION BY TASMANIA POLICE TO THE JOINT SELECT COMMITTEE ON COERCIVE CONTROL (NSW)

Tasmania Police would like to acknowledge the work of the New South Wales Government and the Joint Select Committee in working to address the harm caused by family violence, in particular the complex issue of coercive control.

Tasmania has previously contributed to the Coercive Control Discussion Paper (October 2020) and provided an outline of coercive control offences. This submission expands on the Tasmanian approach to family violence by Tasmania Police and partner agencies.

Eliminating all forms of family violence must remain a priority for all jurisdictions. While violence against anyone, in any form, is unacceptable, the harm caused by family violence is particularly devastating. Family violence not only damages the physical and mental health of victims, but it also has short and long-term negative impacts on the children involved and impacts significantly on our communities. In Tasmania, the term 'family violence' relates to intimate partner abuse only.

Tasmania was the first Australian jurisdiction to introduce specific offences to address various forms of coercive control. Tasmania recognises that, whilst not as visible as the harm caused by physical violence, the impact from coercive control (including emotional abuse and intimidation and economic abuse) can have as devastating an effect in causing fear and apprehension and leading to significant mental harm in victims.

Tasmania implemented specific offences to address coercive control in 2005. Initially, there were few of these types of offences reported and prosecuted. It is important to note that the new offences of Economic and Emotional Abuse were not created in isolation, but part of a reform package that significantly changed how family violence is addressed in Tasmania. Safe at Home is an integrated criminal justice response to family violence. It combines both policy and legislative change, with a focus squarely on criminalising family violence and protecting the safety, well-being and interests of persons affected by family violence.

The reforms took time to practically implement and the new offences in the mix were neither the most controversial part of the new legislation, nor were they well-publicised. In subsequent review of the legislation, little has been said about prosecution of the offences. This perhaps gives the impression that the charges are not used all. Whilst that is not true, there were initially few prosecutions for the offences, and none in the first three years after they were enacted.

There are a number of reasons for this, including a lack of community awareness of the offences and the difficulty posed to first responding police in identifying course of conduct offending. Until recently prosecutions were handicapped by a statutory time limitation of six months for laying complaints. This was amended in 2015, and since then there has been a significant increase in prosecutions and convictions. This also relates to an increased focus on training for police officers in respect to these types of offences and a greater awareness of these behaviours through community education.

With more charges laid in the last three years than in the entire previous period highlighted in the discussion paper, these figures are significant and indicate that Tasmania Police remains committed to prosecuting those who persist with these types of family violence behaviours.

Table 1: Coercive Control Charges

Charges	Up to 31/12/2017	From 01/01/2018	Total
Emotional abuse or intimidation	112	126	238
Pursue a course of conduct constituting economic abuse	8	7	15
	120	133	253

Data extracted 11 Jan 2021 (Tasmania Police Prosecution System).

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021*	Total
Charges	2	4	6	4	11	9	7	7	30	40	41	37	54	1	253

Data extracted 12 Jan 2021 (Tasmania Police Prosecution System).

It is agreed that these types of family violence offences can be difficult to investigate and prosecute. This may be because of a victim's reluctance or unwillingness to take these matters further (possibly due to the potential embarrassment caused by these types of offences) resulting in a lack of available evidence to allow matters to proceed.

To address this, there needs to be appropriate services available for victims to be supported and given the confidence to come forward to report such matters. Services also need to work closely to ensure appropriate judicial and welfare support is available. Importantly, the support of effective services will also assist to raise awareness across the community that family violence in any form must not be tolerated.

Tasmania has long acknowledged the need for a broad and integrated response to deal with all forms of family violence. This led to the establishment of Tasmania's long running and successful Department of Justice led Safe at Home initiative:

www.safeathome.tas.gov.au

Safe at Home is Tasmania's integrated criminal justice response to family violence and is underpinned by the Family Violence Act (2004).

It involves a range of services working together to address the risk and safety needs of victims and children, and hold perpetrators accountable.

It utilises a pro-intervention policy to address family violence, complemented by a human services approach to support recovery and change.

The objectives of the Safe at Home service system are to:

- *Improve the safety and security for adult and child victims of family violence in the short and long term.*
- *Ensure that offenders are held accountable for family violence as a public crime and change their offending behaviour.*
- *Reduce the incidence and severity of family violence in the longer term.*
- *Minimise the negative impacts of contact with the criminal justice system on adult and child victim.*

Safe at Home is supported by specialised Tasmania Police Family Violence Units (FVU) in each geographical area of Tasmania, which focus on victim safety through risk and offender management. FVU's are responsible for assessment and monitoring of all family violence incidents in their area, and particularly focused on perpetrator accountability. FVU members are not primary responders for family violence.

The FVU comes under the control of the Detective Inspector, Criminal Investigation Branch. The District response to family violence is monitored and overseen by the Officer-in-Charge, FVU to:

- manage assigned cases involving serious family violence offenders to enhance the safety of victims and their children;
- liaise with Safe at Home partners to ensure that effective safety strategies are in place for family violence victims, with a particular focus on the victims of priority family violence perpetrators;
- guide and assist with the management of family violence by police members.

A key feature of Safe at Home is Integrated Case Coordination (ICC). ICC meetings are held weekly in each of the geographical regions throughout the State and are attended by all service providers in the Safe at Home service system. The ICC acts as a safety hub to ensure all risk and safety aspects of family violence matters are discussed, and appropriate actions decided.

To add further support, the Safe Families Coordination Unit (SFCU) was established in 2016. It is a police-led, centralised unit with representatives from multiple government agencies who work collaboratively to review all incidences of family violence. With access to multiple sources of information, relative to each family involved, the SFCU undertakes cumulative assessments of risk and harm to ensure coordinated support to the victims and their children. These assessments, and associated recommendations, are fed back into the response model for necessary action.

Mobile phones, social media and electronic technology, including online banking, are often used as a means of facilitating coercive control in relationships affected by family violence. To further support victims, Tasmania Police has recently acquired new technology to capture electronic communication between the perpetrator and the victim, which can then be further used as evidence. A key focus of this initiative was to ensure that victims were not deprived their mobile telephones for an extended period (for the purposes of police extracting evidence of offences) and removing a vital support network for the victim.

Tasmania Police, in conjunction with the Department of Justice have recently completed a trial of electronic monitoring of family violence offenders. On 25 May 2017, the Tasmanian State Government announced a joint Commonwealth and State funded project to manage a trial into the electronic monitoring of family violence perpetrators and the voluntary secondary monitoring of victims in Tasmania.

A provision of the project afforded legislative review into the Tasmanian *Family Violence Act 2004* to enable courts to impose additional conditions in a Family Violence Order (FVO) for a perpetrator to wear an electronic monitoring device (EMD).

In essence, the trial involved utilising GPS technology to create exclusion zones around a victim's locality, where the offender was prohibited to enter. Should an exclusion zone be breached, an alert is raised in the monitoring centre and police advised for an immediate response.

