

Policing of Domestic and Family Violence in NSW

Insights from Specialist Domestic and Family Violence Services

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Acknowledgement of Country

This report was written on the stolen and unceded lands of the Gadigal People of the Eora Nation. We pay respects to the Gadigal Elders past, present and emerging.

Domestic Violence NSW (DVNSW) would like to acknowledge Aboriginal and Torres Strait Islander people across the breadth and depth of Australia. We recognise that Aboriginal and Torres Strait Islander people have lived and cared for Country for over 65,000 years and continue to do so, honouring ancestors and knowledge holders within community, and observing ancient cultural practices.

We would like to recognise the impacts of colonisation and the ongoing systemic racism and oppression that is still present within institutions and the broader community.

We acknowledge the strength and resilience of Aboriginal and Torres Strait Islander people and hold their stories with great care.

We concede that Aboriginal and Torres Strait Islander women are at the highest risk of sexual, family and domestic violence compared with other women in Australia. We acknowledge that domestic and family violence are not part of Aboriginal culture.

DVNSW works to position ourselves as allies, to walk alongside, to listen, to give our voice and strength, to respect, to never forget and to learn from the past.



About Domestic Violence NSW (DVNSW)

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Domestic Violence NSW (DVNSW) is the **peak body for specialist domestic and family violence (DFV) services in NSW**. We have over 125 member organisations across NSW. We work to improve policy, legislative and program responses to domestic and family violence and to eliminate DFV through advocacy, partnerships and promoting good practice.

DVNSW members represent the diversity of specialist services working in NSW to support women, families and communities impacted by domestic and family violence. They are non-government-funded organisations. Our member organisations include: crisis and refuge services, transitional accommodation and community housing providers, family support services, Aboriginal controlled organisations and specialist CALD organisations, specialist homelessness service providers, men's behaviour change programs and networks, community organisations working with high-risk communities, specialist women's legal support services, women's health centres, women and children's support services, and Safe at Home programs.

Executive Summary

The following report provides insights from specialist domestic and family violence (DFV) services on the policing of domestic and family violence in NSW.

This report has been prepared in response to the 2021 audit of police responses to domestic and family violence undertaken by the Audit Office of New South Wales. The Audit Office aimed to assess the effectiveness of the NSW Police Force in responding to domestic and family violence and supporting victim-survivors, with a key focus on training and development, workforce and other capability planning, resource allocation, performance monitoring and service quality.

As part of the audit process, the Audit Office sought input from the membership of DVNSW. This report synthesises the full DVNSW submission to the audit, highlights current research, and places at the centre the insights of specialist domestic and family violence services in regards to their experiences - and the experiences of their clients - to the policing of domestic and family violence in NSW.

What does policing have to do with DFV, why is it a key part of the crisis response?

Around Australia, police attend a call-out about domestic and family violence on average once every two minutes (Department of Communities and Justice, 2020). As the gatekeepers of the justice process, police officers need the support of policies, procedures and practices that adequately protect victim-survivors of domestic and family violence and foster a nuanced understanding of the issue, thus ensuring an effective police response. Sexual violence is often co-occurring in domestic violence situations or perpetrated by a partner or family member, and improved police responses to sexual violence must be seen as part of the improved response to domestic and family violence.

The major themes DVNSW identified were the need for accountability and transparency in police policies and practices, cultural changes to improve police responses to domestic and family violence and sexual assault, police training enhancements to ensure police officers have the information they need to adequately respond to domestic and family violence, and assisting police officers to recognise the priority needs of marginalised groups and communities.

Key Recommendations

Our key recommendations are regular, independent auditing of domestic and family violence policing; regular, mandatory training in domestic, sexual and family violence for frontline police officers; an action plan to improve police identification of the primary aggressor, and investment in cultural change regarding policing of domestic and family violence.

The DVNSW recommendations for improving the policing of family and domestic violence in NSW:

1. Increase consultation with Aboriginal and Torres Strait Islander peoples about DFV policing.
2. Implement regular cultural awareness training for all police officers.
3. Incorporate Aboriginal Community Liaison Officers (ACLOs) more closely into DFV policing.
4. Review use of the Suspect Target Management Programs (STMPs) for Aboriginal and Torres Strait Islander peoples and young people.
5. Positively influence a cultural shift in the police force in the view of DVLOs.
6. Ensure DVLOs are not redeployed for emergency management.
7. Consider creating additional roles within the NSW Police Force to respond to different aspects of domestic and family violence such as Domestic Violence Community Liaison Officers, Victim Support Officers and Perpetrator Coordination Officers to reduce the pressure on existing DVLOs.
8. Fund and evaluate co-location/responder models.
9. Fund mandatory, regular, in-depth, trauma-informed domestic, sexual, and family violence (DSFV) training delivered by sexual assault and domestic abuse experts.
10. Improve NSW Police Force capacity to respond to breaches of Apprehended Domestic Violence Orders (ADVOs) through increased training and resourcing, with progress in this area tracked and monitored.
11. Implement an action plan to improve police identification of the primary aggressor.
12. Fund the Domestic Violence Safety Assessment Tool (DVSAT) review and investigation of the practical assessment tools used by the NSW police so assessment tools are more useful and accurate.
13. Fund mandatory training on including children who are in a domestic relationship with the Person in need of protection (PINOP) as named people on ADVOs.
14. Consider mandatory compliance checks where children are listed as protected people on ADVOs.
15. Consult with external stakeholders and peak bodies to ensure police are appropriately trained to address DFV experienced by marginalised communities including Culturally and Linguistically Diverse communities, LGBTIQ+ communities and people with disability.
16. Introduce national requirements for police to collect and report on the sexuality and gender of clients.
17. Review and improve the NSW Police complaints response mechanism.
18. Publish the Domestic Violence Standard Operating Procedures (DVSOPs) and the Sexual Violence Standard Operating Procedures (SVSOPs).
19. Implement an annual, comprehensive audit process of officer compliance with the DVSOPs and SASOPs.

Background and Methodology

In 2021, the Audit Office of NSW announced a [review](#) of police responses to domestic and family violence. This was the first audit specifically on domestic and family violence policing in NSW in more than a decade. DVNSW supported the audit and submitted on behalf of members.

The following report provides an overview of the responses to the DVNSW member survey on police responses to DFV. This report and the DVNSW submission to the Audit Office of NSW review of police responses to DFV (2021) was informed by a member survey of specialist domestic and family violence (DFV) services. The survey consisted of a maximum of 60 questions, depending on how many Police Area Commands were selected by respondents. The survey was open from 14 September to 29 September 2021 and received 93 responses from a variety of DVNSW member services. This is a high figure comparative to other surveys conducted by DVNSW, noting the importance of this issue to specialist DFV workers. Quantitative data was analysed primarily through cross-tabulation and qualitative data was analysed primarily through thematic analysis.

A note on terminology

In the specialist domestic and family violence sector, the preferred term is victim-survivor. DVNSW notes that the justice sector, including the NSW Police Force, use the term victim. In this submission, although used interchangeably, the emphasis has been placed on the term victim-survivor, with victim used at times particularly when discussing the justice system.

1. The Impact of Policing on DFV Survivors

NSW police are one of the key government agencies resourced to address crisis situations of domestic and family violence in NSW. Although the majority of people who experience domestic and family violence do not contact police (Cox, 2015), tens of thousands of victim-survivors do report crimes to NSW police each year. Domestic and family violence reporting has remained stable and sexual assault has increased in the last two years despite other crime categories reducing in NSW (BOCSAR, 2022). The quality of policing can significantly impact people experiencing domestic and family violence.

In a 2022 consultation of 80 victim-survivors of sexual, domestic and family violence, participants consistently identified the need for significant system reform to ensure a trauma-informed, culturally-safe, person-centred response (Fitz-Gibbon, Reeves, Gelb, McGowan, Segrave, Meyer, & Maher, 2022). “Victims are often told by the perpetrator that they will not be believed; advocates emphasised that police should be trained that being believed is a crucial starting point in their response. If victim-survivors feel believed, they will ‘have faith’ that people will take them seriously” (Fitz-Gibbon et al., 2022). A minority of victim-survivors in Fitz-Gibbon et al’s consultation described positive experiences, however those offer powerful examples of the impact that a good police response can have for victim-survivors of family, domestic and sexual violence.

Whilst there is certainly good policing practice in NSW, DVNSW members similarly raised concerns over the impact on victim-survivors of poor policing practice:

Our client felt extremely scared during the whole process. We had another client who refused to make a statement due to her fear of the police and the ramifications that her speaking out may have.

DVNSW Member

I have had many, many clients who have no understanding of their AVOs [protection orders], no follow up by police, no update, not being informed about the outcome of court proceedings, perpetrators being released from custody, clients being unaware- it’s very common.

DVNSW Member

[Police] only communicate if they are seeking further information from victim - not good at informing of follow up actions occurring or further potential risks i.e.: perp[etrator] granted bail or parole.

DVNSW Member

I've experienced officers coming off as judgemental and dismissive. Clients have advised that this prevents them from making reports.

DVNSW Member

Victim-survivors' needs and safety should be central in police responses to domestic and family violence, mitigating risk of significant harm and homicide.

Being a Case Worker in DFV, the clients I work with repeatedly tell me that the assistance given to them from the police is poor, and the judgment and negative reaction that male police officers in particular have given to my clients in a regional area has been disgraceful, there has been no support for the victim.

DVNSW Member

2. Meeting the Needs of Aboriginal and Torres Strait Islander Communities

In consultation with the DVNSW Aboriginal and Torres Strait Islander Women's Steering Committee, DVNSW raises significant concern regarding the policing of DFV in Aboriginal and Torres Strait Islander communities. Considerable evidence verifies that Aboriginal and Torres Strait Islander women and children are far more likely to be victim-survivors of sexual, domestic and family violence than non-Aboriginal women (Australian Institute of Health and Welfare (AIHW), 2019; Holder, Putt and O'Leary, 2015; Olsen and Lovett, 2016). The Finance and Public Administration References Committee (2016) explained that structural biases and systemic discrimination results in Aboriginal and Torres Strait Islander people being dealt with more harshly for the same offending. As pointed out by Chief Justice Martin (2016, cited in The Finance and Public Administration References Committee 2016) in his submission to the ALRC, Aboriginal and Torres Strait Islander people are more likely to be questioned by police, arrested as opposed to be issued a summons, be remanded in custody, plead guilty, be found guilty if proceeding to trial, receive a custodial sentence, and be denied parole at the end of their sentence. Misidentification of the primary aggressor is of particular concern in Aboriginal communities. Members note frequent experiences of police racism and high levels of both conscious and unconscious bias. This was expressed as significantly worse in rural areas, compounded with concerning long response times that have resulted in deaths (NSW Domestic Violence Death Review Team, 2020). High rates of incarceration of First Nations people are consistently evidenced (Australian Government Finance and Public Administration References Committee, 2016), and although little progress has been made since the Royal commission into Black Deaths in Custody (1991) this is now signified as a nation-wide priority to address under Australia's Closing the Gap targets.

Members of the DVNSW Aboriginal and Torres Strait Islander Women's Steering Committee commented:

“Women are not confident to call, not confident to get a good response, a humane response”

Dixie, DVNSW Aboriginal and Torres Strait Islander Women's Steering Committee member

“Everyone knows they won't get any help from the Police”

Anonymous DVNSW Aboriginal and Torres Strait Islander Women's Steering Committee member

The majority of DVNSW survey respondents (82%) did not express confidence that frontline and specialist police were adequately equipped to respond to DFV within Aboriginal and Torres Strait Islander communities.

Some DVNSW members provided further insights:

I have observed racist comments made by general duties police and DVLOs. Sometimes you get the feeling they don't believe a woman before she even starts to speak.

DVNSW Member

Police do not always take the cultural implications of a matter into account and respond with a general approach, for example, do not even ask if someone identifies as Aboriginal.

DVNSW Member

Still have police making racially inappropriate comments and making inappropriate assumptions - obvious difference in how Aboriginal and non-Aboriginal women are treated and follow up response.

DVNSW Member

Aboriginal clients and refugees are particularly vulnerable to poor police response and racial profiling.

DVNSW Member

More positively, one DVNSW Steering Committee member commented:

“Since 2019 the relationship with Police has changed dramatically, both SHS [Specialist Homelessness Services] and Police work more closely now than before, benefiting anyone reaching out for support. Both Police Inspectors since 2019 have worked hard to maintain this ongoing relationship. One positive action from Police Inspectors, was making a female officer available to work out of our service each fortnight, making police more accessible to community.

Mary, DVNSW Aboriginal and Torres Strait Islander Women’s Steering Committee member

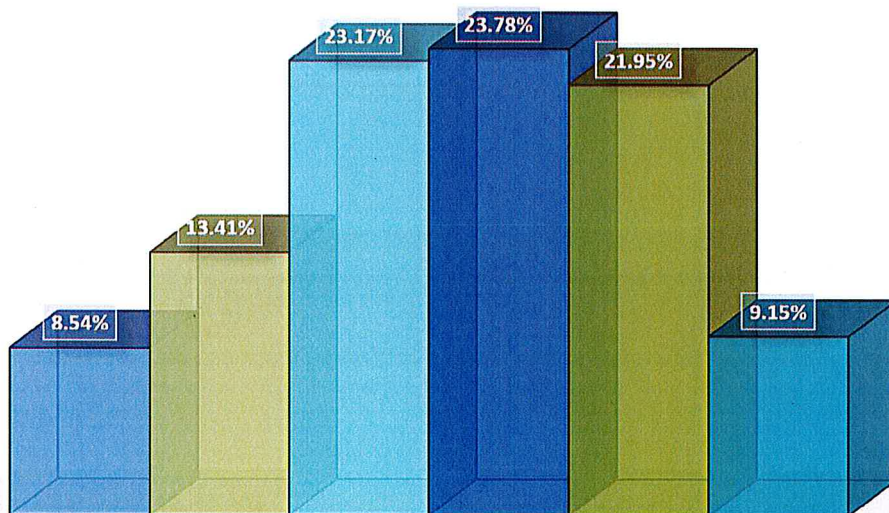
This statement demonstrates that there are police within NSW police attempting to improve policing of DFV in Aboriginal communities and that improvements can be made when working alongside community.

Less than a quarter (22%) of DVNSW member survey respondents agreed or strongly agreed to the statement, ‘I know who the Aboriginal Liaison Officer (ACLO) is in my local PAC (Police area command) and have a good working relationship with them’. This was also expressed by the membership of the DVNSW Aboriginal and Torres Strait Islander Women’s Steering Committee, who agreed that the ACLOs could be a good conduit between police and the community but need to be utilised better.

Significant improvement, community engagement and training is required in this area to ensure community safety and address high rates of domestic violence in Aboriginal communities.

I know who the Aboriginal Liaison Officer is in my Police Area Command and have a good working relationship with them

■ Strongly Agree ■ Agree ■ Neither Agree nor disagree (neutral) ■ Disagree ■ Strongly disagree ■ N/A



Recommendations

1. Increase consultation with Aboriginal and Torres Strait Islander peoples about DFV policing.
2. Implement regular cultural awareness training for all police officers.
3. Incorporate Aboriginal Community Liaison Officers (ACLOs) more closely into DFV policing.
4. Review use of the Suspect Target Management Programs (STMPs) for Aboriginal and Torres Strait Islander peoples and young people.

3. Domestic Violence Specialisation within Police

Victim-survivors of domestic violence come into contact with police who hold a variety of roles. DVNSW is in support of specialisation within police, collaborative approaches with other specialist organisations and increased training across the police force regarding domestic and family violence and sexual assault. Frontline police officers are called General Duties officers, with some officers in each command area holding the title and specialisation of Domestic Violence Liaison Officer (DVLO). Officers in Charge (OIC) oversee policing within the command.

3a. Domestic Violence Liaison Officers (DVLOs)

While the specialist roles in police have been changed to Domestic Violence Officer and Domestic Violence Operative, the terminology of DVLO is still primarily used both across NSW Police and the sector. Many DVNSW members provided positive feedback about their local Domestic Violence Liaison Officers:

I do think we have great DVLOs here, we are very lucky to have them.

DVNSW Member

Again, I can't speak more highly of the DVLO's in our LAC [Local Area Command].

DVNSW Member

When asked if DVLOs communicate effectively with victims, the majority agreed or strongly agreed (62%). Still of concern was that 16% of DVNSW member survey respondents disagreed or strongly disagreed that DVLOs communicate effectively with victims and the remaining respondents were neutral.

However, not all DVNSW member survey respondents had positive interactions with DVLOs.

Sometimes DVLO's are worse than general duties officers at communicating effectively and respectfully. Once their mind is made up that this person is not a "victim" there is no changing their minds and they can be blatantly rude and make assumptions.

DVNSW Member

Some do some don't. Many DVLOs I have worked with have had no additional FDV training.

DVNSW Member

Many DVNSW members detailed that they thought it was the 'luck of the draw' or 'hit and miss' as to whether they had an exceptional DVLO or a DVLO who they did not feel was suitable for the role. Lynch and Laing (2013) found that DVLO positions were often part-time, had a high turnover, and were assigned to officers temporarily while on restricted duties (e.g., whilst pregnant). A lack of respect and status afforded to the DVLO position in the police force and DVLO positions assigned inappropriately were consistent themes in the DVNSW survey.

Specialist DFV teams need to be adequately resourced and prioritised by the police force. A concern frequently raised by survey participants was that the resource shortage of the local police DFV teams prohibited effective communication, even when the officers individually were often passionate and dedicated:

Our DVLO in [location] is brilliant but just hard to get a hold of due to his insane workload. We need 5 of him.

DVNSW Member

They do but it is very difficult to get access to them because they are busy and there is not enough of them.

DVNSW Member

The DVLO in [location] is tremendously overworked and often when we need assistance in matters, general duties officers direct us to speak to him, but he is impossible to reach/get email replies from.

DVNSW Member

3b. General Duties Officers (GDs) and Officers In Charge (OIC)

There was a clear trend for most DVNSW members that their experience with DVLOs was more positive than their experiences with General Duties Officers. This indicates the benefit of the specialised work performed by DVLOs.

I can't speak more highly of the DVLO's on the [location] and [location] and that they will always be available to offer support and information. I've also had limited contact with the [location] DVLO's who's happily assisted and offered support. This isn't the same for general duties, I've experienced officers coming off as judgemental and dismissive.

DVNSW Member

The DVOs are usually more understanding with clients when discussing DFV matters, however we have had multiple complaints about general duties officers in their responses to DFV incidents. Some clients have been mistakenly listed as the perpetrator. Also instances where women have been dismissed as having "mental health issues" or substance abuse problems

DVNSW Member

Tight work schedules often make it difficult for GDs to follow up relevant information for victims

DVNSW Member

Typically, not seen as an integral part of the [GDs] policing job. Interactions typically have been cold, hard, and clinical. Get in, get the facts, get out.

DVNSW Member

When asked if Officers in Charge (OIC) communicate effectively with victims, only 17% of DVNSW member survey respondents agreed or strongly agreed. An overwhelming 62% disagreed or strongly disagreed and 20% were neutral, speaking to a concerning belief from specialist DFV services that Officers in Charge require improvements in service delivery regarding DFV and that responsibility for DFV could be moved elsewhere within the police force. The New South Wales Domestic Violence Death Review Team (2020), also raised concerns that OICs notifying victim-survivors about

defendants' bail or early release was unrealistic due to systems and OIC schedules, suggesting that this responsibility sit elsewhere. Often, DVNSW respondents found that the quality of performance heavily depended on the specific OIC, where victim-survivors should be eligible for a high level of support across NSW:

Many times, Police do not communicate what is happening in relation to the investigation, that the victim doesn't receive the copy of the ADVO without having to chase OIC to get copy, or to find out what has happened at court.

DVNSW Member

There has been poor communication that is irregular and lacks clarity. I have experienced Officers In Charge informing clients of information late on Friday afternoons, without awareness that the client will have no support on the weekend. I have also found that I have had to facilitate communication with the police and often follow up requesting more information.

DVNSW Member

OICs have very little communications with the victims. In my experience, there is contact on the day of the matter being reported and again at Hearings.

DVNSW Member

3c. Co-responder Models

As noted by Nancarrow et al. (2020), even with additional training, general duties officers may not be best placed to perform the highly specialised work of responding to domestic and family violence. An alternate proposal is the co-responder model, where DFV specialists accompany police to investigations or scenes to support police assessments. This was widely supported by participants in Nancarrow et al.'s (2020) research, allowing police to focus on securing the safety of the scene, and allowing DFV specialists to make more informed safety assessments. The model was also supported by the NSW Domestic Violence Death Review Committee (2020), who recommended the co-location of specialist DFV services at police stations. This is the logical first step in the process of moving to co-response, which Police Ambulance and Clinical Early Response in NSW has proven to be incredibly successful.

3d. Redeployment of Specialist DFV Police Due to Other Policing Priorities

While many forms of crime dropped during COVID pandemic lockdowns, DFV was not one of them, and sexual assault reporting increased (BOCSAR, 2021). The DVNSW COVID impact report demonstrated that the demand for DFV services, and the complexity of cases, increased throughout the COVID period (DVNSW, 2021). An issue faced by DVNSW members was that of redeployment of DVLOs for emergency management, or the prioritisation of other crime categories over domestic abuse homicide. In addition to DVLOs being redeployed, DVNSW members also experienced general duties officers providing a delayed response due to emergency management demands:

Some [DVLOSs] do more effectively than others - they too have added workloads as a result of COVID compliance.

DVNSW Member

Many instances of Police responding many hours after the 000 call - COVID compliance duties are also taking police away from responding to DFV.

DVNSW Member

DFV should be prioritised as part of disaster management strategies, and adequate resources given to the policing of possible domestic and family violence homicides and sexual assaults.

DVNSW makes the following recommendations regarding DFV specialisation in NSW police.

Recommendations

5. Positively influence a cultural shift in the police force in the view of DVLOs.
6. Ensure DVLOs are not redeployed for emergency management.
7. Consider creating additional roles within the NSW Police Force to respond to different aspects of domestic and family violence such as Domestic Violence Community Liaison Officers, Victim Support Officers, and Perpetrator Coordination Officers to reduce the pressure on existing DVLOs.
8. Fund and evaluate co-location/responder models.

4. Cultural Change Informed by Training

It is the opinion of DVNSW members that, systemically, the importance of domestic, sexual and family violence is minimised across the NSW police force and that police do not have sufficient resources to meet the level of demand:

Mostly police are understaffed and do not have the staff available to respond [to DFV] appropriately.

DVNSW Member

Although victim-survivors have a right to access justice and safety at any location in NSW, an inconsistent approach to police responses was pointed out frequently by DVNSW member survey respondents, with many members expressing that the police responses often depend on the attitude of the individual officer who responds:

Current police responses are really inconsistent. I do believe that police are under-resourced.

DVNSW Member

Depends on the Officer in Charge (OIC).

DVNSW Member

We do have a fabulous DVLO [Domestic Violence Liaison Officer] but the rest is hit and miss.

DVNSW Member

The absence of specific, ongoing, training domestic and family violence and sexual assault training is one element in deeply entrenched problematic cultures and attitudes:

You have some great police but sadly not enough to change the police culture around domestic violence and sexual assault- it is the victim's fault. We still blame the victim and make them accountable not the person that has committed the offence. Policing has a very patriarchal structure and this culture permeates throughout the force.

DVNSW Member

[Location] areas- Police attitude towards DFV is terrible, response time is shocking, we are lucky more women and children have not been murdered.

DVNSW Member

4a. Police Training in Domestic, and Family Violence

It is important that police receive significant, mandatory, regular, trauma and gendered-violence-informed training, delivered by sexual assault and DFV experts including people with lived experience. This is supported by the majority of the DVNSW membership who responded to the DVNSW survey.

68% of specialist DFV services disagree or strongly disagree that specialist and frontline police provide a trauma-informed service.

Domestic and family violence is a specialised field and requires thorough understanding of the latest evidence, the different forms of violence and the nuances of experiences within various marginalised communities. Unfortunately, DFV services do not find that police are consistently equipped with nor or apply this knowledge.

There appears to be a disparity when it comes to trauma-informed practice by Police, I have seen Police have no understanding of trauma responses by victims at times [when] Police attend the home after a call out. I had a client inform me that she was so traumatized by the assault but ended up being humiliated by Police when one stated to her “what’s wrong with you why can’t you remember it just happened” plus she had 5 Police (male) in her home and children very upset. There appeared to be no understanding of the trauma that had just happened for this victim.

DVNSW Member

Further concerns from DVNSW members included:

Police need to be educated on how DFV presents and isn’t just physical. Police also need to be educated on the mental, emotional, and coercive control aspect of domestic violence. Police also need to understand why some women don’t report incidents immediately after its happened.

DVNSW Member

I think they try but the competing pressures (lack of resources) and lack of training and guidance to adhere to code of practice impacts the provision of service.

DVNSW Member

I think it would be beneficial for detectives to undertake further training in trauma-informed practice and responses to sexual violence within a DFV context.

DVNSW Member

4b. Training Needed to Respond to Sexual Violence

Police responses were identified by DVNSW members to be of particular concern in incidents of sexual violence. Sexual violence is a pervasive and underreported form of violence, primarily occurring in a domestic context (Cox, 2015). In NSW, reporting rates of sexual violence have grown at significant rates, 21% over 24 months (BOCSAR, 2021) demonstrating an increasing demand on the attention of police officers. 1 in 6 women (17%, or 1.6 million) and 1 in 25 men (4.3%, or 385,000) have experienced sexual assault since the age of 15 (Australian Institute of Health and Welfare, AIHW, 2020a), but victims of intimate partner sexual violence are less likely to seek help than victims of any other form of domestic violence (Cox, 2015).

DVNSW members raised specific concerns around the ways in which general duties officers and detectives approach victims of sexual violence:

In my experience, [sexual assault] was handled poorly. The police interviews lacked trauma-informed methods and were extremely triggering to clients. The police undertaking the interviews were always male and when using interpreters only male interpreters were used.

DVNSW Member

I had a client that police did not believe because she had been drinking. They believed the perpetrator and this is a constant theme, that men's voices are heard and prioritised and perpetrators are able to align themselves with responding police who say they are 'neutral' but in fact are unaware of their unconscious gender bias. In this case the OIC [Officer In Charge] would not work with DFV service and this delay in communication of essential information meant the client was too late to attend a forensic examination¹.

DVNSW Member

I often feel that police dismiss sexual violence particularly if both parties are in a relationship together, that police can be dismissive and flippant.

DVNSW Member

¹ Forensic examinations are an important way of collecting evidence in sexual assault matters however there are strict time limits to the forms of evidence which can be collected.

Terrible. Marital rape is widely not accepted misunderstood no listened to or heard or often completely missed by police.

DVNSW Member

Police handling of sexual abuse is not good but in a DFV setting it is even worse and many times don't take it seriously or believe the woman. I have had extremely poor outcomes around sexual assault and the police and courts.

DVNSW Member

Noting the traumatic impact of this type of crime and the increasing rates of reporting of sexual violence, police require a comprehensive plan to improve responses to sexual violence, including training and monitoring for quality improvement.

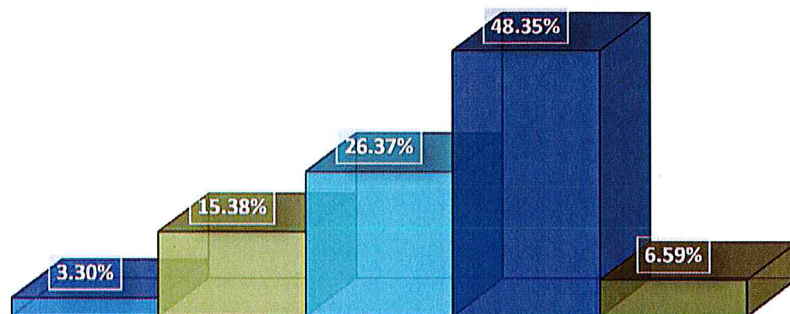
4c. Responding to Breaches of ADVOs

Given being charged with a breach of an ADVO is the only legal power an ADVO holds, so it is of high concern that the response to allegations of these breaches is routinely subpar. It is for this reason that DVNSW emphasises the importance of responding to reports of ADVO breaches and recommends improved NSW Police Force capacity to respond to breaches of ADVOs through increased training and resourcing, with progress in this area tracked and monitored.

When DVNSW member survey respondents were asked whether police respond appropriately to breaches of ADVOs, only 29% agreed or strongly agreed, with the majority disagreeing or strongly disagreeing (55%).

In my experience, police respond appropriately to breaches of ADVOs

■ Strongly Agree ■ Agree ■ Neither Agree or Disagree (neutral) ■ Disagree ■ Strongly Disagree



The expanded responses provided a range of concerns around training, resourcing, and the lack of continuity across both. These were primarily the reasons cited by DVNSW members as to why reports of ADVO breaches were met with subpar responses:

Many times, police have refused to recognise a breach even with clear evidence in place. Or the police will also say that the matter has not been reported fast enough if outside of the 2-week window [despite the statute of limitations being 12 months]. This is especially true with breaches that fall into technology abuse.

DVNSW Member

Breaches are common but not commonly followed up, as it is dependent on the officer you speak to if they see it as a breach, but the client is terrified of the perpetrator, but this is minimized by the Police.

DVNSW Member

I often have to follow up police over and over again and go directly to the DVLO before anything is done [about breaches of ADVOs].

DVNSW Member

Other systemic issues were raised by DVNSW members, such as a lack of follow up in border areas. Despite ADVOs being nationally recognised so breach charge proceedings can be commenced by any jurisdiction, services often express how poorly police forces from different states communicate and the complete lack of communication between computerised police systems. This means that cross-border breach charges are slow, if pressed at all, and communication to services and victim-survivors is poor.

Often women have to have **STRONG** evidence of breaches and if perp[etrator] returns over the border due to slow response times, police advise there is nothing that can be done.

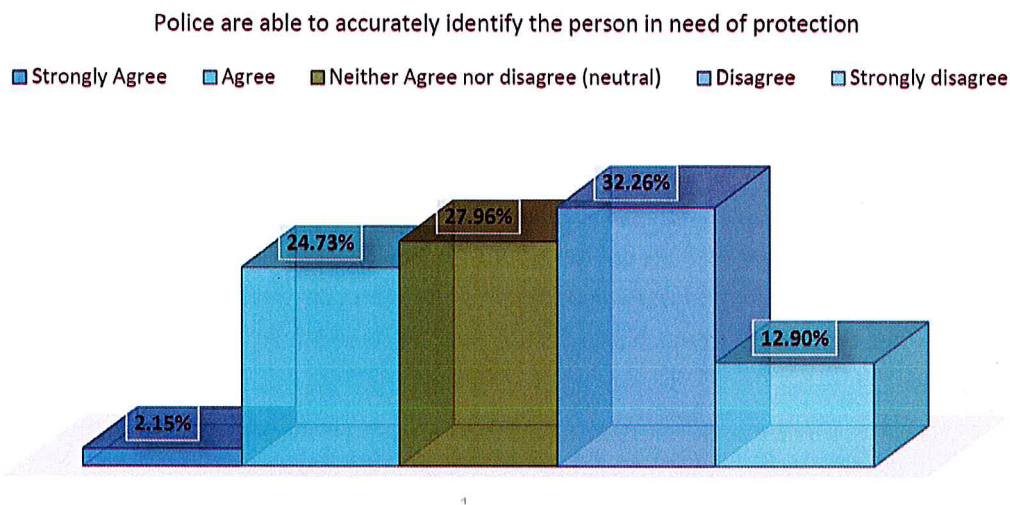
DVNSW Member

DVNSW support an improved commitment to training on domestic and family violence across the NSW police force to support cultural change and quality improvement.

4d. Misidentification of the Primary Perpetrator

The misidentification of the primary perpetrator has been identified across the sector as a significant problem (Barlow et al., 2020; Nancarrow et al., 2020; Fitz-Gibbon, et al., 2022). Many first responders find it challenging to identify the primary aggressor. This may be as a direct consequence of lack of appropriate training, resourcing, and policy. It is important to note that the NSW Police Force does not have any statistical data related to the misidentification of primary aggressors (Joint Select Committee on Coercive Control hearing, 2021).

Extensive concerns were raised by DVNSW members on the issue of misidentification of the primary perpetrator. Almost half of DVNSW survey respondents (45.5%) disagreed or strongly disagreed that police accurately identify the person in need of protection. Approximately one quarter (28%) agreed or strongly agreed and 27% were neutral.



Survey respondents commented:

It is common for women to contact our service whose been identified as the POI despite the extensive history of domestic violence (reported or not to police), DVLO's are quick to assist.

DVNSW Member

On many occasions, women are reporting a domestic violence incident and when the police arrive, if she admits to having hit the other party as in self-defence and trying to get him out of her face... she will be charged and an ADVO be taken out against her.

DVNSW Member

There is still a lot of work needed in this space, women that are upset or that fight back are still being arrested and charged. Men are believed over women on many occasions and the primary aggressor is not looked at.

DVNSW Member

The DVNSW survey demonstrated how imperative it is that DVLOs have the capacity to establish and maintain professional relationships with all DFV specialist services in their area to ensure errors in misidentification can be rectified. Furthermore, when responding to a DFV incident, there may be very little information to assist police. There may not be a recorded history, and the victim-survivor may, as identified by a number of DVNSW members, be aggressive towards police, due to the trauma they're experiencing and potential mistrust of police.

Recommendations

9. Fund mandatory, regular, in-depth, trauma-informed domestic, sexual, and family violence (DSFV) training delivered by sexual assault and domestic abuse experts.
10. Improve NSW Police Force capacity to respond to breaches of Apprehended Domestic Violence Orders (ADVOs) through increased training and resourcing, with progress in this area tracked and monitored.
11. Implement an action plan to improve police identification of the primary aggressor.
12. Fund the Domestic Violence Safety Assessment Tool (DVSAT) review and investigation of the practical assessment tools used by the NSW police so assessment tools are more useful and accurate.

5. Protection of Children and Young People

Children are frequently present in DFV situations and the impact of witnessing and experiencing DFV has significant, life-long impacts (Campo, 2015). It is imperative that policing of DFV incorporates high quality policing for both adults and children. The children of a victim-survivor should always be included as a protected person on the ADVO according to section 38 of the *Crimes (Domestic and Personal Violence) Act 2007*. This does not simply mean that the child is covered by condition number one of an ADVO (the mandatory conditions) as someone the victim-survivor has a domestic relationship with, but as someone who requires protection in their own right. Unfortunately, this seems to be a common misunderstanding:

This is not used enough, especially when the victim has specific concerns about the child/ren's safety. This is explained away by some police as the children being covered by Condition 1 anyway.

DVNSW Member

Police continue to be reticent to include children on ADVO's even when children are present. Police continue to mis-understand how an ADVO works and say the children are "covered" under 1abc... whereas if there are additional orders for protection, if children are not named, they are not protected.

DVNSW Member

Despite Section 38 mandating children being listed as protected people unless there is a good reason not to, the majority of DVNSW members did not find that this is occurring on a regular basis. Also of concern is the lack of support and nuanced response where older children are involved. In older children and young people especially, impacts of DFV can manifest in self-blame, self-harm, suicidal ideation, substance abuse, risk-taking behaviour, criminal behaviour, poor social networks, disaffection with education, depression and eating disorders (Lloyd, 2018). Less than a third of DVNSW member survey respondents agreed or strongly agreed that children are included on ADVOs where appropriate to do so (28%).

50% of respondents disagreed or strongly disagreed that children are regularly included on ADVOs.

DVNSW members expressed significant concern that children were not being treated as at risk themselves, and that the perpetrator's right to see their children overrode the safety of the children:

Even when children are present in the home during DFV incidence it is rare police include them on the ADVO.

DVNSW Member

Police need clarity prioritising risk to children rather than perpetrator's access to contact with children. Children need their own risk assessments.

DVNSW Member

Despite repeated risk to children, police response often takes into consideration the POI's "rights" to their children.

DVNSW Member

They [children] are barely ever seen as victims.

DVNSW Member

A reoccurring theme that arose in the DVNSW survey data was the suggestion that children are frequently not listed because of a belief that it is a family law matter, despite the risk posed to the children. Family law is considered at a federal level, whilst domestic and family violence and sexual assault are generally approached at a state level, leading to inconsistencies and barriers to safety. This issue has consistently been observed in Domestic Violence Death Review reports in NSW, and in the recent Coronial Inquest into the Edwards children murders.

Members observed the following concerns regarding policing of matters where there was family law involved.

Police tend to be a less inclined to include children on ADVOs where appropriate as they view it as a family law matter.

DVNSW Member

I have seen children left off ADVOs purely because Police don't want to complicate issues for family law and ignore the risk to children.

DVNSW Member

Police are very hesitant and unwilling to include children on ADVO due to family law and the rights of the parent to see the child even in severe cases of DFV.

DVNSW Member

It is very hard to get police to add children they feel the family court orders do that.

DVNSW Member

Collaborative initiatives are needed to ensure that children's safety is at the forefront of policing where there are also family law and child protection matters. It is recommended that the NSW Government further inquire into best practice approaches across these jurisdictions.

Recommendations

13. Fund mandatory training on including children who are in a domestic relationship with the Person in need of protection (PINOP) as named people on ADVOs.
14. Consider mandatory compliance checks where children are listed as protected people on ADVOs.

6. Meeting Demand of Marginalised Communities

6a. Culturally and Linguistically Diverse (CALD) Communities

Victim-survivors of DFV in CALD communities face significant additional barriers in reporting and escaping abusive relationships.

There are several structural barriers for women from CALD and faith-based communities in seeking help from the police... including; distrust of law enforcement, language barriers and limited access to interpreters, a lack of access to services and limited understanding of DFV and/or the Australian legal system, service models that are either religiously, linguistically or culturally inappropriate, concerns regarding immigration status, fear of losing custody of their children if they report violence, lack of financial stability and independence, community stigma or fear of social isolation within their communities, and racism and discrimination when reporting.

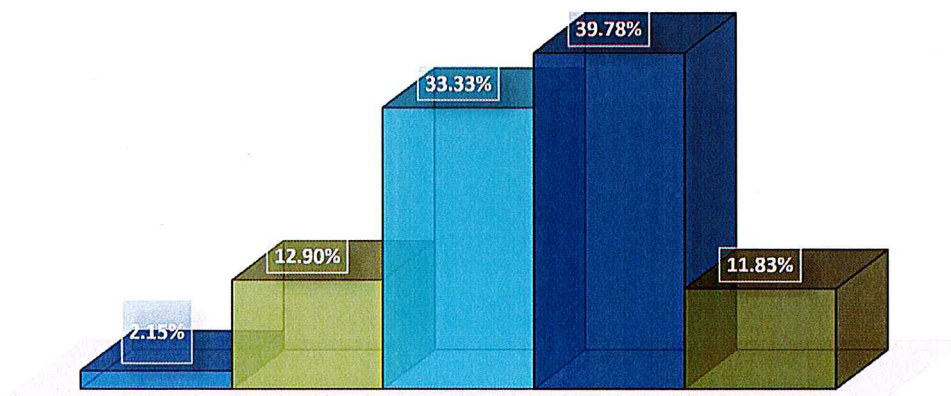
(Muslim Women Australia 2020, p. 17)

Feedback received from DVNSW members noted that both specialist and frontline workers (including police) need to provide a culturally safe space for people from culturally and linguistically diverse (CALD) communities. This means working in a manner that people from migrant and refugee communities feel welcome, listened to and comfortable accessing.

48% of DVNSW survey respondents disagreed or strongly disagreed that police provide culturally safe spaces.

In my experience, both specialist and frontline police provide a culturally safe service

■ Strongly Agree ■ Agree ■ Neither Agree nor disagree (neutral) ■ Disagree ■ Strongly disagree



Police have obligations translator or interpreter where necessary, however the issue was raised frequently by DVNSW members:

I have had clients from CALD backgrounds where the perpetrator speaks better English and therefore is believed over the victim.

DVNSW Member

Even when asked they [police] do not get interpreters.

DVNSW Member

Police have been known to utilise family members to interpret for matters without recognising possible family dynamics.

DVNSW Member

[Interpreters are organised only] when advocated for. I have observed police tell me “She can understand me” when clearly, this is not the case.

DVNSW Member

I have had to arrange second statements for victims because police have used the POI [person of interest] as an interpreter. I have also experienced police use minors as interpreters for their mothers. In one instance for a refugee family who had been in Australia for 18 months, a 10-year-old child who had only been speaking English for this amount of time was deemed appropriate for police to use as interpreter.

DVNSW Member

While interpreting services were a significant focus for members, other feedback spoke to concerns around training specific to the additional barriers and unique forms of abuse faced by CALD victim-survivors. Although DVNSW is

advocating for victim-services to receive a consistent, high level of service from police across NSW, one respondent commented that the quality of service seems to vary depending on the culture of individual Police Area Commands (PACs):

This is usually dependant on the responding PAC; [location with high CALD population] police do well, but often when we see referrals for other PACs, they are lacking in their cultural safety skills.

DVNSW Member

6b. Meeting Demand of People with Disability

1 in 6 Australians live with a disability and 5.9% of women and 5.6% of men living with disability or a long-term health condition experienced violence (AIHW, 2020b). The unique barriers that victim-survivors of DFV who have disability face in reporting and escaping abusive homes is explored at length by the Victorian Equal Opportunity and Human Rights Commission (VEOHRC, 2014). They found significant abuse both due to and despite the systems that are meant to be protecting people with a disability, including policing. People with disability are often wholly dependent on their abuser for every daily activity, being just one of the multifaceted barriers preventing people with disabilities reporting crime (Victorian Equal Opportunity and Human Rights Commission (VEOHRC), 2014).

When endorsing the DVNSW submission to the police audit, People with Disability Australia Senior Manager of Policy, Giancarlo de Vera said:

People with disability do not have access to justice, freedom from violence and abuse, or safety in the community, in part because police interventions and responses do not cater for our needs, nor do they understand the lives and circumstances of people with disability. This lack of understanding is also evident in the over-representation of disability communities in prisons. We support the assertions that police responses must be accessible, inclusive and responsive to the needs of people with disability. We also agree appropriate responses and interventions need to be made on behalf of people who experience intersectionality and multiple forms of discrimination.

As such, it is imperative that police are appropriately trained to understand disability, so they can deliver high-quality responses, even in the absence of a support person. This also means providing information on disabilities or long-term health conditions in the police event to ensure victim-survivors are referred to appropriate referral services.

6c. Meeting Demand of LGBTIQ+ Communities

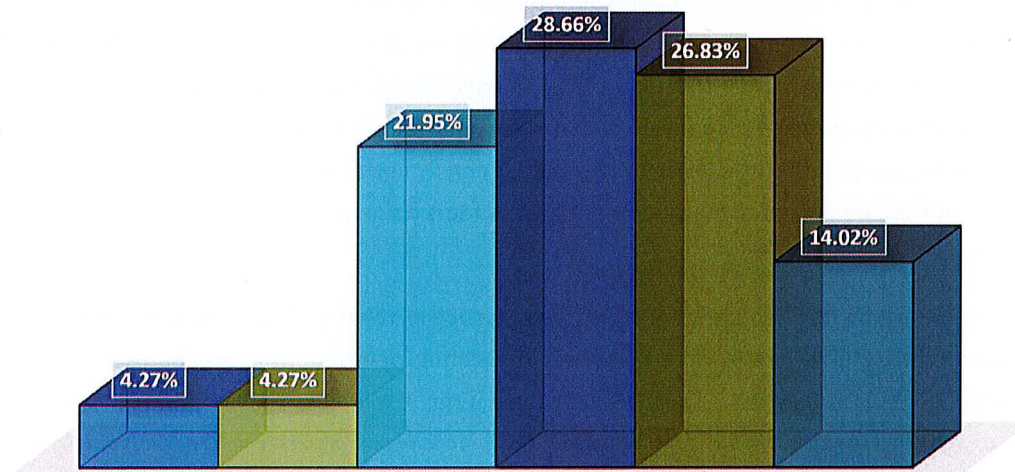
LGBTIQ+ communities face significant concerns related to DFV, with some research stating rates which are even higher than amongst non LGBTIQ+ communities (Hill., Bourne, McNair, Carman, & Lyons, 2020). LGBTIQ+ communities have traditionally faced challenges with police responses and a sense of mistrust often remains.

To ensure appropriate service referral, DVNSW recommend national requirements for police to collect and report on the sexuality and gender of clients. This will ensure victim-survivors are directed to appropriate services, but will also develop a data base from which further research, training supports and reform can be made.

When asked if DVNSW members knew who the Gay and Lesbian Liaison Officer (GLLO) is in their local PAC and if they have a good working relationship with them, only 8.5% of respondents replied that they agreed or strongly agreed. Conversely, the majority disagreed or strongly disagreed (55.5%).

I know who the Gay and Lesbian Liaison Officer is in my PAC and have a good working relationship with them

■ Strongly Agree ■ Agree ■ Neither Agree nor disagree (neutral) ■ Disagree ■ Strongly disagree ■ N/A



Most DVNSW members replied that, not only were they unaware if there was a GLLO at their local station, but many didn't even know the role existed. DVNSW recommends that the GLLO positions could be better integrated into DFV policing for the LGBTIQ+ community.

Recommendations

15. Consult with external stakeholders and peak bodies to ensure police are appropriately trained to address DFV experienced by marginalised communities including Culturally and Linguistically Diverse communities, LGBTIQ+ communities and people with disability.
16. Introduce national requirements for police to collect and report on the sexuality and gender of clients.

7. Accountability and Transparency

7a. Complaints Mechanism

As a key gatekeeper to the justice process, it is imperative that the NSW Police Force maintains transparency and is accountable where policies and procedures are not adhered to. Goodman-Delahunty and Corbo Crehan (2016, p. 1008) explain the importance of procedural justice and public faith when policing and discuss the police complaints process as an avenue of accountability, should “police officers fail to perform their duties effectively (or are perceived not to)”.

Unfortunately, in NSW it is incredibly difficult to utilise this complaints accountability mechanism when victim-survivors and their support services do not have access to the measures of appropriate police conduct. In the NSW context these are the Domestic Violence Standard Operating Procedures (DVSOPs) and the Sexual Violence Standard Operating Procedures (SVSOPs). DVNSW recommends that the Domestic Violence Standard Operating Procedures (DVSOPs) and the Sexual Violence Standard Operating Procedures (SVSOPs) are made public, as they are in other Australian jurisdictions. It is DVNSW’s understanding that the NSW Police Force is concerned about releasing police methodology to the public, which could be utilised by perpetrators of violence. These fears have not been realised in the transparent publishing in other jurisdictions, such as Victoria.

There are fundamental flaws within the NSW police complaints system, such as relying on accountability being ensured almost solely on individual victim-survivor complaints rather than auditing or monitoring mechanisms. Goodman-Delahunty and Corbo Crehan (2015) outline the impact of these concerns, explaining that women who are victim-survivors of DFV often choose not to engage with the police complaints process for a variety of reasons, including fear of repercussions, the idea that it would be futile and/or being too scared, overwhelmed or stressed.

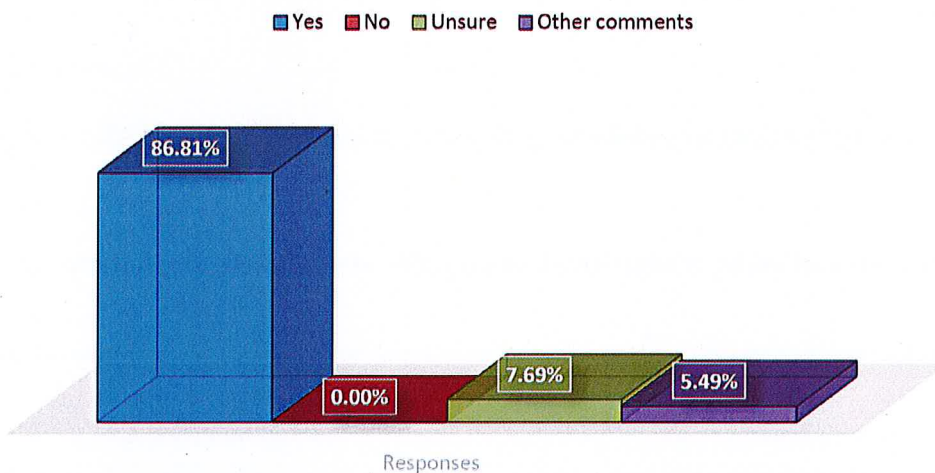
The lack of a thorough, transparent complaints system also provides another system for abusers to manipulate and an opportunity for systems abuse such as the threat of a complaint to force police to take action in their favour. As a result, DVNSW recommends examining and improving the NSW Police complaints response mechanism.

7b. Auditing

The fatal consequences of poor practice by police are realised with tragic consequences, including the case of Jack and Jennifer Edwards, who were shot and killed by their abusive father, John Edwards. The Coronial Inquest found that errors were made by numerous NSW police officers that resulted in a lack of correct records, which then in part allowed John Edwards to obtain a firearms licence and firearms (Coroners Court of New South Wales, 2020)². These errors were partially administrative, partially a failure to properly investigate, and partially an “erroneous focus” on family law proceedings (Coroners Court of New South Wales, 2020, p. 69).

When asked whether DVNSW members supported an annual independent audit of policing of DFV, overwhelmingly 87% responded ‘yes’ and no members answered ‘no’, demonstrating that independent auditing is a key measure of quality improvement and transparency that is supported by specialist domestic and family violence services. Independent auditing will increase confidence in policing, making victim-survivors more likely to seek help sooner and support continuous improvement in policing of DFV and sexual assault.

Do you support annual independent auditing of policing of SDFV and abuse?



7c. Where Police Employees are Accused of Perpetrating Abuse

DVNSW raises significant concerns as to the quality and consistency of police practice where the alleged DFV offender is in the police force. In the year ending June 2020, Gleeson (2021) found there were approximately 38 DFV offenders per 10,000 people in NSW. However, out of over 17,000 sworn police officers in the NSW Police Force, only 16 officers were charged in the same time period, or approximately 9 per 10,000. Other research in the field demonstrates that police are at least as likely (Larsen and Guggisberg, 2009), if not more likely to be perpetrators of DFV (Hope and Roslin, 2015; Gleeson 2020). There have been no published Australian studies examining how many police officers commit DFV offences, however American research suggests police perpetration of DFV occurs at rates of two to four times the national average (Gleeson, 2021).

² The coroner found errors and failures at numerous junctures along the firearms licencing process, and as such did not lay full responsibility on police. However, these other errors may not have been made had Olga's police reports been properly recorded.

There were significant issues raised on the issue of police as perpetrators in the DVNSW member survey:

It is very difficult to get charges against police as perpetrators and victims are at high risk.

DVNSW Member

In the few instances I've encountered, police take care of one another, response is extremely slow and ineffective.

DVNSW Member

Victim was spoken to at front counter at station where Police Person of Interest worked. Was asked if they really wanted to make a report.

DVNSW Member

Other members reported mixed experiences, or experiences where victim-survivors were too fearful to even begin this process:

Yes, police from the same command as the perpetrator has investigated and no action taken against the perpetrator. But I've also had another incident where an ex-police officer has been investigated and had action taken against him.

DVNSW Member

I have had many clients whose perpetrators are police correctional officers or legal representatives. In my experience there has always been an elevated risk. Clients have almost always identified that their Person Of Interest had threatened them with his police powers and used this role as a way to further control.

DVNSW Member

Other members detailed more positive responses by police:

I've had only good experiences with this.

DVNSW Member

On one occasion and it was managed very well and investigated to a high standard.

DVNSW Member

I had a client relocate to our area from a rural part of NSW as her perpetrator was a senior police officer and other police in the area were not responding to the safety needs of the client at all. Our local Police, and particularly the DVLOs, allowed her to provide a statement and applied for an AVO which protected her from the perpetrators continuing harassment.

DVNSW Member

Members clearly indicated that general duties officers are less likely to respond appropriately to victim-survivors reporting an alleged perpetrator who is a police officer. It is primarily at this stage that already hesitant victim-survivors can be dissuaded or persuaded. In many cases, once the matter reaches an officer higher up in the force, the matter is dealt with appropriately, however the barriers created by poor practice by general duties police are substantial.

Recommendations

17. Review and improve the NSW Police complaints response mechanism.
18. Publish the Domestic Violence Standard Operating Procedures (DVSOPs) and the Sexual Violence Standard Operating Procedures (SVSOPs).
19. Implement an annual, comprehensive audit process of officer compliance with the DVSOPs and SASOPs.

Conclusion

It is the aim of the recommendations of DVNSW to improve the response to, and support of, victim-survivors of DFV and sexual violence within this context. We welcome a close working relationship with the NSW Police Force to ensure that their policies, procedures and practices are responsive to the needs of victim-survivors and are aligned with best practice in the specialist DFV sector.

DVNSW welcomes the focus upon improving policing of domestic and family violence. This report alongside the NSW Audit office report on police responses to domestic and family violence (2022) offers an excellent opportunity to shine the light on practice issues and for the NSW Government to take leadership in its' commitments to improve policing of domestic and family violence as well as sexual assault in NSW. It is only through collaborative approaches, investment in resourcing, training and cultural change that we will be able to meet NSW's obligations and targets under Closing the Gap and the National Plan to Reduce Violence.

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