

## **COERCIVE CONTROL IN DOMESTIC RELATIONSHIPS**

**Organisation:** Weave Youth and Community Services

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**Submission to the Joint Select Committee on Coercive Control**

Weave Youth and Community Services has 45 years of experience supporting our communities. At Weave, we believe that when people are supported, they are empowered to change their lives. The people we support at Weave experience poverty, poor mental health and social and emotional wellbeing, domestic and family violence, homelessness, lack of access to opportunities, high rates of suicide, family breakdown, high levels of incarceration and alcohol and other drug issues. Those most impacted are children, young people and women.

Weave Women and Children's Centre's Staying Home Leaving Violence (SHLV) Program provides wrap around support for women and children experiencing domestic and family violence and abuse, where the woman is ready to leave the relationship. The program provides an opportunity for women and children to live a life free from violence and abuse.

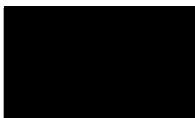
We are grateful for the opportunity to make a submission to the Joint Select Committee on Coercive Control and to bring the depth of our frontline experience to the Parliamentary process.

We would be delighted to provide any further information that the Committee may require.

Sincerely,



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CEO, Weave



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Program Manager, Women and Children's Centre  
Staying Home Leaving Violence Caseworker



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28 January 2021

### **Weave Submission: Parliamentary Inquiry into Coercive Control**

Weave Youth & Community Services is a non-profit community organisation that has been providing a way up and a way forward for children, young people, women, families and communities facing complex social situations for 45 years.

The people we support at Weave experience poverty, poor mental health and social and emotional wellbeing, domestic and family violence, homelessness, lack of access to opportunities, high rates of suicide, family breakdown, high levels of incarceration and alcohol and other drug issues. The people most impacted are children, young people and women.

For the past 44 years Weave has been working to level the playing field for those people, who often fall through the cracks and to give them a chance at life. Around 70% of the people we support at Weave are Aboriginal people.

Weave supports around 2,000 people per year through intensive one on one support and provides community programs and events that are accessed by around 5,000 people per year.

#### **Discussion Point 1.**

##### **What would be an appropriate definition of coercive control?**

In our experience of more than a decade doing intensive, specialist work on the frontline through our Staying Home Leaving Violence program, the strategies that are most commonly used by perpetrators of coercive control, and the preconditions for physical violence, are the following:

1. Isolation
2. Psychological control - especially making the victim feel that they won't be believed.
3. Threats to take the children away from the victim either through reporting the victim to child protective services, through family law processes, through kidnapping, or through threats to kill the children.

As such, these must be part of any definitions of a new offence of coercive control.

**There is an important omission in the Discussion Paper's list of categories of coercive control.** This involves the use of the children as weapons of coercive

control over the victim. In our experience, this occurs in almost every instance where there are children as part of the relationship. For example, the perpetrator might tell the child untruths about their mother to paint her in a negative light. They might make a child fear that the actions of their mother will lead to the father's imprisonment. The result of this conduct is that puts a great deal of coercive pressure on the mother to submit to the control of the perpetrator to try and make the destructive behaviour towards her children stop.

There should be no requirement in the offence definition to prove a particular harm to the victim. The requirement for proof of harm shifts the inquiry away from the actions of the perpetrator, and onto the reception of those actions by the victim. That is the wrong focus, and opens up the possibility of cross-examination of a victim as to the effect of the coercive strategies, including implications that the actions were, for example, protective rather than damaging. This would be a clear re-victimisation and re-traumatisation of the victim by the legal process and would be unacceptable.

### **Discussion Point 7.**

#### **What are the advantages and/or disadvantages of creating an offence of coercive control?**

This section of the submission will focus on the conduct of police in dealing with domestic and family violence and abuse. The police are crucial gatekeepers who decide whether and in what form criminal offences will be pursued. In our experience, police do not currently sufficiently take into account patterns of conduct which might evidence criminal conduct. With the creation of the new offence, police officers would have scope to consider these issues and, with appropriate training and oversight, will be able to better protect women and children from abuse.

#### Police handling of domestic and family violence and abuse

There are important advantages to the inclusion of an offence of coercive control that relate to the conduct of police officers dealing with domestic and family violence or abuse.

In our experience, where police are investigating an individual event, there is a tendency to focus only on the incident or offence in front of them. This tunnel-visioned approach means that police will routinely overlook patterns of abuse that might constitute coercive control. The experience of one of our current clients provides a case in point. This client had a verbal altercation with her partner, which ended in him putting his hands around her neck and strangling her. With her free hand, she reached back and scratched him on the face in an attempt to free herself from his grip. She returned home, and her partner went to the police station to report an assault against him. Despite having no criminal record, she was arrested at approximately 3am while her two infant children were asleep. As there was no other adult at home, the children had to go to a neighbour at that time. Our client was taken to the police station where she was detained for ten hours. While the police

offence would also speak against any station policies to refuse to consider counterclaims.

Another relevant current dynamic is that police tend to be siloed within their area command, and don't take into account offences that took place in other area commands. This creates a re-victimisation of women experiencing violence, in that (like the gaslighting experienced by these victims by perpetrators of psychological control), it denies the pattern of abuse that the victim has been subjected to.

#### Potential disadvantages of creation of the offence

Any disadvantages of creating the offence, such as those canvassed in the Discussion Paper, are far outweighed by the advantages. Given the strong correlation between coercive control and intimate partner homicide, we cannot afford not to create the offence of coercive control.

As discussed below, if the creation of the offence is not paired with a campaign of public education and extensive police training, then the advantages will not be realised.

#### **Discussion Point 8.**

#### **How might the challenges of creating an offence of coercive control be overcome?**

It is imperative that alongside the creation of the new offence, there is an investment in education of the general public about the offence, and in-depth specialised training of police officers about the ways that coercive control can manifest. Police training should be developed in close consultation with domestic and family violence specialist services, and delivered by those services. Building on the successful Scottish experience, there should be a lead time in the introduction of the offence to allow for comprehensive training to occur.

Upper ranks - such as Police Commissioners, Assistant Commissioners and Commanders - should be the first cohort to undergo training, so that they can be responsible for setting a culture whereby the new offence is properly understood and taken seriously.

Were the government to balk at resourcing such education and training, there is little point in introducing the offence. Because the police are the decision-makers as to the application of criminal charges, if police lack understanding or willingness to harness the new offence in practice, it will be an under-utilised and therefore ineffective way of protecting women from coercive and controlling behaviours, which are recognised as precursors to lethal violence.

Once the offence is created, it is imperative that there is systemic oversight to ensure that police are giving due consideration to the possible application of the new offence. This means that there should be periodic check-ins in each LAC to ensure that police officers are considering whether coercive control might be a factor in the

domestic and family violence/abuse events that they are investigating. Given that the research demonstrates the clear link between coercive control and homicide, if police are found not to be utilising the new offence, then the reasons for that need to be addressed and ongoing oversight is required.

Community education should follow the Scottish model and should focus on members of the public being able to identify coercive and controlling strategies. This way, they are more likely to be able to recognise this form of abuse in their own relationships or in the relationships of those around them. This will contribute to the increased use of the new offence, since education will empower victims to come forward, and to come forward earlier.

### **Discussion Point 10.**

#### **Could the current legislative regime governing ADVOs better address coercive and controlling behaviour? How?**

Conduct amounting to coercive control should be added as standard options that are mandatory to consider when police or others are creating ADVO conditions. This would create a formal process by which police are required to check with victims whether they are experiencing these coercive strategies, and means that authorities have to consider the appropriateness of conditions that address them when formulating ADVO conditions.

This would also mean that coercive conduct subsequent to the order would constitute a breach of the ADVO and be a criminal offence.