

**Submission  
No 101**

## **COERCIVE CONTROL IN DOMESTIC RELATIONSHIPS**

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Partially  
Confidential

# Submission to the Joint Select Committee Coercive Control – Chloë McCardel

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## Background

My name is Chloë McCardel. I am a 35 year old woman, and Australian citizen, and I live in NSW. I have written this submission as an individual who has had very negative experiences arising from Police interactions relating to domestic violence and who has, according to a Victorian Magistrate, 'experienced extensive domestic violence'.

I would like to be considered as a witness to speak in front of the Joint Select Committee. I believe I speak about experiences which have happened to and continue to happen to thousands of women across NSW and Australia. My belief is that not all of the women who experience domestic violence are aware of the gravity of the situation/s they have experienced or continue to live through and many are too afraid to speak up. Some women do not wish to re-live their experiences by writing a detailed submission, some of these women suffer Post Traumatic Stress Disorder and this may further traumatise them. Many women are scared of their perpetrators, fearing for their and their children's safety and some fear defamation too. Some of these women have been murdered by their perpetrators and will never be able to speak again. I want to speak to shine a light on domestic violence and be a voice for women who cannot speak.

I want to speak about my experiences because many women who may wish to talk don't feel comfortable sharing what they have experienced. Some women are ashamed; some are worried that others won't believe them. I want to increase the awareness in the community about coercive control and dispel stigmas in the community around domestic violence, for example victim blaming from those in society who do not understand the complexities of domestic violence and situations women can find themselves in. I want the right to share my experience, the truth, which I provide evidence to support in my attachments to this submission.

It is important to me to continue to use my voice, my power, which was taken away from me when I was under the spell of coercive control. I have started using the media as a platform for advocacy and I want to continue to advocate in the legislative space and other public forums. Last year, I was nominated as one of Marie Clare's 2020 'Women of the Year' for my advocacy work for speaking at a national and international level on behalf of women experiencing domestic violence during lockdowns across the world in 2020. The Australian Women's weekly wrote a feature piece about my experience with domestic violence as they hoped my story would help criminalise coercive control across Australia.

I understand, from research, that coercive control is a significant predictor of intimate partner homicide. I would also like the committee to know that, in my experience, the relationship I was in featured coercive control at the start and whilst this type of domestic violence continued it was the precursor to physical violence which started later in the relationship. Coercive control was the

pivotal first step, creating strong foundations in the relationship and my mind, for my perpetrator to base future manipulation and actions upon and which was also pivotal to desensitising me to the gravity of the physical violence when it started occurring later in the relationship.

I previously resided in Victoria until October 2019. The domestic violence I describe throughout this document and attachments and the Police and Court incidents which relate to me, happened in Victoria. Regardless, I believe there would be many women who have experienced and continue to experience similar things to me who are living in NSW and who are or have been confronted with similar issues – especially in relation to poor Police handling of domestic violence related matters due to the Police Force’s common perception of coercive control not being a serious matter and being a ‘civil matter’ which does not relate to their duties. I believe there would be numerous other women (I have heard about this from anecdotal evidence) who have had detrimental outcomes from poor Police handling of domestic violence issues, in particular, Police action or lack of action triggering or further compounding their mental health including Post Traumatic Stress Disorder, which I personally experienced because of my perpetrator and police interaction.

When the Magistrate said that I had experienced ‘extensive domestic violence’ I was shocked. I knew my ex often displayed very poor behaviour but I had never thought of it as ‘domestic violence’. This was the first time that I realised I had been in an abusive relationship. I believe that due to the lack of community awareness about coercive control and that is considered domestic violence, the lack of education in schools labelling certain types of behaviour as ‘domestic violence’ and the lack of training and education of the Police Force members which I came into contact with, combined with the high level of skill of my perpetrator to distort not only my reality but the reality of Police Officers, I was unable to comprehend that I had experienced any domestic violence in that relationship until that moment.

At the start of this relationship I believe my boyfriend was very charming, loving and really cared for my needs. Despite this, even at the start of the relationship, there were red flags where he would break up with me and then blame me for the fact we were breaking up causing me great distress, prompting me to feel terrible shame, guilt and responsibility. He was planting the seed for the future where he would accuse me of being the cause of all his pain and all the stress in the relationship and that I was ‘crazy’, which therefore made him the ‘victim’. He continues to believe this to this day.

Without going into extensive details of the hundreds of incidents here is a summary of some of the domestic violence I experienced:

- Assault (slapped, kicked and aggressively shaken) on occasions when declining his sexual advances.
- Verbal abuse escalating to nearly daily verbal abuse in the last 24 months of the relationship, fuelled by alcohol. This last period of the relationship he would frequently call me ‘crazy’ and distort reality. As we lived alone there was no-one to support me to reinforce that his version of events were wrong.

- Untruthful accusations that I was flirting with men or cheating on him when I became friendly to his or my male friends.
- Attempts, by the perpetrator, to drive a wedge between myself and one of my sisters who was emotionally supportive of me. He would speak disparagingly of her with no evidence.
- Manipulation as he repeatedly told me that couples in committed relationships do not share information about their relationship to people outside the relationship and he specifically forbade me from talking about anything that may be considered 'private' about our relationship.
- Assault from being grabbed by the neck and forced to the ground and being pinned to the ground on many occasions.
- Coercive control by being locked out of my home (the house had an internal deadlock system which could be used to lock me out even though I had a key) on dozens and dozens of occasions which was distressing for personal reasons and which was compounded because I worked from home. He said that because he paid the rent / mortgage / paid all the bills (this was not true, although he did earn more than me) I was the one who had to leave if he was in a bad mood. The other reason he used to justify locking me out of my home was that because I was the cause of all issues in the relationship I should be the one to leave. This usually happened at night. Sometimes I would sleep in my car or ring family and friends late at night and ask if I could stay at their place.
- Destruction or withholding of my possessions where he would hide and / or destroy items which he knew I valued (sometimes the items were of monetary value otherwise sentimental value). These items included
  - Hiding my jewellery, USB device and other small items
  - Frequently disconnecting and hiding the Wi-Fi device as I often worked at nights (his moods were usually the worst at nights as he started to drink in the afternoon and drank non-stop until he fell asleep) and he even did this before I was due to host a live call on the internet with my clients from across the world. At that particular time I did not have access to internet on my phone as a back-up option.
  - Once he smashed a large glass coconut jar at my feet.
  - Once he smashed my work lap top on the ground and picked out all the pieces inside and further ripping them into smaller parts to ensure I couldn't retrieve the data later. He did this knowing I didn't have a back-up of this data. He later forbade me from ever mentioning this incident to him in the future.
  - Withholding cheques which I needed for work whilst in Australia and overseas.
- Disturbing behaviour where, during a period of 6 months or so, he would sleep in a separate bedroom (or I would move to the separate bedroom) and he would then get up out of bed at a very late hour of the night when I was asleep and then walk into the room I was sleeping in, and turn the light on and then walk off. He would do this repeatedly on each night,

coming in and out of the room when I was deeply asleep with the sole aim of waking me up.

- Repeated accusations that I was to blame for his drinking. After our relationship ended I became aware that another woman accused him of being intoxicated and assaulting her in front of children aged 1 and 3 years in a domestic environment. He was escorted by Police off the property. This is detailed in the attached Police Report (attachment 6). Therefore, if the allegations are true, he was a problem drinker before I ever met him.
- Denial of access to vital medication when I was seriously unwell. Once we were in a developing country and I was admitted into hospital for injuries not related to my ex-partner. He was supposed to be looking after me. I had no family or close friends travelling with me. We were the only people staying in our unit.

As I was being discharged from Intensive Care in hospital the doctor talked through all the medication and administration and application supplies with him in detail. My ex-partner chose not to purchase medication and supplies as prescribed by the Doctor. I was too unwell to comprehend what was going on. After I was discharged I had no access to medicine and couldn't walk and was not able to buy the medicine myself. My condition deteriorated rapidly and I was re-admitted into hospital a few days later.

- Denial of access to my vehicle when I wanted to leave the property. On one occasion he blocked my car into the driveway by parking behind it, meaning I was unable to leave with my vehicle unless he moved the car or allowed me to move his car, which he didn't allow me to.
- Financial control as I was unable to see financial records relating to our mortgage (which I was contributing to).
- Deprivation of important documents. Once he withheld my passport from me at an international transit airport within 60min of my international flight home to Australia and refused to return it. I went to the police at the airport at which point he conveniently found it.
- Lies being sent electronically to my family disparaging me.
- Demands that I speak to him every day when I was overseas. He was often very angry if I missed a call.
- Controlling behaviours disallowing me to do normal work and home activities. Many occasions he would purposely turn up the TV so loud that I couldn't be in the same area of the home as him. Examples include, not being able to prepare meals, not being able to host work Skype calls at night (my office was open plan next to kitchen/ living area where the TV was)

- Intimidation when he told me he would ruin my career if anything came out about our relationship that was 'negative'
- Denial of access to my phone and internet whilst out of the home. Once he rang our telephone and internet provider and disconnected my phone number. At the time I was in the middle of driving to a regional area for a work event and I was relying on the internet to run the GPS on my phone for instructions to get me to my place of work that morning (I no longer owned a street directory at that time).

Besides concern about being late for work, as I was due to meet several clients, I was also concerned that if my car broke down it would be very difficult for me to call emergency services.

After this episode he said that he made me a signatory to the account. Later, I rang the telecommunications provider and they said I was not a signatory. It was then that I realised that he had complete control to disable my phone reception and (when it was added) internet access on my phone 24/7 throughout the whole relationship (except the first few months we were together).

- Destruction of my credit cards. On one specific occasion he locked me out of my home without access to money, my phone, my car, and any belongings except the clothes I was wearing and one of my dogs. I had no phone and no money for a taxi or a phone call so I called my sister from a neighbour's home. He also withheld one of my two dogs from me for a period of time.
- Deprivation of having my car listed in my name. He refused to put my car in my name even after multiple requests. He had given it to me as a gift.
- Pressure to give him access to all my social media and personal bank accounts, which I acquiesced to.
- Lying to and manipulation of the police on several occasions.
  - On one of the occasions, during our relationship, he locked me out of my home and he acted as though I was crazy as he confirmed to the Police officers that 'yes, we were [insert relationship status], but we are now separated and she no longer lives at the property'.
  - At one point an Interim Intervention Order was placed on him and he was evicted. He then manipulated a Police Officer to call me and tell me not to go back to my home after because 'there had been an administrative error at the court and that it would be sorted out next week.' There was no administrative error, he had successfully manipulated the police again (you will see a pattern of this behaviour in this submission).

- Very serious false allegations of assault against me which caused a Family Safety Notice to be immediately placed on me greatly restricting my rights and my ability to work and my mental health (and great stress to my family). I was immediately evicted from my home by the police and had other rights stripped away from me.
- He then used the police to represent him in court against me in multiple court hearings as he attempted (unsuccessfully) through the Magistrate's Court, to get an intervention order against me. This was extremely distressing and I lost trust in the police system. He was using the police as a further means of control to get an Intervention Order against me.
- Other various assaults not listed above.

The final incident which occurred in our home was a false allegation of assault made against me by my perpetrator to Police. Upon my perpetrators word, whilst he was heavily intoxicated, multiple rights were immediately stripped from me, including immediate eviction, by the Police, and I could not fight this for 7 days. I was eventually completely vindicated (see Full Intervention Order attached which I was eventually granted). The Police withdrew their support of him before the final hearing.

The Police's withdrawal of support occurred on the same day a police report was released showing an allegation from a woman claiming he assaulted her whilst intoxicated with two young children home at the time. After that incident he was removed from the premise by the Police. It is of great concern that the Police appear not to have run a check on him from the very outset. The Police never ran a check on him for criminal history from what I am aware.

## **My Thoughts Relating to Selected Discussion Questions**

### **3. Does existing criminal and civil law provide the police and courts with sufficient powers to address domestic violence, including non-physical and physical forms of abuse?**

In my experience of the Victorian system, no it does not. At one point I had called the police to my house and I told them I wanted to leave the property. I told them I couldn't leave because the person I was in a relationship with had blocked my car into the driveway by parking his car behind mine and not moving his car or allowing me to move his car when I asked him. The police did gently ask him to move his car but he refused. After he refused to move his car the Police seemed indifferent about it all, as though they were being caught up in a 'domestic' and didn't see this as their place to get involved in any further. They certainly didn't recognise that I was in fear for my safety. It is my belief that they either did not have the power or they chose not to look at previous police notes relating to this property in which a Police Constable makes notes about the perpetrator's behaviour whilst intoxicated (I was able to access these records later when an official search was done on the perpetrator's name).

The Police said to me that not being able to access my car was a 'civil' issue and therefore nothing to do with them. They said I could just walk out or get a taxi if I wanted to leave. This was not a practical course of action for many reasons. I believe this also reinforced in the perpetrator's brain that his behaviour was OK, and possibly even emboldened him further, that his behaviour was acceptable because the Police were so indifferent about it.

### **4. Could the current framework be improved to better address patterns of coercive and controlling behaviour? How?**

By criminalising coercive control the Police would, hopefully, see these patterns of behaviour for the serious nature that they are. In my opinion, this would necessitate not only an increase in training for the Police Force, especially for the frontline officers who are attending domestic violent situations, but most importantly a cultural change in the Police Force where coercive control is seen seriously as a red flag that may escalate into serious violence and even homicide in the future. My experience was that the common belief in the Police system that coercive control allegations are just 'he said' versus 'she said' (I was actually told this by a Police Officer) and thus are essentially relationship 'squabbles' which waste valuable police resources.

It is my belief that police should be legally required to write down in their records in detail any and all coercive control behaviours that they witness or that are explained to them when they arrive at domestic violence situations so that, even if the incident doesn't warrant an eviction or charge at that point in time, a history is being created to support the victim in the future if further incidents arise. I believe they are more likely to do this if coercive control is defined as a criminal act because, from my experience, they perceive criminal acts to be within their scope.

One of the many challenges of domestic violence is that most of it happens behind closed doors so having a thorough record of incidents over a period of time could show an escalation and or pattern



of domestic violent behaviours which could possibly strengthen the case for the victim, or the family of the victim if she is murdered, in the future.

As I mentioned, I believe some Police see domestic violence situations as 'he said' versus 'she said' and they feel that this isn't really proper Police work. By minimising and/or dismissing the effect coercive control has on the victim this may be incorrectly reinforcing in victims minds that really their concerns and fears are not legitimate. Many domestic violence perpetrators try to convince their victims that they are 'crazy'. If some Police Officers continue with this apathetic response it may reinforce or cement in some victims minds that they really are crazy because the Police agree with the perpetrator that the perpetrator's behaviours aren't anti-social or dangerous.

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

I believe one of the advantages is that it will hopefully encourage the Police Force to take coercive control seriously and hopefully they'll be given stronger powers to record, intervene, and access historical records of persons involved immediately (see Point 14). Second, I hope that Police will be encouraged to speak to the alleged perpetrator at the time they attend the property and tell them that their behaviour is considered criminal behaviour and that this could lead to an arrest and /or conviction in the future. Perpetrators want to control their victims but, in my experience, the majority of them don't want to be perceived in the community as a 'bad' person.

Some perpetrators may not realise that what they do is considered coercive control or domestic violence. Through my research I have read about men explaining that these (coercive control) behaviours they have used they experienced themselves as children ('normalising' these behaviours in their mind).

I believe that if the Perpetrator feels that their behaviour may cause them shame (because it becomes 'criminal' behaviour) or continuing the behaviour may possibly lead to an arrest or a conviction in the future, some of them may reconsider their future actions. I don't think most perpetrators see controlling behaviour as a negative thing. Having a powerful person in the community tell perpetrators in black and white 'the Australian community does not see this as acceptable behaviour' may cause some of them to think twice about the way they behave in the future. I concede this would not deter all perpetrators.

Also, criminalising coercive control would surely bring it specifically within the scope of Police work and should, therefore, lead to an increase in the level of training Police receive in this area. Specifically, I hope they are trained to see that sometimes the Police themselves are manipulated by perpetrators to be used as an instrument to further control their victims. Some perpetrators are extremely skilled at manipulation, so much so, that the perpetrator can successfully manipulate Police Officers and the Police lawyers into acting on their behalf to further cause harm to the victim.

I believe, if coercive control becomes a criminal offence, Police will be more proactive in taking intervention order breaches which relate purely to coercive control to court. I believe the Police do not currently take coercive control seriously because it is not a criminal offence. From discussions with Police Officers I am of the understanding that they only take matters to court if they feel they can win. It is my understanding that, if coercive control is criminalised, there will be much more anti-

social behaviour which are commonly listed in Intervention Orders defined as criminal, so it will hopefully encourage Police to take more breaches to court as they will possibly have a higher chance of winning.

In my experience, the perpetrator used false allegations of assault against me. These allegations caused the Police to immediately strip me of my rights and evict me from my home using a seven day 'Family Safety Notice'. I had no way of responding to this Family Safety Notice within the seven day period. This Family Safety Notice further traumatised me and had a serious effect on my mental health and adversely affected my business as I was a sole trader who worked from home at the time. This Notice also meant that he was exclusively able to access the power and resources of the Police Force to attempt to further disempower me and potentially have my rights taken away for up to 2 years (he continued to use the Police to apply to the Magistrate's court for a 2 year full intervention order against me).

At the time of imposing the Family Safety Notice the Police Officer who signed it off held the view that the Notice only lasts seven days, and the most important thing about it is that it safely separates two people, that it didn't really matter who the person listed as the 'accused' was and it caused no harm because it wasn't 'officially recorded'. Despite his senior position this Police Officer didn't have the ability to see or didn't want to see how damaging this could be to the person named on the order. In my instance the Police didn't take the time to consider that these allegations of assault by my ex-partner was potentially a strategic move by the perpetrator to control the narrative, control the police and use the state, whose job it is to protect victims, to further control me.

I think in my case, the Police wanted to come in and find a quick answer to the incident and be 'seen' by the community to be doing 'something' as the community wants to feel the police were taking domestic violence more seriously. Issuing the Safety Notice allowed them to appear they were 'doing something' without fully considering the context of what was going on.

When the Safety Notice was expiring this incident went to court for the first time and at this hearing the lawyer representing the Police said that when I was grabbed by the neck and put to the ground by my perpetrator (I couldn't bring myself to describe that I was 'forced' to the ground, even though that was how I should have described it) it 'couldn't have been that bad because on that particular occasion you didn't call the Police'.

In my case, the judge threw out his application for an interim order after the 7 day Police Safety Notice expired but not until after I was cross-examined in a public court with no advance warning on my first appearance in court, which was a further traumatising experience, compounded by the comment of the Police lawyer mentioned above.

Because of the manipulative skill of my perpetrator he was listed as the Applicant on the original Safety Notice so he was able to have the Police represent him at court at all future hearings and I was denied access to them for legal support through multiple hearings where they actively pursued a full intervention order against me.

The main point I am trying to show here is the power and extent of manipulation of some perpetrators. If they can successfully manipulate the Police and utilise the Police and State resources to further control their victims then this is indeed indicative of the highly dangerous nature of

coercive control, so dangerous that even trained Police Officers and lawyers of the State can succumb to some of these controlling and manipulative behaviours themselves – so you can imagine how difficult it is for ordinary women to navigate their way out of these situations.

**14. Are there any other potential avenues for reform that are not outlined or included in the questions above?**

**1. National Database to Support Police Work when attending Domestic Situations**

I believe there should be a national database of records where Police have attended a potential or labelled domestic violence incident and all intervention orders (historically accessible from when records started) from ALL jurisdictions within Australia. This would allow Police to look up all persons' involved in any domestic violence incident and if the Police are called to a potential domestic violence incident it would allow them to immediately see if there have been Police reports or intervention orders against any of the persons in this incident from any jurisdiction within Australia in the past. I literally mean *immediate* access. So under this system, the Police would have internet access at all times when going to properties and would be required to immediately search state and national databases for all interactions of the persons in this incident with the Police and court system.

Perpetrators often reoffend, and they can move between jurisdictions, so if they have appeared in court before this incident, this would come up in a search and help the Police to have a greater understanding of any individuals who they search and hopefully the Police would be less likely to be caught up in perpetrators 'stories' when they arrive at a property.

The Police may think that they are being called to a property for a 'minor' domestic violent incident but if they can see one of the person involved has had allegations of assault made against them in the past and /or there was previous Police or Court intervention, they may have a more open mind about what allegations they are hearing.

**2. Give women the right to search criminal / intervention order and police interaction history of their current / former partner**

I believe if a woman is concerned about her partner's behaviour and wants to know if he has a history of incidents recorded by police (because not all incidents recorded by Police go to court) or intervention orders or criminal records she should be able to make an official application at her local police station.

To minimise any abuse of this search system I believe women should be required to prove there are in, or were in a relationship for at least 3 months.

The reports, if any, would not be shown to the woman. The Police officer would give a basic response such as Yes / No to a pre-set number of questions such as:

- Has a Police Report even been filed against this person?
- Have any allegations of criminal behaviour even been made against this person?
- Has a Police Safety Notice or Intervention Order ever been handed to this person?
- Has this person ever been charged with assault or breach of intervention order?

If I had known this search procedure was available then I believe I would have accessed this information. I believe I would have taken the opportunity to access it and then left the relationship much earlier. I believe I would have safely left and it would have saved copious amounts of police and court resources. I believe it would have saved me from getting Post Traumatic Stress Disorder and would have saved my business and income from detrimental losses.